



Tenants' Rights, Etc. (Scotland) Act 1980

1980 CHAPTER 52

PART IV

PROVISIONS RELATING TO PRIVATE SECTOR TENANCIES

Miscellaneous amendments of enactments relating to private sector tenancies

41

(1)

^{F1}(4) Section 18 of the ^{M1} Housing Act 1974 shall be amended as follows—

- (a) in subsection (2) the words “in such form as may be prescribed” are repealed; and
- (b) subsection (5) is repealed.

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F1 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

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C1 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1974 c.44

42— ^{F2}
45.

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980.
Cross Heading: Miscellaneous amendments of enactments relating to private sector tenancies. (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F2 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

46 Conversion of all remaining controlled tenancies.

- (1) Every controlled tenancy for the purposes of the 1971 act in existence at the date of commencement of this section shall then cease to be a controlled tenancy and shall become a regulated tenancy for the purposes of the [^{F3M2}Rent (Scotland) Act 1984]
- (2) Where a part of premises which include a dwelling-house is used as a shop or office or for business, trade or professional purposes, and the premises were let immediately before the commencement of this section under a controlled tenancy, [^{F3}neither section 9 of the 1971 Act nor section 10 of the Rent (Scotland) Act 1984 shall] prevent that tenancy becoming a regulated tenancy under subsection (1) above nor shall it prevent a new tenancy granted to the tenant or to any person who is entitled to succeed him as a statutory tenant from becoming a regulated tenancy.

(3)^{F4}

Textual Amendments

F3 Words substituted by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(1), **Sch. 8 Pt. II**

F4 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

Marginal Citations

M2 1984 c.58 (75:4)

47, 48.^{F5}

Textual Amendments

F5 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**

49 Repeal of provisions relating to increase of recoverable rent on account of improvements.

- (1) Subject to subsection (2) below, sections 24, 29 and 30 of the 1971 Act, all of which relate to increase of recoverable rent on account of improvements, shall cease to have effect.
- (2) Where a notice of increase has been served by the landlord under subsection (2) of the said section 24 before the commencement of this section, the said sections 24, 29 and 30 shall continue to apply in relation to the rent increase to which the notice relates as they applied before the said commencement.

(3)^{F6}

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980.
Cross Heading: Miscellaneous amendments of enactments relating to private sector tenancies. (See end of Document for details)

Textual Amendments

F6 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**

Modifications etc. (not altering text)

C2 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.

C3 The “said sections 24, 29 and 30” means Rent (Scotland) Act 1971 (c.28, SIF 75:4), **ss. 24, 29, 30**

50—^{F7}
63.

Textual Amendments

F7 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 50–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

64 Pensions etc. for Rent Assessment Panel.

- (1) The Secretary of State may pay or make provision for paying—
- (a) to or in respect of any member of the panel set up by section 38 of the 1971 Act, such sums by way of pensions, superannuation allowances and gratuities; and
 - (b) to any member of the said panel who ceases to be a member other than on the expiry of his term of office, where it appears to the Secretary of State that there are special circumstances which make it unjust for the member not to receive compensation, such sum by way of compensation,
- as the Secretary of State may, with the approval of [^{F8}the Treasury], determine.

(2)^{F9}

Textual Amendments

F8 Words substituted by virtue of S. 1. 1981/1670, arts. 2(1)(c)6d), 3(5)

F9 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**

Modifications etc. (not altering text)

C4 S. 64(1)(a): The reference to s. 38 of the 1971 Act to be construed as a reference to s. 44 of the Rent (Scotland) Act 1984 (c. 58, SIF 75:4) by virtue of Sch. 8 Pt. I para. 1 of that 1984 Act

65 Increases in penalties for offences relating to houses in multiple occupation.

- (1) The Housing (Scotland) Act 1966 shall be amended as follows—
- (a) In section 100(3) for “ten pounds” substitute “ fifty pounds ”;
 - (b) in section 102(3) for “ten pounds” substitute “ fifty pounds ”;

Changes to legislation: *There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980.*
Cross Heading: Miscellaneous amendments of enactments relating to private sector tenancies. (See end of Document for details)

- (c) in section 103(4) for paragraphs (a) and (b) substitute “ to a fine not exceeding £200 ”;
 - (d) in section 110(1)(b) leave out the words from the second “or” to the end of the paragraph;
 - (e) in section 111(5) for paragraphs (a) and (b) substitute “ to a fine not exceeding five hundred pounds ”;
 - (f) in section 112(5) for “twenty pounds” substitute “ fifty pounds ”;
 - (g) in section 185(2) after “offence”, insert “ and shall be liable on summary conviction to a fine not exceeding £200 ”
- (2) Schedule 7C to the ^{M3} Criminal Procedure (Scotland) Act 1975 shall be amended by deleting from the first column of the entry relating to the Housing (Scotland) Act 1966 the words from “where” to the end of the column.

Modifications etc. (not altering text)

C5 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.

Marginal Citations

M3 1975 c. 21

Changes to legislation:

There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980, Cross Heading: Miscellaneous amendments of enactments relating to private sector tenancies.