



Tenants' Rights, Etc. (Scotland) Act 1980

1980 CHAPTER 52

PART II

RIGHTS OF PUBLIC SECTOR TENANTS TO SECURITY OF TENURE ETC

Subletting

21 Subletting

- (1) It shall be a term of every secure tenancy that the tenant shall not assign, sublet or otherwise give up to another person possession of the dwelling-house or any part thereof or take in a lodger except with the consent in writing of the landlord, which shall not be unreasonably withheld.
- (2) The landlord may refuse consent under this section if it appears to it that a payment other than—
 - (a) a rent which is in its opinion a reasonable rent; or
 - (b) a deposit returnable at the termination of the assignation, sublet or other transaction given as security for the subtenant's obligations for accounts for supplies of gas, electricity, telephone or other domestic supplies and for damage to the dwelling-house or contents, which in its opinion is reasonable, has been or is to be received by the tenant in consideration of the assignation, subletting or other transaction.
- (3) This section shall not apply to any assignation, subletting or other transaction entered into before the commencement of this section provided that the consent of the landlord to the transaction and to the rent which is being charged has been obtained.
- (4) An assignation, subletting or other transaction to which this section applies shall not be a protected tenancy or a statutory tenancy within the meaning of the Rent (Scotland) Act 1971, nor shall Part VII of that Act apply to such an assignation, sublet or other transaction.
- (5) Section 151(6) of the Housing (Scotland) Act 1966 is repealed.

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (6) In this section and in section 22 of this Act " subtenant" means a person entitled to possession of a dwelling-house or any part thereof under an assignation, subletting or other transaction to which this section applies, and includes a lodger.
- (7) The provisions of Schedule 3 to this Act shall have effect as terms of every secure tenancy.

22 Rent payable by subtenants

- (1)
 - (a) Where a landlord under a secure tenancy has given consent to an assignation, subletting or other transaction under section 21 of this Act, this section shall apply to the rent payable by the subtenant at the commencement of the assignation, subletting or other transaction;
 - (b) where, before the commencement of this Act, a landlord under a tenancy which has become a secure tenancy by virtue of this Act gave consent to an assignation, sublet or other transaction under section 151(6) of the Housing (Scotland) Act 1966, this section shall apply to the latest rent payable by the subtenant before the commencement of this Act provided that it is a reasonable rent within the meaning of paragraph (b) of the said section 151(6).
- (2) It shall be a term of every secure tenancy—
 - (a) that the tenant shall notify the landlord of any proposed increase in a rent to which this section applies; and
 - (b) that no increase shall be made in a rent to which this section applies if the landlord objects.