



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 4

### RENT

#### CHAPTER 3

##### RENT PRESSURE ZONES

###### *Improvements to let property*

- 43 Further provision about making and determining an application under section 42**
- (1) An application under section 42(1) must be made—
    - (a) in such form as may be prescribed by the Scottish Ministers in regulations,
    - (b) to a rent officer for the area in which the let property in question is situated.
  - (2) On receiving an application under section 42(1), a rent officer must send a copy of it to the tenant concerned.
  - (3) Before making a final determination under section 42, a rent officer must send—
    - (a) to both the landlord and tenant concerned a draft of the determination which the rent officer proposes to make,
    - (b) to the tenant a copy of any timeous representations received from the landlord in relation to the draft determination.
  - (4) In making a determination under section 42, a rent officer must—
    - (a) follow any guidance published by the Scottish Ministers which sets out for the purposes of that section—
      - (i) what does, and does not, constitute an improvement made to a let property, and

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*Status: Point in time view as at 31/10/2016. This version of this provision has been superseded.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Private Housing (Tenancies) (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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- (ii) the amount by which the rent payable under a tenancy may be increased in consequence of a particular improvement, or the methodology by which the assessment of that amount is to be made, and
  - (b) have regard to any timeous representations received from the landlord or tenant concerned.
- (5) For the purposes of subsections (3)(b) and (4)(b), representations are timeous if they are sent to the rent officer by—
- (a) the landlord within 14 days of the landlord receiving the draft determination sent in accordance with subsection (3)(a),
  - (b) the tenant—
    - (i) within 14 days of the tenant receiving the copy of the application for a determination in accordance with subsection (2), or
    - (ii) if the rent officer sends to the tenant a copy of representations received from the landlord in accordance with subsection (3)(b), not more than 14 days after the tenant received the copy of the landlord's representations.
- (6) In a case where two or more persons jointly are the landlord under the tenancy, references to the landlord in section 42 and this section are to any one of those persons.

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**Commencement Information**

**II** S. 43(1) in force at 31.10.2016 for specified purposes by S.S.I. 2016/298, reg. 2, sch.

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