

Changes to legislation: Local Government and Housing Act 1989, Cross Heading: The Housing (Scotland) Act 1988 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

The Housing (Scotland) Act 1988

- 99 In section 16 of the ^{M1}Housing (Scotland) Act 1988—
- (a) in paragraph (b) (ii) of subsection (1) (tenant under statutory assured tenancy not bound by certain original provisions for rent increases)—
 - (i) after the words “specified in” there shall be inserted the words “ or fixed by reference to factors specified in ”; and
 - (ii) after the words “there specified” there shall be inserted the words “ , or fixed by reference to factors there specified, ”; and
 - (b) after that subsection there shall be inserted the following subsection—
 - “(1A) The factors referred to in subsection (1) (b) (ii) 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.”

Marginal Citations

M1 1988 c. 43.

- 100 In section 24 of that Act—
- (a) in subsection (1) (procedure for securing rent increase in assured tenancies)
 - (i) for the word “an” there shall be substituted the words “ a statutory ”; and
 - (ii) in each of paragraphs (a) and (b), after the word “was” there shall be inserted the words “ at the time of service of the notice ”.
 - (b) in subsection (5) (saving, from rent increase procedure for assured tenancies, of operation of certain tenancy provisions for such increases)—
 - (i) for the words from “affects” to “tenancy”, where first occurring, there shall be substituted the following—
 - “(a) extends to a statutory assured tenancy of which there is a term”.
 - (ii) after the words “specified in” there shall be inserted the words “ ,or fixed by reference to factors specified in, ”;
 - (iii) after the words “there specified” there shall be inserted the words “ , or fixed by reference to factors there specified, ”; and

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- (iv) there shall be inserted at the end the words “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)”; and
- (c) after that subsection there shall be inserted the following subsection—
 - “(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.”

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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. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)