



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

31 Liability for over or under paid rent

- (1) This section applies where—
 - (a) the rent payable under a private residential tenancy has been changed by an order made under section 25(1) or 29(1),
 - (b) the effective date stated in the order (“the actual effective date”) falls later than the date on which the rent would have been increased in accordance with section 22(4) had a referral to a rent officer not been made (“the originally proposed effective date”), and
 - (c) the rent payable from the actual effective date (“the new rent”) differs from the rent payable immediately before that date (“the old rent”).
- (2) If the new rent is less than the old rent, on the date the order is made the landlord becomes liable under this subsection to pay the tenant the difference between—
 - (a) the amount actually paid in rent between the originally proposed effective date and the actual effective date, and
 - (b) the amount that would have been payable in rent during the same period had the new rent been the rent payable from the originally proposed effective date.
- (3) If the new rent is more than the old rent, on the date the order is made the tenant becomes liable under this subsection to pay the landlord the difference between—

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 31. (See end of Document for details)

- (a) the amount that would have been payable in rent between the originally proposed effective date and the actual effective date had the new rent been the rent payable from the originally proposed effective date, and
 - (b) the amount that should have been paid in rent during the same period (whether or not it was actually paid).
- (4) Subsection (5) applies if, at the end of the day falling 28 days after a tenant's liability under subsection (3) arose, that liability is (in whole or in part) still outstanding.
- (5) For the purposes of paragraph 12 of schedule 3, the liability mentioned in subsection (4) is to be regarded as a sum that fell to be paid by way of rent on the day the liability arose.
- (6) In this section, a reference to a period between two dates includes both of those dates.

Modifications etc. (not altering text)

- C1** S. 31 modified (temp.) (28.10.2022) by *Cost of Living (Tenant Protection) (Scotland) Act 2022* (asp 10), s. 13(1), **sch. 1 para. 1(1)(14)** (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. 31 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 31.