



Tenants' Rights, Etc. (Scotland) Act 1980

1980 CHAPTER 52

PART IV

PROVISIONS RELATING TO PRIVATE SECTOR TENANCIES

Limits on rent increase

37 Limits on rent increases.

(1) Subject to subsection (5) below, sections 7 to 9 of the 1975 Act and Schedule 2 to that Act are repealed.

(2)

^{F1}(5) Where a rent registered for a dwelling-house under a regulated tenancy under Part IV of the 1971 Act was registered before the commencement of this section, but the full registered rent has not yet become payable by reason of the operation of section 7 of the 1975 Act, the said section 7 and Schedule 2 shall continue to have effect so as to allow increase of rent to take place under the said section 7.

(6)^{F1}

Textual Amendments

F1 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980, Cross Heading: Limits on rent increase. (See end of Document for details)

Textual Amendments

F2 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

39 Amendment of Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.

- (1) The ^{MI} Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 shall be amended in accordance with this section.
- (2) In section 15 (protection of tenure of certain premises), after subsection (1) insert the following subsection—
 - “(1A) This section does not apply in relation to any tenancy entered into after the commencement of section 55 of the Tenants’ Rights, Etc. (Scotland) Act 1980.”
- (3) In section 16 (protection of tenure of premises not falling under section 15)—
 - (i) in subsection (2)(c) the words from “and” to the end are repealed;
 - (ii) for subsections (3) to (8) substitute the following subsections—
 - “(3) The rent for any rental period (that is to say, a period in respect of which an instalment of rent falls to be paid) shall be the amount payable for the last rental period before the end of the tenancy, but subject to adjustment from time to time in accordance with section 22 or 23 of the Rent (Scotland) Act 1971 (adjustment, with respect to rates, services and furniture, of recoverable rent for statutory periods before registration).
 - (4) Subsection (3) above has effect subject to any agreement between the parties for the payment of a lower rent; and where a lower rent is agreed it shall not be increased in accordance with the said section 22 or 23 but may, notwithstanding anything in any other enactment, be increased by agreement in writing between the parties up to an amount not exceeding the amount of rent provided for in subsection (3) above.”.
- (4) In section 17(2)(b) (provisions supplementary to section 16 where the accommodation is shared other than with the landlord) for “(5) to (8)” substitute “(3) and (4)”.
- (5) In section 18(2) (protection of tenure in connection with employment, under a licence or a rent-free letting) for “(5) to (8)” substitute “(3) and (4)”.
- (6) Section 19(5) (limitation on application of Rent Acts— heritable securities) is repealed.

Modifications etc. (not altering text)

C1 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980, Cross Heading: Limits on rent increase. (See end of Document for details)

Marginal Citations

M1 1951 c.65

40 **F3**

Textual Amendments

F3 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

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