

Changes to legislation: There are currently no known outstanding effects for the Cost of Living (Tenant Protection) (Scotland) Act 2022, Paragraph 4. (See end of Document for details)

SCHEDULE 1 RENT CAP

Rent cap for student residential tenancies

- [^{F1}4 (1) [Sub-paragraph \(2\)](#) applies where a student residential tenancy permits the landlord under the tenancy to increase the rent payable under the tenancy during the period of the tenancy.
- (2) On or after the day on which this paragraph comes into force, the landlord may not increase the rent payable under the tenancy by more than the permitted rate.
- (3) For the purposes of this paragraph, the “permitted rate” is 0%.
- (4) If the rent payable under the tenancy is increased by more than the permitted rate (“impermissible new rent”)—
- (a) the rent payable under the tenancy is to be treated as being the rent payable under the tenancy immediately before the increase took effect as increased by the permitted rate (“permissible new rent”), and
 - (b) the amount of impermissible new rent above the amount of permissible new rent is not recoverable from the tenant.
- (5) The Scottish Ministers may by regulations substitute a different percentage for the one for the time being mentioned in [sub-paragraph \(3\)](#).
- (6) Regulations under [sub-paragraph \(5\)](#) are subject to the affirmative procedure.
- (7) In this paragraph—
- “rent” means any sums payable periodically by the tenant to the landlord in connection with the tenancy (and includes, for the avoidance of doubt, any sums payable in respect of services, repairs, maintenance or insurance) but does not include any sums payable by the tenant under the tenancy in connection with excessive use of any utilities by the tenant,
- “student” has the same meaning as in paragraph 5 of schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”),
- “student residential tenancy” means a tenancy—
- (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
 - (b) to which paragraph 5(2) or (3) of schedule 1 of the 2016 Act (tenancies which cannot be private residential tenancies) applies.]

Textual Amendments

- F1** Sch. 1 para. 4 suspended (30.3.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Early Expiry and Suspension of Provisions\) Regulations 2023 \(S.S.I. 2023/8\)](#), regs. 1(3), [3](#)

Commencement Information

- I1** Sch. 1 para. 4 in force at 28.10.2022, see [s. 13\(1\)](#)

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