



Housing (Scotland) Act 1988

1988 CHAPTER 43

PART II

RENTED ACCOMMODATION

Assured tenancies—rents and other terms

24 Increases of rent under assured tenancies.

- (1) For the purpose of securing an increase in the rent under [^{F1}a statutory] assured tenancy, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect—
- (a) if the tenancy was [^{F2}at the time of service of the notice] a contractual tenancy (whether or not renewed by operation of tacit relocation), immediately after its termination; or
 - (b) if the tenancy was [^{F2}at the time of service of the notice] not such a contractual tenancy, at any time during the tenancy,
- but not earlier than the expiry of the minimum period after the date of service of the notice.
- (2) The minimum period referred to in subsection (1) above is [^{F3}except in a case where section 25A applies]—
- (a) if the assured tenancy is for 6 months or more, 6 months;
 - (b) if the assured tenancy is for less than 6 months, the duration of the tenancy or one month (whichever is the longer) [^{F4}and in any case to which section 25A applies, one month].
- (3) Where a notice is served under subsection (1) above, a new rent specified in the notice shall take effect as mentioned in the notice unless, before the beginning of the period to which the new rent relates—
- (a) the tenant refers the notice to [^{F5}the First-tier Tribunal] in the prescribed form; or

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- (b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree that the rent should not be varied.
- (4) Where a notice is served under subsection (1) above but the rent under the tenancy has previously been increased (whether by agreement or by virtue of a notice under subsection (1) above or a determination under section 25 below) the new rent shall take effect not earlier than the first anniversary of the date on which that increase took effect.
- (5) Nothing in this section
- [^{F6}(a) extends to a statutory assured tenancy of which there is a term] which makes provision for an increase in rent (including provision whereby the rent for a particular period will or may be greater than that for an earlier period) by an amount specified in [^{F7}, or fixed by reference to factors specified in,] the tenancy contract or by a percentage there specified [^{F7}, or fixed by reference to factors there specified,] of an amount of rent payable under the tenancy [^{F8}or
- (b) affects the operation of any term of a contractual tenancy which makes provision for an increase in rent (including provision whereby the rent for a particular period will or may be greater than that for an earlier period)]
- [^{F9}(6) The factors referred to in subsection (5) above must be—
- (a) factors which, once specified, are not wholly within the control of the landlord; and
- (b) such as will enable the tenant at all material times to ascertain without undue difficulty any amount or percentage falling to be fixed by reference to them.]

Textual Amendments

- F1** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 100(a)**
- F2** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 100(a)**
- F3** Words in s. 24(2) inserted (1.4.1993) by [S.I. 1993/658](#), art. 2, **Sch. 1 para. 9(a)**
- F4** Words in s. 24(2)(b) inserted (1.4.1993) by [S.I. 1993/658](#), art. 2, **Sch. 1 para. 9(b)**
- F5** Words in s. 24(3)(a) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **Sch. 2 para. 2(3)** (with Sch. 1)
- F6** S. 24(5)(a) substituted for words by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 100(b)(i)**
- F7** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 100(b)(ii)(iii)**
- F8** S. 24(5)(b) and preceding word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 100(b)(iv)**
- F9** S. 24(6) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), **Sch. 11 para. 100(c)**

Modifications etc. (not altering text)

- C1** S. 24 continued (*temp.* from 30.9.2002) by [S.S.I. 2002/318](#), **art. 5** (with art. 4(3))
- C2** S. 24 modified (*temp.*) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), **sch. 1 para. 2(1)(2)(4)** (with ss. 1(2), 6, 7, 8) (as amended (1.4.2023) by [S.S.I. 2023/82](#), regs. 1(3), **2(2)**; and (27.9.2023) by [S.S.I. 2023/275](#), regs. 1(2), **2(2)**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25ZB25ZC inserted (temp.) by [S.S.I. 2024/89 reg. 3\(1\)\(3\)](#)
- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)