



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 4 **S**

RENT

CHAPTER 3 **S**

RENT PRESSURE ZONES

Designation and effect of rent pressure zone

35 Request by local authority that a zone be designated **S**

- (1) A local authority may make an application to the Scottish Ministers asking that all or part of the authority's area be designated as a rent pressure zone.
- (2) An application under subsection (1) is valid only if it fulfils any requirements which, prior to the application being made, the Scottish Ministers told the local authorities in Scotland an application must fulfil in order for it to be valid.

Modifications etc. (not altering text)

- C1** Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), **sch. 1 para. 1(1)(19)** (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)**)

Commencement Information

- I1** S. 35 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, **sch.**

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Designation and effect of rent pressure zone. (See end of Document for details)

36 Scottish Ministers' duty to react to request **S**

Within 18 weeks of receiving a valid application under section 35, the Scottish Ministers must lay before the Scottish Parliament either—

- (a) a draft of a Scottish statutory instrument containing regulations under section 37 designating the area specified in the application as a rent pressure zone, or
- (b) a document explaining why the Ministers have not laid before the Parliament the draft instrument described in paragraph (a).

Modifications etc. (not altering text)

C1 Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(19\)](#) (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\(2\)](#))

Commencement Information

I2 S. 36 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

37 Power to designate a zone **S**

- (1) After receiving an application under section 35, the Scottish Ministers may by regulations—
 - (a) designate an area as a rent pressure zone, and
 - (b) prescribe in relation to that zone a number of percentage points as the value of X for the purposes of section 38(1).
- (2) In subsection (1)(b), “a number”—
 - (a) includes zero and fractional parts of a whole number, but
 - (b) does not include negative numbers.

Modifications etc. (not altering text)

C1 Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(19\)](#) (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\(2\)](#))

Commencement Information

I3 S. 37 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

38 Restriction on rent increases within a zone **S**

- (1) A rent-increase notice may not increase the rent payable under a private residential tenancy where the let property is in a rent pressure zone to an amount greater than—

$$R \times \left(1 + \frac{\text{CPI} + 1 + X}{100} \right) + Y$$

where—

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R is the rent payable under the tenancy immediately before the rent-increase notice in question takes effect,

CPI is the percentage increase in the consumer prices index over the period—

- (a) from—
 - (i) the day of the last increase in the rent payable under the tenancy, or
 - (ii) if the rent payable under the tenancy has not previously been increased, the day on which the tenancy was granted,
- (b) to the day that the rent-increase notice in question is given to the tenant,

X is the number of percentage points prescribed in relation to the rent pressure zone under section 37(1)(b),

Y is the amount (if any) by which the rent may be increased by virtue of a rent officer's determination under section 42.

- (2) In subsection (1), “the consumer prices index” means the all consumer prices index published by the Office of National Statistics.

Modifications etc. (not altering text)

- C1** Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(19\)](#) (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\(2\)](#))

Commencement Information

- I4** S. 38 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

39 Limits on power to designate a zone **S**

- (1) An area may not be designated as a rent pressure zone unless it is an area which the Scottish Ministers have been asked to designate as a rent pressure zone in an application under section 35.
- (2) An area may not be designated as a rent pressure zone more than once on the basis of the same application under section 35.
- (3) Regulations designating a rent pressure zone cease to have effect 5 years after they come into force, unless—
- (a) they provide, or another enactment provides, that they cease to have effect sooner, or
 - (b) they are revoked.

Modifications etc. (not altering text)

- C1** Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(19\)](#) (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\(2\)](#))

Commencement Information

- I5** S. 39 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Designation and effect of rent pressure zone. (See end of Document for details)

40 Procedure for designating a zone: consultation and information **S**

- (1) This section applies in relation to the making of regulations under section 37 which designate an area as a rent pressure zone.
- (2) Before laying a draft of a Scottish statutory instrument containing the regulations before the Scottish Parliament, the Scottish Ministers must consult—
 - (a) persons appearing to the Ministers to represent the interests of persons who offer residential property for let within the area mentioned in subsection (4), and
 - (b) persons appearing to the Ministers to represent the interests of persons who are tenants of residential property within the area mentioned in subsection (4).
- (3) Along with a draft of a Scottish statutory instrument containing the regulations, the Scottish Ministers must also lay before the Scottish Parliament a document which—
 - (a) sets out the evidence which leads them to believe that—
 - (i) rents payable within the proposed rent pressure zone are rising by too much,
 - (ii) the rent rises within the proposed zone are causing undue hardship to tenants, and
 - (iii) the local authority within whose area the proposed zone lies is coming under increasing pressure to provide housing or subsidise the cost of housing as a consequence of the rent rises within the proposed zone,
 - (b) summarises the responses they received to the consultation carried out in accordance with subsection (2).
- (4) The area referred to in subsection (2) is that of the local authority within whose area the proposed rent pressure zone lies.

Modifications etc. (not altering text)

C1 Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(19\)](#) (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\(2\)](#))

Commencement Information

I6 S. 40 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

41 Power to change inflation index **S**

The Scottish Ministers may by regulations amend section 38 to replace references in that section to one prices index with references to another.

Modifications etc. (not altering text)

C1 Ss. 35-43 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 1\(1\)\(19\)](#) (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\(2\)](#))

Commencement Information

I7 S. 41 in force at 1.12.2017 by S.S.I. 2017/346, reg. 2, [sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Cross Heading: Designation and effect of rent pressure zone.