



# Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

## PART 4

### RENT

#### CHAPTER 2

##### RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

###### *Process by which rent may be varied*

#### **[<sup>F1</sup>31A** Determination of rent payable

- (1) Where an order maker is to determine the rent payable under section 25(1) or (as the case may be) 29(1), the determination is to be made on the basis that the rent payable is the lowest of—
  - (a) the proposed rent,
  - (b) the open market rent,
  - (c) where the market difference is more than 6%, the permitted rent.
- (2) The permitted rent is—
  - (a) where the market difference is less than 24%, the calculated amount,
  - (b) where the market difference is 24% or more, 12% more than the current rent.
- (3) The calculated amount is the amount (to the nearest £1) determined using the formula—

$$\text{Amount } \pounds = C \times 106\% \pm D\% \div 3$$

where—

*C* is the current rent,

*D%* is the market difference expressed as a percentage.

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*Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 31A. (See end of Document for details)*

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(4) In this section—

“the proposed rent” means the rent specified in accordance with section 22(2)(a) (i) in the rent-increase notice which prompted the referral,

“the current rent” means the rent payable under the tenancy immediately before the date on which the rent would have been increased in accordance with section 22(4) had a referral to the rent officer not been made,

“the market difference” means the percentage figure (to the nearest two decimal places) determined using the formula—

$$\text{The market difference expressed as a percentage } D \% = \frac{M - C}{C} \times 100\%$$

where—

$C$  is the current rent,

$M$  is the open market rent,

“the open market rent” means the rent determined in accordance with section 32.]

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**Textual Amendments**

**F1** S. 31A treated as inserted (temp.) (1.4.2024) by virtue of [The Rent Adjudication \(Temporary Modifications\) \(Scotland\) Regulations 2024 \(S.S.I. 2024/89\)](#), regs. 1(1), 2(1)(4) (with reg. 1(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 31A.