



Rent (Scotland) Act 1984

1984 CHAPTER 58

PART III

PROTECTION AGAINST HARASSMENT AND EVICTION WITHOUT DUE PROCESS OF LAW

22 Unlawful eviction and harassment of occupier.

- (1) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof or attempts to do so he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.
- (2) If any person with intent to cause the residential occupier of any premises—
 - (a) to give up the occupation of the premises or any part thereof; or
 - (b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

does acts calculated to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

[^{F1}(2A) Subject to subsection (2B) below the landlord of any premises or an agent of the landlord shall be guilty of an offence if—

- (a) he does acts likely to interfere with the peace or comfort of the residential occupier or members of his household; or
- (b) he persistently withdraws or withholds services reasonably required for the occupation of the premises in question as a residence,

and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises.

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 22. (See end of Document for details)

- (2B) A person shall not be guilty of an offence under subsection (2A) above if he proves that he had reasonable grounds for doing the acts or withdrawing or withholding the services in question.]
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; and
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (4) Nothing in this section shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.
- (5) In this section “residential occupier”, in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.

Textual Amendments

F1 S. 22(2A)(2B) inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), **ss. 38(2)**, 52 (as amended by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), **Sch. 17 para. 87**)

Modifications etc. (not altering text)

C1 By [Housing \(Scotland\) Act 1988 \(c. 43, SIF 75:2\)](#), **s. 38** (as amended by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), **Sch. 17 para. 87(a)**), it is provided that for “calculated” there is substituted “likely” as respects acts done after the commencement of the said s. 38 (2.1.1989)

Changes to legislation:

There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 22.