



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

##### *Protection from eviction*

#### **38 Further offence of harassment.**

[<sup>F1</sup>(1) Subsection (2) of section 22 of the Rent (Scotland) Act 1984 (unlawful eviction and harassment of occupier) shall, as respects acts done after the commencement of this section, have effect with the substitution of the word “likely” for the word “calculated”.

(2) After that subsection] there shall be inserted the following subsections—

“(2A) [<sup>F2</sup>Subject to subsection (2B) below] the landlord of any premises or an agent of the landlord shall be guilty of an offence if—

- (a) he does acts [<sup>F3</sup>likely] to interfere with the peace or comfort of the residential occupier or members of his household; or
- (b) . . . . .<sup>F4</sup>, he persistently withdraws or withholds services reasonably required for the occupation of the premises in question as a residence,

and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises.

(2B) A person shall not be guilty of an offence under subsection (2A) above . . . <sup>F4</sup> if he proves that he had reasonable grounds for [<sup>F5</sup>doing the acts or] withdrawing or withholding the services in question.”.

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#### Textual Amendments

- F1** S. 38(1)(2) substituted for words by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 para. 87(a)**
- F2** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 para. 87(b)**
- F3** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 para. 87(c)**
- F4** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1)(2), Sch. 17 Pt. I para. 87(d), **Sch. 18**
- F5** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 87(e)**

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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\(4\)](#)