



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 4

### RENT

#### CHAPTER 2

##### RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

###### *Process by which rent may be varied*

#### **25 Rent officer's power to set rent**

- (1) Where a rent officer receives a referral under section 24(1), the rent officer must make an order stating that from the effective date the rent payable under the tenancy is the rent determined by the rent officer in accordance with section 32.
- (2) For the purpose of subsection (1), the effective date is—
  - (a) where the rent officer makes the order 14 days or more before the original effective date, the original effective date,
  - (b) otherwise, the first payment date falling at least 14 days after the day on which the rent officer makes the order.
- (3) In an order made under subsection (1), the rent officer must record the amount of the rent that is fairly attributable to the provision of services, unless the amount is negligible or no amount is so attributable.
- (4) In subsection (2)—

“original effective date” means the date on which the rent would have been increased in accordance with section 22(4) had the referral to the rent officer not been made, and

“payment date” means a date on which a rent payment falls to be made in accordance with the terms of the tenancy.

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**Changes to legislation:** There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 25. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** S. 25 modified (temp.) (28.10.2022) by [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), [sch. 1 para. 1\(1\)\(9\)](#) (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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**Commencement Information**

- I1** S. 25 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, Section 25.