



Rent (Scotland) Act 1984

1984 CHAPTER 58

PART VI

RENT LIMIT FOR DWELLING-HOUSES LET BY HOUSING ASSOCIATIONS AND THE HOUSING CORPORATION

58 Phasing of progression to registered rent.

- (1) This section applies where a rent is registered for a dwelling-house (whether it is the first or any subsequent registration) which exceeds the rent limit for the dwelling-house immediately before the date of registration, unless at the date of registration there is no tenant and no person to whom the tenancy has been granted.
- (2) Subject to subsection (9) below, the rent limit shall progress from the rent immediately before the date of registration to the registered rent in stages, and, . . . ^{F1}[^{F2}and paragraph 3 of Part IV of the Schedule to the Fire Precautions Act 1971]—
 - ^{F3}(a) for any rental period beginning in the first stage, the rent limit shall be the rent limit immediately before the date of registration plus the greatest of—
 - (i) £104; or
 - (ii) one-quarter of the previous rent limit; or
 - (iii) one-half of the difference between the previous rent limit and the amount of the registered rent:
provided that nothing in this paragraph shall enable the rent to be increased above the amount of the registered rent;
 - (b) for any rental period beginning in the second stage the rent limit shall be the rent payable for the first stage plus any amount required to increase the rent payable to the registered rent.]
- (3) The first stage shall last for 52 weeks from the date of registration, or from the beginning of the first rental period for which the rent is first increased (by any amount) on or after that date, whichever is the later [^{F4}or for such other period as the Secretary of State may by order specify].

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 58. (See end of Document for details)

- (4) Any subsequent stage shall last for 52 weeks from the end of the last previous stage, or from the beginning of the first rental period for which the rent is first increased (by any amount) after the end of the last previous stage, whichever is the later [F4 or for such other period as the Secretary of State may by order specify].
- (5) If a tenancy of the dwelling-house is granted at any time when the rent limit is less than the registered rent, and the tenant is neither the person who, at the time when the previous tenancy (or the last previous tenancy) ended, was the tenant under that tenancy nor a member of that tenant's family who resided with him, the registered rent shall become the rent limit from the beginning of the new tenancy, and the stages by which the rent limit was to progress up to the registered rent shall terminate.
- (6) The registration of a lower or higher rent during the progression from the rent limit in force before the prior registration shall not alter the stages by which the rent limit is to progress, and if a higher rent is registered in the 52 weeks beginning with the first rental period for which the rent increased up to the rent registered on the prior registration, the first stage in the progression from that rent up to the later registered rent shall not begin until the end of that period of 52 weeks.
- (7) The Secretary of State may by order amend subsection (2) above by varying [F5 or repealing any of the provisions of] paragraphs (a) and (b) thereof, and the order may contain such supplementary or incidental provisions as he thinks fit.
- [F6(7A) An order under subsections (3) or (4) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may contain such supplementary or incidental material as the Secretary of State thinks fit.]
- (8) An order under subsection (7) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order made under that subsection.
- (9) In subsection (2)(a) and (b) above, in relation to a rent registered before 1st December 1980, for the words from “the greater” to “limit” there shall be substituted the words “£78 per year”.
- (10) In this section—
“noted amount” means the amount of the registered rent noted as fairly attributable to the provision of services under section 49(2) above;
“previous rent limit” means—
(a) where the increase is the first to be made since the date of registration of the rent, the amount payable by way of rent on that date, or
(b) in all other cases, the amount payable by way of rent on the relevant anniversary of that date,

Textual Amendments

- F1** Words repealed by *Housing (Scotland) Act 1988 (c. 43, SIF 61)*, s. 72(3), **Sch. 10**
- F2** Words inserted by *Fire Precautions Act 1971 (c. 40, SIF 50)*, s. 34, **Sch. 1 Pt. IV para. 6** for the purposes of the modification in connection with certain provisions of the said 1971 Act (modifications of ss. 55–59 in cases where the rent is increased by virtue of s. 28(3)(b) of the said 1971 Act)
- F3** *S. 58(2)(a)(b)* substituted by *S.I. 1989/2468*, **arts. 2, 3**
- F4** Words added by *Housing (Scotland) Act 1988 (c. 43, SIF 61)*, **ss. 41(5)(a), 52**

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F5 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 75:1), s. 194, **Sch. 11 para. 61**

F6 S. 58(7A) inserted by Housing (Scotland) Act 1988 (c. 43, SIF 61), **ss. 41(5)(b), 52**

Modifications etc. (not altering text)

C1 S. 58 modified by Fire Precautions Act 1971 (c. 40, SIF 50), s. 34, **Sch. 1 Pt. IV**

C2 Power to repeal conferred by Housing (Scotland) Act 1988 (c. 43, SIF 61), **ss. 41(1), 52**

C3 Ss. 55-59 continued (temp.) (30.9.2002) by The Housing (Scotland) Act 2001 (Scottish Secure Tenancy etc.) Order 2002 (S.S.I. 2002/318), **art. 5**

Changes to legislation:

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