



Housing (Scotland) Act 1988

1988 CHAPTER 43

PART II

RENTED ACCOMMODATION

Assured tenancies—rents and other terms

[^{F1}24F Rent officer's power to apply rent increase above permitted rate

- (1) Where a rent officer receives an application under [section 24E\(1\)](#), the rent officer must decide whether the following conditions are met—
 - (a) the rent officer is satisfied that the landlord's prescribed property costs that are specified in the application have increased during the relevant period, and
 - (b) the rent officer is satisfied that the amount of the proposed increase to the rent under the assured tenancy represents no more than 50% of the increase in the landlord's prescribed property costs incurred during the relevant period as specified in the application.
- (2) If both conditions mentioned in [subsection \(1\)](#) are met, the rent officer must make an order stating that from the effective date the rent under the assured tenancy is the lower of—
 - (a) the proposed rent, or
 - (b) the existing rent under the tenancy as increased by [^{F2}6%].
- (3) If either or both of the conditions mentioned in [subsection \(1\)](#) is or are not met, the rent officer may make an order stating that from the effective date the rent under the assured tenancy is the rent determined by the rent officer.
- (4) In determining the rent under [subsection \(3\)](#), the rent officer—
 - (a) may not determine that the rent under the assured tenancy from the effective date is an amount that would be an increase to the existing rent under the tenancy of more than an amount representing 50% of the increase in the landlord's prescribed property costs incurred during the relevant period as specified in the application under [section 24E\(1\)](#), and

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- (b) in any event, may not determine that the rent under the tenancy from the effective date is more than the existing rent under the tenancy as increased by [^{F3}6%].
- (5) For the purpose of [subsection \(2\)](#) or [\(3\)](#), the effective date is—
- (a) where the rent officer makes the order under either of those subsections 14 days or more before the original effective date, the original effective date,
- (b) otherwise, the first payment date falling at least 14 days after the day on which the rent officer makes the order.
- (6) A rent officer may, within 14 days of making an order under [subsection \(2\)](#) or [\(3\)](#), re-make the order for the purpose of curing an error in the original order.
- (7) The effective date of the re-made order is to be specified in accordance with [subsection \(5\)](#) as though it were an order made under [subsection \(2\)](#) or [\(3\)](#).
- (8) Where an order has been re-made under [subsection \(6\)](#)—
- (a) the original order is of no effect,
- (b) references in this Part to an order made under [subsection \(2\)](#) or [\(3\)](#) are to be read as references to the re-made order,
- (c) if the original order has been appealed against under [section 24G\(1\)](#), the appeal is to be regarded as having been made against the re-made order.
- (9) [Subsection \(8\)\(b\)](#) does not apply in relation to [subsection \(6\)](#).
- (10) In this section—
- “original effective date” is the day after the expiry of the period of three months beginning with the day on which notice is given to the tenant under [section 24E\(3\)](#),
- “payment date” means a date on which a rent payment falls to be made in accordance with the terms of the assured tenancy.]

Textual Amendments

- F1** Ss. 24A-24K treated as inserted (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 1 para. 2\(1\)\(2\)\(5\)](#) (with ss. 1(2), 6, 7, 8) (as amended (1.4.2023) by S.S.I. 2023/82, regs. 1(3), [2\(2\)](#); and (27.9.2023) by S.S.I. 2023/275, regs. 1(2), [2\(2\)](#))
- F2** Word substituted in [s. 24F\(2\)\(b\)](#) (in so far as that provision is treated as inserted (temp.) by 2022 asp 10, sch. 1 para. 2(5)) (1.4.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023](#) (S.S.I. 2023/82), regs. 1(3), [3\(3\)](#) (with [reg. 5\(1\)](#))
- F3** Word substituted in [s. 24F\(4\)\(b\)](#) (in so far as that provision is treated as inserted (temp.) by 2022 asp 10, sch. 1 para. 2(5)) (1.4.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023](#) (S.S.I. 2023/82), regs. 1(3), [3\(4\)](#) (with [reg. 5\(1\)](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25ZB25ZC inserted (temp.) by [S.S.I. 2024/89 reg. 3\(1\)\(3\)](#)
- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)