



Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

PART 4

RENT

CHAPTER 2

RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

[^{F1}[^{F1}Power to modify Chapter 2]

^{F1}[^{F2}Power to modify Chapter 2]
^{F3}33ZA]

- (1) On or in anticipation of the expiry or suspension of paragraph 1 of schedule 1 of the Cost of Living (Tenant Protection) (Scotland) Act 2022, the Scottish Ministers may by regulations modify the provisions of this Chapter in connection with the determination of the rent payable under a private residential tenancy by a rent officer or the First-tier Tribunal.
- (2) Regulations under subsection (1) may in particular make provision—
 - (a) about the basis on which the rent is to be determined by a rent officer or the First-tier Tribunal which may include—
 - (i) matters to be taken into account in determining the rent,
 - (ii) matters to be disregarded in determining the rent,
 - (iii) assumptions to be made in determining the rent,
 - (b) limiting the rent that may be determined to an amount that is no more than the rent specified in accordance with section 22(2)(a)(i) in a rent-increase notice prompting the referral to the rent officer in question or (as the case may be) leading to the appeal to the First-tier Tribunal,
 - (c) about the procedure relating to referral to a rent officer or appeal to the First-tier Tribunal.

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

- (3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers—
- (a) must consult such persons as appear to them to represent the interests of tenants and landlords under private residential tenancies, and
 - (b) may consult any other person they consider appropriate.]

Textual Amendments

- F1** S. 34A (subsequently renumbered as s. 33ZA) and cross-heading inserted (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), **sch. 3 para. 1(2)** (with s. 11)
- F2** S. 34A heading (which is treated as temp. inserted) substituted (31.3.2023) by virtue of [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Incidental Provision\) Regulations 2023 \(S.S.I. 2023/116\)](#), regs. 1(2), **2(2)(b)(ii)**
- F3** S. 34A (which is treated as temp. inserted) renumbered as s. 33ZA and cross-heading (31.3.2023) by virtue of [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Incidental Provision\) Regulations 2023 \(S.S.I. 2023/116\)](#), regs. 1(2), **2(2)(b)(i)**

Changes to legislation:

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