



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 4

RENT

[^{F1}CHAPTER 2A

RENT VARIATION INSTIGATED BY LANDLORD'S APPLICATION TO RENT OFFICER

[^{F1}33G Liability for underpaid rent

- (1) This section applies where—
 - (a) the rent payable under a private residential tenancy has been changed by an order made under [section 33B\(2\)](#) or [\(3\)](#) or [section 33C\(3\)](#),
 - (b) the effective date stated in the order (“the actual effective date”) falls later than the day after the expiry of the period of three months beginning with the day on which notice is given to the tenant under [section 33A\(3\)](#) (“the originally proposed effective date”), and
 - (c) the rent payable from the actual effective date (“the new rent”) is more than the rent payable immediately before that date (“the old rent”).
- (2) On the date the order is made the tenant becomes liable under this subsection to pay the landlord the difference between—
 - (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).
- (3) [Subsection \(4\)](#) applies if, at the end of the day falling 28 days after a tenant's liability under [subsection \(2\)](#) arose, that liability is (in whole or in part) still outstanding.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 33G. (See end of Document for details)

- (4) For the purposes of paragraphs 12 and 12A of schedule 3, the liability mentioned in subsection (2) is to be regarded as a sum that fell to be paid by way of rent on the day the liability arose.
- (5) In this section, a reference to a period between two dates includes both of those dates.]

Textual Amendments

- F1** Pt. 4 Ch. 2A treated as inserted (temp.) (28.10.2022) by virtue of Cost of Living (Tenant Protection) (Scotland) Act 2022 (asp 10), s. 13(1), sch. 1 para. 1(1)(17) (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))

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 33G.