



Tenants' Rights, Etc. (Scotland) Act 1980

1980 CHAPTER 52

PART IV

PROVISIONS RELATING TO PRIVATE SECTOR TENANCIES

Interpretation

33 Interpretation of Part IV.

(1) In this Part of this Act—

“the 1971 Act” means the ^{M1}Rent (Scotland) Act 1971;

“the 1972 Act” means the ^{M2}Housing (Financial Provisions) (Scotland) Act 1972;

“the 1975 Act” means the ^{M3}Housing Rents and Subsidiaries (Scotland) Act 1975; and

“short tenancy” has the meaning assigned to it in section 34 of this Act.

(2) This Part of this Act shall be construed along with the Rent (Scotland) Acts 1971 to 1975.

Marginal Citations

M1 1971 c.28.

M2 1972 c.46 (61).

M3 1975 c.28 (61).

34^{F1}— Short tenancies

36.

*Changes to legislation: There are currently no known outstanding effects for the
Tenants' Rights, Etc. (Scotland) Act 1980, Part IV. (See end of Document for details)*

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F1 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

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- (1) Subject to subsection (5) below, sections 7 to 9 of the 1975 Act and Schedule 2 to that Act are repealed.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)
- ^{F2}(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)^{F2}

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F2 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

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F3 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

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

- (1) The ^{M4} 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—

Changes to legislation: There are currently no known outstanding effects for the
Tenants' Rights, Etc. (Scotland) Act 1980, Part IV. (See end of Document for details)

“(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.

Marginal Citations

M4 1951 c.65

40 F4

Textual Amendments

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**

Miscellaneous amendments of enactments relating to private sector tenancies

41 (1)

^{F5}(4) Section 18 of the ^{M5} 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.

*Changes to legislation: There are currently no known outstanding effects for the
Tenants' Rights, Etc. (Scotland) Act 1980, Part IV. (See end of Document for details)*

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**

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.

Marginal Citations

M5 1974 c.44

42—^{F6}
45.

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**

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 [^{F7M6}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, [^{F7}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)^{F8}

Textual Amendments

F7 Words substituted by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(1), **Sch. 8 Pt. II**

F8 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

M6 1984 c.58 (75:4)

47, 48.^{F9}

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980, Part IV. (See end of Document for details)

Textual Amendments

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**

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)^{F10}

Textual Amendments

F10 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)

- C3** 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.
- C4** The “said sections 24, 29 and 30” means Rent (Scotland) Act 1971 (c.28, SIF 75:4), **ss. 24, 29, 30**

50—^{F11}
63.

Textual Amendments

F11 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 [^{F12}the Treasury], determine.

*Changes to legislation: There are currently no known outstanding effects for the
 Tenants' Rights, Etc. (Scotland) Act 1980, Part IV. (See end of Document for details)*

(2^{F13})

Textual Amendments

F12 Words substituted by virtue of S. 1. 1981/1670, arts. 2(1)(c)6d), 3(5)

F13 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)

C5 [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 ”;
- (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 ^{M7} 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)

C6 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

M7 [1975 c. 21](#)

Changes to legislation:

There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980, Part IV.