



# 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*

#### **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

---

**Changes to legislation:** There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 40. (See end of Document for details)

---

- (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**

- I1** S. 40 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 40.