

Changes to legislation: Rent (Scotland) Act 1984 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 3.

STATUTORY TENANTS BY SUCCESSION

- 1 The provisions of paragraph 2 or, as the case may be, paragraph 3 of this Schedule shall have effect for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Schedule referred to as “the original tenant”) who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.
- 2 The original tenant’s spouse [^{F1}or civil partner] where the dwelling-house was [^{F2}that spouse’s][^{F1}or civil partner’s] only or principal home at the time of the tenant’s death shall be the statutory tenant so long as the said spouse [^{F1}or civil partner] retains possession of the dwelling-house without being entitled to do so under a contractual tenancy.

Textual Amendments

- F1** Words in Sch. 1 para. 2 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 48\(a\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F2** Words substituted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(2), [Sch. 9 para. 5](#)

- 3 Where paragraph 2 above does not apply, but a person who was a member of the original tenant’s family was residing with him at the time of and for the period of six months immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the [^{F3}First-tier Tribunal], shall be the statutory tenant so long as he retains possession of the dwelling-house without being entitled to do so under a contractual tenancy.

Textual Amendments

- F3** Words in [Sch. 1 para. 3](#) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 28\(a\)](#); S.S.I. 2017/330, art. 3, sch.

- 4 A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 or paragraph 3 above is in this Schedule referred to as “the first successor”.
- 5 If, immediately before his death, the first successor was still a statutory tenant, the provisions of paragraph 6 or, as the case may be, paragraph 7 below shall have effect for the purpose of determining who is the statutory tenant after the death of the first successor.

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- 6 The first successor’s spouse [^{F4}or civil partner] , where the dwelling-house was his only or principal home at the time of the tenant’s death, shall be the statutory tenant so long as the said spouse [^{F4}or civil partner] retains possession of the dwelling-house without being entitled to do so under a contractual tenancy.

Textual Amendments

- F4** Words in [Sch. 1 para. 6](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 48\(b\)](#); S.S.I. 2005/604, arts. 2(c), 4

- 7 Where paragraph 6 above does not apply but a person who was a member of the first successor’s family was residing with him at the time of and for the period of six months immediately before his death then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the [^{F5}First-tier Tribunal], shall be the statutory tenant so long as he retains possession of the dwelling-house without being entitled to do so under a contractual tenancy.

Textual Amendments

- F5** Words in [Sch. 1 para. 7](#) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 28\(b\)](#); S.S.I. 2017/330, art. 3, sch.

- 8 (1)) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—
- (a) if the successor was the first successor, and immediately before his death he was still the tenant (whether protected or statutory), paragraphs 6 and 7 above shall apply on his death.
 - (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Schedule.
- (2) Sub-paragraph (1) above applies even if—
- (a) a successor enters into more than one other tenancy of the dwelling-house, and
 - (b) both the first successor, and the successor on his death, enter into other tenancies of the dwelling-house.
- (3) This paragraph shall apply—
- (a) as respects any succession which takes place on or after 27th August 1972; and
 - (b) as respects a succession which took place before that date if the tenancy granted after the succession, or the first of those tenancies, was granted on or after that date.
- (4) In this paragraph—
- “succession” means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Schedule and “successor” shall be construed accordingly.

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“tenancy” means “regulated tenancy” and “tenancies” shall be construed accordingly.

- 9 Paragraphs 5 to 7 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 20 of the ^{M1}Rent Act 1965.

Marginal Citations

M1 1965 c. 75.

[^{F6}SCHEDULE 1A

STATUTORY OR STATUTORY ASSURED TENANTS BY SUCCESSION IN A CASE TO WHICH SECTION 3A(1) APPLIES]

Textual Amendments

F6 Schs. 1A, 1B inserted by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 46(3), 52, Sch. 6 Pt. I para. 1

- [^{F7}1 The provisions of paragraph 2 of this Schedule shall have effect for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Schedule referred to as “the original tenant”) who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.]

Textual Amendments

F7 Schs. 1A, 1B inserted by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 46(3), 52, Sch. 6 Pt. I para. 1

- [^{F8}2 (1) The original tenant’s spouse [^{F9}or civil partner] where the dwelling-house was that spouse’s [^{F9}or civil partner’s] only or principal home at the time of the tenant’s death shall be the statutory tenant so long as the said spouse [^{F9}or civil partner] retains possession of the dwelling-house without being entitled to do so under a contractual tenancy.
- (2) For the purposes of this paragraph, a person who was living with the original tenant as his or her wife or husband shall be treated as the spouse of the original tenant [^{F10}and a person who was living with the original tenant in a relationship which had the characteristics of the relationship between civil partners shall be treated as the civil partner of the original tenant] .
- (3) If, immediately after the death of the original tenant, there is, by virtue of subparagraph (2) above, more than one person who fulfils the conditions in subparagraph (1) above, such one of them as then has occupancy rights under section 18 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (rights of cohabiting couples) [^{F11}or under section 101 of the Civil Partnership Act 2004] or, if neither or none of them has such rights, such one of them as may be decided by the sheriff, shall be treated as the surviving spouse [^{F11}, or as the case may be as the surviving civil partner,] for the purposes of this paragraph.]

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Textual Amendments

- F8** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**
- F9** Words in [Sch. 1A para. 2\(1\)](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 49(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F10** Words in [Sch. 1A para. 2\(2\)](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 49(b)**; S.S.I. 2005/604, arts. 2(c), 4
- F11** Words in [Sch. 1A para. 2\(3\)](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 49(c)**; S.S.I. 2005/604, arts. 2(c), 4

- [^{F123} Where paragraph 2 above does not apply but a person who was a member of the original tenant’s family was residing with him in the dwelling-house—
- (a) continuously for the period commencing six months before the date of coming into force of section 46 of the Housing (Scotland) Act 1988 and ending on the tenant’s death (where the person was so residing on the said date); or
- (b) at the time of and for the period of two years immediately before the tenant’s death, then, after the tenant’s death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the [^{F13}First-tier Tribunal], shall be entitled to a statutory assured tenancy of the dwelling-house by succession.]

Textual Amendments

- F12** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**
- F13** Words in [Sch. 1A para. 3](#) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 29(a)**; S.S.I. 2017/330, art. 3, sch.

- [^{F14} A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2 above is in this Schedule referred to as “the first successor”.]

Textual Amendments

- F14** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

- [^{F15} If, immediately before his death, the first successor was still a statutory tenant, the provisions of paragraph 6 below shall have effect for the purpose of determining who is entitled to a statutory assured tenancy of the dwelling-house by succession after the death of the first successor.]

Textual Amendments

- F15** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

- [^{F16} Where a person who—
- (a) was a member of the original tenant’s family immediately before that tenant’s death; and
- (b) was a member of the first successor’s family immediately before the first successor’s death,

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was residing with the first successor in the dwelling-house at the time of, and for the period of two years immediately before, the first successor's death, that person, or if there is more than one such person, such one of them as may be decided by agreement or, in default of agreement, by the ^{F17}First-tier Tribunal], shall be entitled to a statutory assured tenancy of the dwelling-house by succession.]

Textual Amendments

- F16** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**
- F17** Words in [Sch. 1A para. 6](#) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 29(b)**; S.S.I. 2017/330, art. 3, sch.

- ^{F187} (1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—
- (a) if the successor was the first successor, and immediately before his death he was still the tenant (whether protected or statutory), paragraph 6 above shall apply on his death;
 - (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Schedule.
- (2) Sub-paragraph (1) above applies even if—
- (a) a successor enters into more than one other tenancy of the dwelling-house; and
 - (b) both the first successor, and the successor on his death, enter into other tenancies of the dwelling-house.
- (3) In this paragraph “succession” means the occasion on which a person becomes the statutory or statutory assured tenant of a dwelling-house by virtue of this Schedule and “successor” shall be construed accordingly.]

Textual Amendments

- F18** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

- ^{F198} Paragraphs 5 and 6 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 20 of the Rent Act ^{M2}1965.]

Textual Amendments

- F19** Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

Marginal Citations

- M2** 1965 c. 75.

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[^{F20}SCHEDULE 1B

STATUTORY ASSURED TENANTS BY SUCCESSION IN A CASE TO WHICH SECTION 3A(2) APPLIES]

Textual Amendments

F20 Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

[^{F21} The provisions of this Schedule shall have effect for the purpose of determining who is the statutory assured tenant of a dwelling-house by succession after the death of the person (in this Schedule referred to as “the first successor”) who, immediately before his death, was the statutory tenant of the dwelling-house by virtue of paragraph 2 or paragraph 3 of Schedule 1 above.]

Textual Amendments

F21 Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

[^{F22} If, immediately before his death, the first successor was still a statutory tenant, the provisions of paragraph 3 below shall have effect for the purpose of determining who is entitled to a statutory assured tenancy of the dwelling-house by succession after the death of the first successor.]

Textual Amendments

F22 Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

[^{F23} Where a person who—

- (a) was a member of the original tenant’s family immediately before that tenant’s death; and
- (b) was a member of the first successor’s family immediately before the first successor’s death,
 was residing with the first successor in the dwelling-house—
- (i) continuously for the period commencing six months before the date of coming into force of section 46 of the [Housing \(Scotland\) Act 1988](#) and ending on the tenant’s death (where the person was so residing on the said date); or
- (ii) at the time of and for the period of two years immediately before the tenant’s death, that person, or if there is more than one such person, such one of them as may be decided by agreement or, in default of agreement, by the [^{F24}First-tier Tribunal], shall be entitled to a statutory assured tenancy of the dwelling-house by succession.]

Textual Amendments

F23 Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, **Sch. 6 Pt. I para. 1**

F24 Words in [Sch. 1B para. 3](#) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 30**; S.S.I. 2017/330, art. 3, sch.

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- [^{F25}4 (1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Schedule shall, in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—
- (a) if the successor was the first successor, and immediately before his death he was still the tenant (whether protected or statutory), paragraph 3 above shall apply on his death;
 - (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Schedule.
- (2) Sub-paragraph (1) above applies even if—
- (a) a successor enters into more than one other tenancy of the dwelling-house; and
 - (b) both the first successor, and the successor on his death, enter into other tenancies of the dwelling-house.
- (3) In this paragraph “succession” means the occasion on which a person becomes the statutory assured tenant of a dwelling-house by virtue of this Schedule and “successor” shall be construed accordingly.]

Textual Amendments

F25 Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, [Sch. 6 Pt. I para. 1](#)

- [^{F26}5 Paragraphs 2 and 3 above do not apply where the statutory tenancy of the original tenant arose by virtue of section 20 of the Rent Act ^{M3}1965.]

Textual Amendments

F26 Schs. 1A, 1B inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 46(3), 52, [Sch. 6 Pt. I para. 1](#)

Marginal Citations

M3 1965 c. 75.

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SCHEDULE 2

GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART I

[^{F27}CERTAIN CASES IN WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION]

Textual Amendments

F27 Sch. 2 Pt. 1 heading substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), ss. [45\(5\)\(a\)](#), [59\(1\)](#)

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Act, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as it is consistent with the provisions of Part II of this Act, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy,

has been broken or not performed.

In determining whether any rent lawfully due from a tenant has been paid in any case where the rent is payable in advance, any sums paid by the tenant in satisfaction of a decree or decrees for rent and expenses shall, if the action in which any such decree was obtained was raised before the expiry of the period in respect of which the rent sued for was due, be imputed wholly to rent and not to expenses.

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Case 3

Where the condition of the dwelling-house has, in the opinion of the [^{F28}First-tier Tribunal], deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, where the [^{F28}First-tier Tribunal] is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

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Textual Amendments

F28 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Case 4

Where the condition of any furniture provided for use under the tenancy has, in the opinion of the [^{F29}First-tier Tribunal], deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, where the [^{F29}First-tier Tribunal] is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Textual Amendments

F29 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Case 5

Where the tenant has given notice to quit and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the [^{F30}First-tier Tribunal], be seriously prejudiced if he could not obtain possession.

Textual Amendments

F30 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Case 6

Where, without the consent of the landlord, the tenant has, at any time after 8th December 1965 or, in the case of a regulated furnished tenancy, after 14th August 1974 or, in the case of a tenancy which became a regulated tenancy by virtue of section 4(3) above, after 30th November 1980, assigned or sub-let the whole of the dwelling-house or sub-let part of the dwelling-house the remainder already being sub-let.

Case 7

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing accommodation being provided, a contract for such employment has been entered into, and ^{F31}...

(a) the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment; ^{F32}...

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^{F32}(b)

Textual Amendments

- F31** Word in sch. 2 Pt. I Case 7 repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 2 para. 3\(a\)](#); S.S.I. 2014/264, art. 2, sch. (with art. 6)
- F32** Words in sch. 2 Pt. I Case 7 repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 2 para. 3\(b\)](#); S.S.I. 2014/264, art. 2, sch. (with art. 6)

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over 18 years of age, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his wife or husband,

and the landlord did not become landlord by purchasing the dwelling-house or any interest therein after 23rd March 1965 or, in the case of a dwelling-house subject to a regulated furnished tenancy, after 24th May 1974 or, if the dwelling-house was on 7th November 1956 let on or subject to a controlled tenancy, after 7th November 1956.

Case 9

Where the [^{F33}First-tier Tribunal] is satisfied that the rent charged by the tenant—

- (a) for any sub-let part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to the provisions of Part IV of this Act, or
- (b) for any sub-let part of the dwelling-house which is subject to a contract to which Part VII of this Act applies is or was in excess of the maximum (if any) which it is lawful for the lessor, within the meaning of that Part, to require or receive having regard to the provisions of that Part.

Textual Amendments

- F33** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); S.S.I. 2017/330, art. 3, sch.

Case 10

Where the dwelling-house is so overcrowded as to be dangerous or injurious to the health of the inmates, and the [^{F34}First-tier Tribunal] is satisfied that the overcrowding could have been abated by the removal of any lodger or sub-tenant (not being a parent or child of the tenant) whom it would, having regard to all the circumstances of the case, including the question whether other accommodation is available for him, have been reasonable to remove, and that the tenant has not taken such steps as he ought reasonably to have taken for his removal.

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Textual Amendments

- F34** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

PART II

[^{F35}FURTHER CASES IN WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION]

Textual Amendments

- F35** [Sch. 2 Pt. 2](#) heading substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 45\(5\)\(b\)](#), 59(1)

Case 11

[^{F36}Where a person (in this case referred to as “the owner-occupier”) who let the dwelling-house on a regulated tenancy had, at any time before the letting, occupied it as his residence] and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case (notwithstanding, in the case of a notice given under this paragraph before 1st December 1980, that the notice may not have referred to any of sub-paragraphs (ii) to (vi) of paragraph (c)); and
- (b) the dwelling-house has not, since 8th December 1965 or, in the case of a dwelling-house subject to a regulated furnished tenancy, 14th August 1974, been let by the owner-occupier on a regulated tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied; and
- (c) the [^{F34}First-tier Tribunal] is satisfied that—
 - (i) the dwelling-house is required as a residence for the owner-occupier or any member of his family who resided with the owner-occupier when he last occupied the dwelling-house as a residence; or
 - (ii) the owner-occupier has died, and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death; or
 - (iii) the owner-occupier has died, and the dwelling-house is required as a residence by a person inheriting the dwelling-house under the will of the owner-occupier or on his intestacy; or
 - (iv) the owner-occupier has died and his personal representatives wish to dispose of the dwelling-house with vacant possession; or
 - (v) the dwelling-house is not reasonably suitable to the needs of the owner-occupier, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring as his residence a dwelling-house which is more suitable to those needs; or
 - (vi) the dwelling-house is subject to a heritable security, granted before the creation of the tenancy, and as the result of a default by the debtor the creditor is entitled to sell the dwelling-house and requires it for the purpose of disposing of it with vacant possession in exercise of that entitlement:

Changes to legislation: *Rent (Scotland) Act 1984 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Provided that if the [^{F34}First-tier Tribunal] is of the opinion that, notwithstanding that the condition in paragraph (a) or paragraph (b) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the [^{F34}First-tier Tribunal] may dispense with the requirements of either or both of those paragraphs, as the case may require.

For the purposes of this Case, the giving of a notice before 14th August 1974 under section 73 above shall be treated in the case of a regulated furnished tenancy as compliance with paragraph (a) above. [^{F37}Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the commencement of the Rent (Amendment) Act 1985 and either—

- (i) the earlier tenancy was a short tenancy (within the meaning of section 9 above), or
- (ii) the conditions mentioned in paragraphs (a) to (c) of Case 21 were satisfied with respect to the dwelling-house and the earlier tenancy,

then for the purposes of paragraph (b) above the condition in paragraph (a) above is to be treated as having been satisfied with respect to the earlier tenancy.]

Textual Amendments

- F36** Words substituted by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F37** Words added by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(3\)\(4\)](#)

Textual Amendments

- F34** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\); S.S.I. 2017/330, art. 3, sch.](#)
- F36** Words substituted by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(1\)\(4\)](#)
- F37** Words added by [Rent \(Amendment\) Act 1985 \(c. 24, SIF 75:3, 4\), s. 1\(3\)\(4\)](#)

Case 12

Where a person (in this Case referred to as “the owner”) who acquired the dwelling-house or any interest therein with a view to occupying it as his residence at such time as he might retire from regular employment let it on a regulated tenancy before he has so retired and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case (notwithstanding, in the case of a notice given under this paragraph before 1st December 1980, that the notice may not have referred to any of sub-paragraphs (iii) to (v) of paragraph (c)); and
- (b) the dwelling-house has not since 14th August 1974 been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) above was not satisfied; and
- (c) the [^{F34}First-tier Tribunal] is satisfied—
 - (i) that the owner has retired from regular employment and requires the dwelling-house as a residence; or
 - (ii) that the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death or for a person inheriting the dwelling-house under the will of the owner or on his intestacy; or

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- (iii) that the owner has died and his personal representatives wish to dispose of the dwelling-house with vacant possession; or
- (iv) that the dwelling-house is subject to a heritable security, granted before the creation of the tenancy, and as the result of a default by the debtor the creditor is entitled to sell the dwelling-house and requires it for the purpose of disposing of it with vacant possession in exercise of that entitlement; or
- (v) that the dwelling-house is no longer reasonably suitable to the needs of the owner on his retirement, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring for his retirement a dwelling-house which is more suitable to those needs:

Provided that if the [^{F34}First-tier Tribunal] is of the opinion that, notwithstanding that the condition in paragraph (a) or paragraph (b) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the [^{F34}First-tier Tribunal] may dispense with the requirements of either or both of those paragraphs, as the case may require.

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Case 13

Where the dwelling-house is let under a tenancy for a specified period not exceeding eight months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house was, at some time within the period of 12 months ending on the relevant date, occupied under a right to occupy it for a holiday;

and for the purposes of this Case a tenancy shall be treated as being for a specified period—

- (i) of less than eight months, if it is determinable at the option of the landlord (other than in the event of an irritancy being incurred) before the expiration of eight months from the commencement of the period of the tenancy, and
- (ii) of eight months or more, if it confers on the tenant an option for renewal of the tenancy for a period which, together with the original period, amounts to eight months or more, and it is not determinable as mentioned in paragraph (i) above.

Case 14

Where the dwelling-house is let under a tenancy for a specified period not exceeding 12 months and—

- (a) not later than the relevant date the landlord gave notice in writing to the tenant that possession might be recovered under this Case; and
- (b) at some time within the period of 12 months ending on the relevant date the dwelling-house was subject to such a tenancy as is referred to in section 2(1)(c) above;

and for the purposes of this Case a tenancy shall be treated as being for a specified period—

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- (i) of less than 12 months, if it is determinable at the option of the landlord (other than in the event of an irritancy being incurred) before the expiration of 12 months from the commencement of the period of the tenancy, and
- (ii) of 12 months or more, if it confers on the tenant an option for renewal of the tenancy for a period which, together with the original period, amounts to 12 months or more, and it is not determinable as mentioned in paragraph (i) above.

Case 15

Where—

- (a) the dwelling-house was let on a short tenancy within the meaning of section 9 above; or
- (b) in the opinion of the [^{F34}First-tier Tribunal] it is just and equitable that the tenancy should be treated as a short tenancy within the meaning of the said section 9, notwithstanding that a requirement of subsection (1)(d) or (e) of that section has not been complied with,

and the short tenancy has terminated:

Provided that, where a further tenancy has been created by agreement between the landlord and the tenant no application for an order for possession under this Case shall be made before the end of the period of that tenancy.

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); S.S.I. 2017/330, art. 3, sch.

Case 16

Where the dwelling-house is held for the purpose of being available for occupation by a minister or a full-time lay missionary of any religious denomination as a residence from which to perform the duties of his office and the dwelling-house has been let on a regulated tenancy, and—

- (a) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (b) the [^{F34}First-tier Tribunal] is satisfied that the dwelling-house is required for occupation by such a minister or missionary as such a residence.

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); S.S.I. 2017/330, art. 3, sch.

Case 17

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture and the dwelling-house has been let on a regulated tenancy, and—

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and

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(c) The [F34First-tier Tribunal] is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture; and for the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the M4Agricultural Wages (Scotland) Act 1949.

Marginal Citations

M4 1949 c. 30.

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), sch. 1 para. 31(a); S.S.I. 2017/330, art. 3, sch.

Marginal Citations

M4 1949 c. 30.

Case 18

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the M5Agriculture Act 1967, have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant, or agent of another) for the control of the farming of any part of the land comprised in the amalgamation, and

- (a) after the carrying out of the proposals, the dwelling-house was let on a regulated tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and
- (b) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the [F34First-tier Tribunal] is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of five years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (a) above or his widow, during a period expiring three years after the date on which the dwelling-house next became unoccupied;

and for purposes of this Case “employed” and “agriculture” have the same meanings as in the M6Agricultural Wages (Scotland) Act 1949 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

Marginal Citations

M5 1967 c. 22.

M6 1949 c. 30.

Changes to legislation: *Rent (Scotland) Act 1984 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Marginal Citations

M5 1967 c. 22.

M6 1949 c. 30.

Case 19

Where a dwelling-house has been let on a regulated tenancy and—

- (a) the last occupier of the dwelling-house before the relevant date was a person, or the widow of a person, who was at some time during the occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the ^{M7}Agriculture (Scotland) Act 1948, and
- (b) the tenant is neither—
 - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor
 - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the ^{M8}Agriculture Act 1967, and
- (d) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the [^{F34}First-tier Tribunal] is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture;

and for the purposes of this Case “employed” and “agriculture” have the same meanings as in the ^{M9}Agricultural Wages (Scotland) Act 1949 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

Marginal Citations

M7 1948 c. 45.

M8 1967 c. 22.

M9 1949 c. 30.

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Marginal Citations

M7 1948 c. 45.

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- M8** 1967 c. 22.
M9 1949 c. 30.

Case 20

Where a dwelling-house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the dwelling-house and—

- (a) there is no longer a person with such special needs occupying the dwelling-house; and
- (b) the [^{F34}First-tier Tribunal] is satisfied that the landlord requires it for occupation (whether alone or with other members of his family) by a person who has such special needs.

Textual Amendments

- F34** Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Case 21

Where the dwelling-house is let by a person (in this Case referred to as “the owner”) at any time after 30th November 1980 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the relevant date the owner was a member of the regular armed forces of the Crown;
- (c) not later than the relevant date the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since 1st December 1980, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) above was not satisfied; and
- (e) the [^{F34}First-tier Tribunal] is of the opinion that—
 - (i) the dwelling-house is required as a residence for the owner; or
 - (ii) of the conditions set out in paragraph (c) of Case 11 of this Schedule one of those in subparagraphs (ii) to (vi) would be satisfied if the owner of the dwelling-house concerned was the owner occupier:

Provided that if the [^{F34}First-tier Tribunal] is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

In this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the ^{M10}House of Commons Disqualification Act 1975.

Marginal Citations

- M10** 1975 c. 24.

Changes to legislation: *Rent (Scotland) Act 1984 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F34 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(a\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

Marginal Citations

M10 [1975 c. 24.](#)

PART III

PROVISIONS APPLICABLE TO CASE 8 AND PART II ABOVE

- 1 ^[F38]the First-tier Tribunal] shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 8 in Part I of this Schedule if ^[F39]the Tribunal] is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

Textual Amendments

F38 Words in sch. 2 Pt. III para. 1 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(b\)\(i\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

F39 Words in sch. 2 Pt. III para. 1 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(b\)\(ii\)](#); [S.S.I. 2017/330, art. 3, sch.](#)

- 2 Any reference in Part II of this Schedule to the relevant date shall be construed as follows:—
- (a) except in the case of a regulated furnished tenancy, if the protected tenancy, or in the case of a statutory tenancy the previous contractual tenancy, was created before 8th December 1965, the relevant date means 7th June 1966;
 - (b) in the case of a regulated furnished tenancy, if the tenancy or, in the case of a statutory furnished tenancy, the previous contractual tenancy was created before 14th August 1974, the relevant date means 14th February 1975;
 - (c) in the case of a tenancy which became a regulated tenancy by virtue of section 4(3) above, the relevant date means 8th February 1981; and
 - (d) in any other case, the relevant date means the date of the commencement of the regulated tenancy in question.

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

- 1 For the purposes of section 11(1)(a) above, a certificate of the housing authority for the district in which the dwelling-house in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

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- 2 Where no certificate as is mentioned in paragraph 1 above is produced to the [F40First-tier Tribunal], accommodation shall be deemed to be suitable for the purposes of section 11(1)(a) above if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
 - (b) premises to be let as a separate dwelling on terms which will, in the opinion of the [F40Tribunal], afford to the tenant security of tenure reasonably equivalent to the security afforded by Part II of this Act in the case of a protected tenancy,
- and in the opinion of the [F40Tribunal], the accommodation fulfils the relevant conditions as defined in paragraph 3 below.

Textual Amendments

F40 Words in sch. 2 Pt. IV para. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(c\)\(i\)](#); S.S.I. 2017/330, art. 3, [sch.](#)

- 3 (1) For the purposes of paragraph 2 above, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are, in the opinion of the [F41First-tier Tribunal], similar to those of the tenant and his family; or
 - (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character;
- and that if any furniture was provided for use under the protected or statutory tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family.
- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of a housing authority stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
 - (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.

Textual Amendments

F41 Words in sch. 2 Pt. IV para. 3(1)(a) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(c\)\(ii\)](#); S.S.I. 2017/330, art. 3, [sch.](#)

- 4 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of section [F42135] of the ^{M11}Housing (Scotland) Act [F421987].

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Textual Amendments

F42 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339, **Sch. 23 para. 29(8)(a)**

Marginal Citations

M11 [1966 c. 49](#).

- 5 Any document purporting to be a certificate of a housing authority named therein issued for the purposes of this Schedule and to be signed by the clerk to that authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.
- 6 In this Schedule “housing authority” means a local authority for the purposes of Part [^{F43}I] of the [Housing \(Scotland\) Act \[^{F43}1987\]](#), and “district”, in relation to such an authority, means the district for supplying the needs of which the authority has power under that Part of that Act.

Textual Amendments

F43 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339, **Sch. 23 para. 29(8)(b)**

SCHEDULE 3

. . . **F44**

Textual Amendments

F44 [Sch. 3](#) repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(3), **Sch. 10**

^{F45}SCHEDULE 4

Textual Amendments

F45 [Sch. 4](#) repealed (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 1(2)** (with sch. 1)

Changes to legislation: Rent (Scotland) Act 1984 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5

APPLICATIONS FOR REGISTRATION OF RENTS

PART I

APPLICATIONS UNSUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on applications to rent officer

- 1 On receiving any application for the registration of a rent, the rent officer may, by notice in writing served on the landlord or the tenant (whether or not the applicant or one of the applicants), require him to give to the rent officer, within such period of not less than 14 days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.
- 2 Where the application is made by the landlord alone the rent officer shall serve on the tenant, and where it is made by the tenant alone he shall serve on the landlord, a notice informing him of the application and specifying a period of not less than 14 days from the service of the notice during which representations in writing may be made to the rent officer against the registration of the rent specified in the application.
- 3 (1) Where—
 - (a) the application is made jointly by the landlord and the tenant, or
 - (b) no representations are made as mentioned in paragraph 2 above,and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.
- (2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.
- 4 Where the rent officer, in carrying out his functions under this Part of this Schedule, inspects a dwelling-house, he shall explain to the tenant or to his spouse, if either is present at the inspection, the procedure upon an application for the registration of a rent under this Part of this Schedule.
- 5 (1) Where representations are made as mentioned in paragraph 2 above or the rent officer is not satisfied that the rent specified in the application is a fair rent or, as the case may be, that the rent for the time being registered is any longer a fair rent, he shall serve a notice under this paragraph.
- (2) A notice under this paragraph shall be served on the landlord and on the tenant informing them that the rent officer proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice to consider in consultation with landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be so registered.

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- (3) At any such consultaion the landlord and the tenant may each be represented by a person authorised by him in that behalf, whether or not that person is an advocate or a solicitor.
- 6 After considering, in accordance with paragraph 5 above, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—
- (a) determine a fair rent and register it as the rent for the dwelling-house; or
 - (b) confirm the rent for the time being registered and note the confirmation in the register;
- and shall notify the landlord and the tenant accordingly by a notice stating that if, within 28 days of the service of the notice or such longer period as he or ^{F46}the First-tier Tribunal] may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to ^{F46}the First-tier Tribunal].

Textual Amendments

F46 Words in Sch. 5 para. 6 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(a\)](#) (with sch. 1)

- 7 (1) If such an objection as is mentioned in paragraph 6 above is received, then—
- (a) if it is received within the period of 28 days specified in that paragraph or ^{F47}the First-tier Tribunal] so ^{F48}directs] the rent officer shall refer the matter to ^{F47}the First-tier Tribunal];
 - (b) if it is received after the expiry of that period the rent officer may either refer the matter to ^{F47}the First-tier Tribunal] or seek the directions of ^{F47}the First-tier Tribunal] whether so to refer it.
- (2) The rent officer shall indicate in the register whether the matter has been referred to ^{F49}the First-tier Tribunal] in pursuance of this paragraph.

Textual Amendments

F47 Words in Sch. 5 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(b\)\(i\)](#) (with sch. 1)

F48 Word in Sch. 5 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(b\)\(i\)](#) (with sch. 1)

F49 Words in Sch. 5 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(b\)\(ii\)](#) (with sch. 1)

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[^{F50}Determination of fair rent by the First-tier Tribunal]

Textual Amendments

F50 Sch. 5 para. 8 cross-heading substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(28\)\(d\)](#) (with sch. 1)

- 8 (1) The [^{F51}First-tier Tribunal] to whom a matter is referred under paragraph 7 above—
- (a) may by notice in the prescribed form served on the landlord or the tenant require him to give to the [^{F52}First-tier Tribunal], within such period of not less than 14 days from the service of the notice as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of paragraph 1 above, as [^{F53}it] may reasonably require; and
 - (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than 14 days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the [^{F52}First-tier Tribunal].
- (2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a) above, he shall be liable to a fine not exceeding level 3 on the standard scale.
- (3) Where an offence under sub-paragraph (2) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

- F51** Words in Sch. 5 para. 8(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(28\)\(c\)\(i\)](#) (with sch. 1)
- F52** Words in Sch. 5 para. 8(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(28\)\(c\)\(ii\)](#) (with sch. 1)
- F53** Word in Sch. 5 para. 8(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(28\)\(c\)\(iii\)](#) (with sch. 1)

- 9 Where, within the period specified in paragraph 8(1)(b) above, or such further period as the [^{F54}First-tier Tribunal] may allow, the landlord or the tenant requests to make oral representations the [^{F54}First-tier Tribunal] shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is an advocate or a solicitor.

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Textual Amendments

F54 Words in Sch. 5 para. 9 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(e\)](#) (with sch. 1)

- 10 (1) The [^{F55}First-tier Tribunal] shall make such inquiry, if any, as [^{F56}it thinks] fit and consider any information supplied or representation made to [^{F57}it] in pursuance of paragraph 8 or 9 above and—
- (a) if it appears to [^{F57}it] that the rent registered or confirmed by the rent officer is a fair rent, [^{F57}it] shall confirm that rent;
 - (b) if it does not appear to [^{F57}it] that that rent is a fair rent, [^{F58}it] shall determine a fair rent for the dwelling-house.
- (2) Where the [^{F59}First-tier Tribunal] confirm or determine a rent under this paragraph [^{F60}it] shall notify the landlord, the tenant and the rent officer of [^{F58}its] decision and, in the case of the determination of a rent, of the date on which [^{F58}its] decision was made.
- (3) On receiving the notification, the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the [^{F61}First-tier Tribunal] as the rent for the dwelling-house.

Textual Amendments

- F55** Words in Sch. 5 para. 10(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(i\)](#) (with sch. 1)
- F56** Words in Sch. 5 para. 10(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(ii\)](#) (with sch. 1)
- F57** Word in Sch. 5 para. 10(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(iii\)](#) (with sch. 1)
- F58** Word in Sch. 5 para. 10(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(iv\)](#) (with sch. 1)
- F59** Words in Sch. 5 para. 10(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(i\)](#) (with sch. 1)
- F60** Word in Sch. 5 para. 10(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(iii\)](#) (with sch. 1)
- F61** Words in Sch. 5 para. 10(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(f\)\(i\)](#) (with sch. 1)

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PART II

APPLICATIONS SUPPORTED BY CERTIFICATE OF FAIR RENT

Procedure on applications to rent officer

- 11 (1) On receiving an application for the registration of a rent which is made as mentioned in section 47(4) above, the rent officer shall ascertain whether the works specified in the certificate of fair rent have been carried out in accordance with the plans and specifications which accompanied the application for the certificate or, as the case may be, whether—
- (a) the condition of the dwelling-house is the same as at the date of the certificate, and
 - (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accord with the prescribed particulars contained in the application for the certificate.
- (2) If the rent officer is satisfied that the works have been so carried out or, as the case may be, that—
- (a) the dwelling-house is in the same condition as at the date of the certificate, and
 - (b) if any furniture is or is to be provided for use under a regulated tenancy of the dwelling-house, the quantity, quality and condition of the furniture in the dwelling-house accord with the prescribed particulars contained in the application for the certificate,
- he shall register the rent in accordance with the certificate.
- (3) If the rent officer is not satisfied as mentioned in sub-paragraph (2) above, he shall serve on the applicant a notice stating the matters with respect to which he is not so satisfied and informing him that if, within 14 days from the service of the notice or such longer period as the rent officer or ^{F62}the First-tier Tribunal] may allow, the applicant makes a request in writing to that effect, the rent officer will refer the matter to ^{F62}the First-tier Tribunal].

Textual Amendments

F62 Words in Sch. 5 para. 11(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(28\)\(g\)](#) (with [sch. 1](#))

- 12 If such a request as is mentioned in paragraph 11(3) above is made, then—
- (a) if it is made within the period of 14 days specified in that paragraph or ^{F63}the First-tier Tribunal] so ^{F64}directs], the rent officer shall refer the matter to ^{F63}the First-tier Tribunal];
 - (b) if it is made after the expiry of that period, the rent officer may either refer the matter to ^{F63}the First-tier Tribunal] or seek the directions of ^{F63}the First-tier Tribunal] whether so to refer it

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Textual Amendments

- F63** Words in Sch. 5 para. 12 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(h\)\(i\)](#) (with sch. 1)
- F64** Word in Sch. 5 para. 12(a) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(h\)\(ii\)](#) (with sch. 1)

Procedure on references to ^{F65}private rented housing] committee

Textual Amendments

- F65** Words in Sch. 5 para. 13 cross-heading substituted (3.9.2007) by [Housing \(Scotland\) Act 2006 \(asp 1\), s. 195\(3\), sch. 6 para. 5\(f\)](#) (with s. 193); S.S.I. 2007/270, art. 3

- 13 (1) [^{F66}Where a matter is referred under paragraph 12 to the First-tier Tribunal] shall give the applicant an opportunity to make representations in writing or to be heard either in person or by a person authorised by him in that behalf, whether or not that person is an advocate or a solicitor.
- (2) After considering any representations made, under sub-paragraph (1) above, the [^{F67}First-tier Tribunal] shall notify the rent officer and the applicant whether [^{F68}it is] satisfied as mentioned in paragraph (2) above and—
- (a) if [^{F68}it is] so satisfied [^{F69}it shall] direct the rent officer to register the rent in accordance with the certificate;
 - (b) if [^{F68}it is] not so satisfied [^{F69}it shall] direct the rent officer to refuse the application for registration.

Textual Amendments

- F66** Words in Sch. 5 para. 13(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(i\)\(i\)](#) (with sch. 1)
- F67** Words in Sch. 5 para. 13(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(i\)\(ii\)\(aa\)](#) (with sch. 1)
- F68** Words in Sch. 5 para. 13(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(i\)\(ii\)\(bb\)](#) (with sch. 1)
- F69** Words in Sch. 5 para. 13(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(28\)\(i\)\(ii\)\(cc\)](#) (with sch. 1)

Provisional registration

- 14 Where a rent is registered in pursuance of such an application as is mentioned in paragraph 11(1) above by a person who intends to grant a regulated tenancy, the registration shall be provisional only until the regulated tenancy is granted and shall

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be of no effect unless the rent officer is notified in the prescribed manner, within one month from the date of the registration or such longer time as the rent officer may allow, that the regulated tenancy has been granted.

- 15 Where a registration is made as mentioned in paragraph 14 above, the rent officer shall indicate in the register that it is so made and—
- (a) if he is notified as mentioned in that paragraph that the regulated tenancy has been granted he shall indicate that fact in the register;
 - (b) if he is not so notified he shall delete the registration.

PART III

SUPPLEMENTAL

- 16 There shall be included, among the matters with respect to which representations may be made or consultations are to be held or notices to be given under Parts I and II of this Schedule, any amount to be noted in the register in pursuance of section 49(2) above and any amount to be recorded in the register in pursuance of an order made under section 33 above.

SCHEDULE 6

CERTIFICATES OF FAIR RENT

- 1 An application for a certificate of fair rent—
- (a) must be in the prescribed form;
 - (b) must state the rent to be specified in the certificate;
 - (c) in the case mentioned in paragraph (a) of section 47(1) above, must be accompanied by plans and specifications of the works to be carried out and, if the works to be carried out are works of improvement, must state whether the dwelling-house is for the time being subject to a regulated tenancy; and
 - (d) if any furniture is to be provided for use under a regulated tenancy of the dwelling-house, must contain the prescribed particulars with regard to any such furniture.
- 2 (1) If it appears to the rent officer that the information supplied to him is insufficient to enable him to issue a certificate of fair rent he shall serve on the applicant a notice stating that he will not entertain the application and that, if a request in writing to that effect is made by the applicant within 14 days from the service of the notice or such longer period as a rent officer or ^{F70}the First-tier Tribunal may allow, the rent officer will refer the application to ^{F70}the First-tier Tribunal].
- (2) If such a request is made, then—
- (a) if it is made within the period of 14 days referred to in sub-paragraph (1) above or ^{F71}the First-tier Tribunal so directs], the rent officer shall refer the application to ^{F72}the First-tier Tribunal];
 - (b) if it is made after the expiry of that period, the rent officer may either refer the application to ^{F72}the First-tier Tribunal] or seek the directions of ^{F72}the First-tier Tribunal] whether so to refer it.

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Textual Amendments

- F70** Words in Sch. 6 para. 2(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(a\)\(i\)](#) (with sch. 1)
- F71** Words in Sch. 6 para. 2(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(a\)\(ii\)\(aa\)](#) (with sch. 1)
- F72** Words in Sch. 6 para. 2(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(a\)\(ii\)\(bb\)](#) (with sch. 1)

- 3 If it appears to the rent officer that the information supplied to him is sufficient and that the rent stated in the application would be a fair rent he may, unless the dwelling-house is subject to a regulated tenancy, issue a certificate specifying that rent and the other terms referred to in section 47(2) above.
- 4 (1) If it appears to the rent officer that the information is sufficient but either—
- (a) he is not satisfied that the rent stated in the application would be a fair rent, or
 - (b) the dwelling-house is subject to a regulated tenancy,
- he shall serve on the applicant a notice stating that he proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice, to consider in consultation with the applicant, if present at that time and place, what rent ought to be specified in the certificate.
- (2) At any such consultation the applicant may be represented by a person authorised by him in that behalf, whether or not that person is an advocate or a solicitor.
- 5 After considering in accordance with paragraph 4 above what rent ought to be specified in the certificate, the rent officer shall determine a fair rent and shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within 14 days from the service of the notice, or such longer period as the rent officer or ^{F73}the First-tier Tribunal] may allow, the applicant requests in writing that the application should be referred to ^{F73}the First-tier Tribunal].

Textual Amendments

- F73** Words in Sch. 6 para. 5 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(b\)](#) (with sch. 1)

- 6 (1) If such a request as is referred to in paragraph 5 above is made, then—
- (a) if it is made within the period of 14 days referred to in that paragraph or ^{F74}the First-tier Tribunal so directs], the rent officer shall refer the application to ^{F75}the First-tier Tribunal];
 - (b) if it is made after the expiry of that period, the rent officer may either refer the application to ^{F75}the First-tier Tribunal] or seek the directions of ^{F75}the First-tier Tribunal] whether so to refer it.
- (2) If no such request is made or if such a request is made but the application is not referred to ^{F76}the First-tier Tribunal], the rent officer shall issue the certificate.

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Textual Amendments

- F74** Words in Sch. 6 para. 6(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(c\)\(i\)\(aa\)](#) (with sch. 1)
- F75** Words in Sch. 6 para. 6(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(c\)\(i\)\(bb\)](#) (with sch. 1)
- F76** Words in Sch. 6 para. 6(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(c\)\(ii\)](#) (with sch. 1)

- 7 (1) Where an application is referred to [^{F77}the First-tier Tribunal], then if the reference is under paragraph 2 above and it appears to the [^{F78}First-tier Tribunal] that the information supplied by the applicant to the rent officer is insufficient to enable a certificate of fair rent to be issued [^{F79}it] shall notify the applicant accordingly.
- (2) In any other case where an application is referred to [^{F80}the First-tier Tribunal], it shall serve on the applicant a notice specifying a period of not less than 14 days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the [^{F81}First-tier Tribunal].
- (3) Where, within the period specified under sub-paragraph (2) above or such further period as the [^{F82}First-tier Tribunal] may allow, the applicant requests to make oral representations, the [^{F82}First-tier Tribunal] shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is an advocate or a solicitor.

Textual Amendments

- F77** Words in Sch. 6 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(d\)\(i\)\(aa\)](#) (with sch. 1)
- F78** Words in Sch. 6 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(d\)\(i\)\(bb\)](#) (with sch. 1)
- F79** Word in Sch. 6 para. 7(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(d\)\(i\)\(cc\)](#) (with sch. 1)
- F80** Words in Sch. 6 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(d\)\(ii\)\(aa\)](#) (with sch. 1)
- F81** Words in Sch. 6 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(d\)\(ii\)\(bb\)](#) (with sch. 1)
- F82** Words in Sch. 6 para. 7(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 1\(29\)\(d\)\(iii\)](#) (with sch. 1)

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- 8 (1) After considering any representation made to them in pursuance of paragraph 7 above, the [F83First-tier Tribunal] shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly.
- (2) On receiving the notification the rent officer shall issue to the applicant a certificate of fair rent specifying the rent determined by the [F83First-tier Tribunal].

Textual Amendments

F83 Words in Sch. 6 para. 8 substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\), reg. 1\(2\), sch. 2 para. 1\(29\)\(e\)](#) (with sch. 1)

- 9 Where an application under this Schedule is made with respect to a dwelling-house which it is intended to improve and the dwelling-house is subject to a regulated tenancy—
- (a) a notice under paragraph 4, 5, 7(2) or 8 above shall be served on the tenant as well as on the applicant and any notice served under paragraph 4, 5 or 7(2) above shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant;
 - (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly; and
 - (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.
- 10 Where the rent specified in a certificate of fair rent includes any amount which, if the rent specified in the certificate had been registered, would require to be noted on the register in pursuance of section 49(2) above, that amount shall be noted on the certificate; and there shall be included among the matters with respect to which representations may be made or consultations are to be held or notices to be given under this Schedule, any amount to be noted on the certificate in pursuance of this paragraph.

SCHEDULE 7

PREMIUM ALLOWED ON ASSIGNATION OF TENANCY WHERE PREMIUM LAWFULLY PAID ON GRANT

- 1 (1) The provisions of this Schedule apply where—
- (a) a premium was lawfully required and paid, or lawfully received, in respect of the grant, continuance or renewal of a protected tenancy of a dwelling-house which is a regulated tenancy; and
 - (b) since that grant, continuance or renewal, the landlord has not granted a tenancy of the dwelling-house under which, as against the landlord, a person became entitled to possession, other than the person who was so entitled to possession of the dwelling-house immediately before that tenancy began; and
 - (c) a rent for the dwelling-house is registered under Part V of this Act and the rent so registered is higher than the rent payable under the tenancy.

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- (2) Any reference in this Schedule to a premium does not include a premium which consisted only of any such outgoings, sum or amount as fall within section 83(3) above and, in the case of a premium which included any such outgoings, sum or amount, so much only of the premium as does not consist of those outgoings, sum or amount shall be treated as the premium for the purposes of this Schedule.
- 2 In a case where this Schedule applies, nothing in section 83 above shall prevent any person from requiring or receiving on an assignation of the protected tenancy referred to in paragraph 1(1)(a) above or any subsequent protected tenancy of the same dwelling-house, a premium which does not exceed an amount calculated (subject to paragraph 4 below) in accordance with the formula in paragraph 3 below.
- 3 The formula mentioned in paragraph 2 above is
- 4 (1) If, although the registered rent is higher than the rent payable under the tenancy, the lump sum equivalent of the difference is less than the premium, paragraph 3 above shall have effect as if P were the lump sum equivalent.
- (2) For the purposes of this Schedule, the lump sum equivalent of the difference between the two rents referred to in sub-paragraph (1) above shall be taken to be that difference multiplied by the number of complete rental periods falling within the period beginning with the grant, continuance or renewal in respect of which the premium was paid and ending on the relevant date.
- 5 F84

Textual Amendments
F84 Sch. 7 para. 5 repealed by Housing (Scotland) Act 1988 (c. 43, SIF 61), s. 72(3), Sch. 10

- 6 (1) Any reference in this Schedule to the relevant date shall be construed in accordance with this paragraph.
- (2) Where at the date when the assignation takes effect the tenancy referred to in paragraph 1(1)(a) above was granted, continued or renewed for a specified period exceeding seven years and that period has not terminated, the relevant date is the termination of that period.
- (3) In any other case the relevant date is the date of the expiration of seven years from the commencement of the tenancy, or, as the case may be, from the continuance or renewal of the tenancy, in respect of which the premium was paid.
- (4) The provisions of this paragraph shall apply to a tenancy for a specified period exceeding seven years notwithstanding that it is liable to be terminated by re-entry or on the happening of any event other than the giving of notice by the landlord to terminate the tenancy; and where a tenancy may be terminated by the giving of such notice by the landlord it shall be deemed to be a tenancy for a specified period expiring on the earliest date on which such a notice given after the date of the assignation would be capable of taking effect.

Changes to legislation: *Rent (Scotland) Act 1984 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 8

ENACTMENTS AMENDED

PART I

General provisions

- 1 Any reference in any enactment (other than this Act) to any provision in any enactment repealed by this Act shall, unless the context otherwise requires, be construed as a reference to the corresponding provision in this Act, and the following amendments of other enactments shall have effect without prejudice to the generality of this provision.
- 2 Any reference, however expressed, in any enactment (other than this Act) to the Rent Acts or the Rent Restrictions Acts or the Rent (Scotland) Act 1971 shall, unless the context otherwise requires, be construed as a reference to the corresponding provisions of this Act.

PART II

Specific amendments

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

In section 15, for “1971”, “85(1)” and “93” substitute respectively “1984”, “63(1)” and “72” and in subsection (1A), for from “after” to “1980” substitute “on or after 1st December 1980”.

In section 16(3) and (4), for “1971” and “22 or 23” substitute respectively “1984” and “30 or 31”.

In section 17, for “119” and “1971” substitute respectively “97” and “1984”.

In section 20, for “1971” “Schedule 3” and “section 10(1)” substitute respectively “1984”, “Schedule 2” and “section 11(1)”.

In section 22(3A), for “1971” substitute “1984”.

In section 23, for “1971” and “133(1)” substitute respectively “1984” and “115(1)”.

The Housing (Scotland) Act 1966 (c. 49)

In section 123(3), for “tribunal”, “84” and “1971” substitute respectively “rent assessment committee”, “44” and “1984”.

The New Towns (Scotland) Act 1968 (c. 16)

In section 22(4), for “1971” and “131” substitute respectively “1984” and “112”.

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The Housing (Scotland) Act 1969 (c. 34)

In section 62(1), after “terminated” insert “and subject to section 58 of the Rent (Scotland) Act 1984.”

The Fire Precautions Act 1971 (c. 40)

In section 28(5), in paragraph (b), for “12” and “1971” substitute “15” and “1984” and, in paragraph (c), for “133(1)” and “1971” substitute “115(1)” and “1984”.

In section 34, for from “sections 60” to the end substitute “the Rent (Scotland) Act 1984”.

In Part III of the Schedule, for “Act of 1971”, “III of the Act of 1971”, “IV”, “19”, “19(2)”, “21”, “21(2)”, “41”, “43(3)(a)”, “section 43(3) of this Act” and “Schedule 7” wherever they occur substitute respectively “Act of 1984”, “IV of the Act of 1984”, “V”, “28”, “28(2)”, “29”, “29(2)”, “47”, “49(5)(a)”, “49(5) below” and “Schedule 6”.

In Part IV of the Schedule, (a) for “Act of 1972”, the “Housing (Financial Provisions) (Scotland) Act 1972” and “sections 60 to 66” wherever they occur substitute respectively “Act of 1984”, “the Rent (Scotland) Act 1984” and “sections 55 to 59”; (b) for “61”, “62(2)”, “62(3)”, “63(2)” and “sections 63 to 64” wherever they occur substitute respectively “56”, “57(2)”, “57(3)”, “58(2)” and “section 58”; and (c) at end insert following paragraphs—

- “5 There shall be inserted the words “and Part IV of the Schedule to the Fire Precautions Act 1971” in section 57 of the Act of 1984—
 - (a) in subsection (2), after the words “58 below”; and
 - (b) in subsection (3), after the words “(5) below”.
- 6 There shall be inserted the words “and paragraph 3 of Part IV of the Schedule to the Fire Precautions Act 1971” in section 58(2) of the Act of 1984 after the words “57(5) above”.”

The Housing (Scotland) Act 1974 (c. 45)

In section 40, for “123(1)”, “1971” and “(3)” substitute respectively “103(1)”, “1984” and “(2)”.

In section 41, for “1971” substitute “1984”.

The Tenant’s Rights, Etc. (Scotland) Act 1980 (c. 52)

In section 17(2), after “terminated”, insert “and subject to section 58 of the Rent (Scotland) Act 1984.”

In section 46, in subsection (1), for “1971 Act”, where these words second occur, substitute “Rent (Scotland) Act 1984” and, in subsection (2), for “section 9 of the 1971 Act shall not” substitute “neither section 9 of the 1971 Act nor section 10 of the Rent (Scotland) Act 1984 shall”.

The Local Government, Planning and Land Act 1980 (c. 65)

In Schedule 28, in paragraph 10, after “1975” insert “or the Rent (Scotland) Act 1984”.

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SCHEDULE 9

Section 117(2).

SAVINGS AND TRANSITIONAL PROVISIONS

- 1 In so far as any regulation, order, scheme, agreement, dissent, election, reference, representation, appointment or apportionment made, notice served, certificate issued, statement supplied, undertaking or direction given, rent registered or other thing done, under or by virtue of an enactment repealed by this Act could have been made served, issued, supplied, given, registered or done under or by virtue of the corresponding provision of this Act, it shall have effect as if made, served, issued, supplied, given, registered or done under or by virtue of that corresponding provision.
 - 2 Any document made, served or issued before the passing of this Act or at any time thereafter (whether before or after the commencement of this Act) and containing a reference to an enactment repealed by this Act shall, except in so far as a contrary intention appears, be construed as referring, or, as the context requires, as including a reference, to the corresponding provision of this Act.
 - 3 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
 - 4 Nothing in this Act shall prevent an offence against an enactment repealed by this Act from being prosecuted under the corresponding provision of this Act but, on conviction of such an offence, the fine or other penalty imposed shall be that laid down in such enactment as if it had not been repealed.
 - 5 A conviction of an offence under an enactment repealed by this Act shall be treated for the purposes of this Act as a conviction of an offence under the corresponding provision of this Act.
 - 6 Nothing in this Act shall affect the continued operation after the commencement of this Act of any saving or transitional provision contained in an enactment repealed by this Act insofar as it was operating immediately before the commencement of this Act.
- [^{F857} The amendments to this Act made by Schedule 2 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 shall be deemed to have had effect from the commencement of this Act.]

Textual Amendments

- F85** Sch. 9 para. 7 inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 75:2\)](#), s. 59, [Sch. 2 para. 30](#)

SCHEDULE 10

Section 117(3).

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
1965 c. 75.	Rent Act 1965.	The whole Act.

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1971 c. 28.	Rent (Scotland) Act 1971.	The whole Act, except, in Schedule 18, Part II.
1971 c. 40.	Fire Precautions Act 1971.	In section 34, the words “Part III of” and the words from “after the Rent” to “effect”. In the Schedule, in Part III, paragraphs 1, 3(1)(c), 3(2) and 3(3); and in Part IV, in paragraph 3, the words from “or is the amount” to “64 (4)”.
1971 c. 58.	Sheriff Courts (Scotland) Act 1971.	In Schedule 1, paragraph 4.
1972 c. 46.	Housing (Financial Provisions) (Scotland) Act 1972.	Section 36. Sections 39 to 43. Sections 45 to 50. Sections 60 to 63. Sections 66 and 67. Section 68(2). Section 77. In section 81(2), the words from “and the Rent” to the end. Schedule 7. In Schedule 9, paragraphs 22 to 30, 31(2) and (3) and 32. In Schedule 10, paragraph 4.
1972 c. 71.	Criminal Justice Act 1972.	Section 30.
1974 c. 44.	Housing Act 1974.	In Schedule 13, paragraph 23(5) to (7).
1974 c. 45.	Housing (Scotland) Act 1974.	In Schedule 3, paragraphs 34 to 40 and 43.
1974 c. 51.	Rent Act 1974.	The whole Act.
1975 c. 28.	Housing Rents and Subsidies (Scotland) Act 1975.	Section 17(3). In Schedule 3, paragraph 4.
1978 c. 14.	Housing (Financial Provisions) (Scotland) Act 1978.	Section 14.

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1980 c. 52.	Tenants' Rights, Etc. (Scotland) Act 1980.	Sections 34 to 36. Section 37, except subsections (1) and (5). Section 38. Section 40. Section 41, except subsection (4). Sections 42 to 45. Section 46(3) and (4). Sections 47 and 48. Section 49(3). Sections 50 to 63. Section 64(2).
1980 c. 61.	Tenants' Rights, Etc. (Scotland) Amendment Act 1980.	Section 2(b), (c) and (d).
1980 c. 65.	Local Government, Planning and Land Act 1980.	Section 155(2).
1982 c. 48.	Criminal Justice Act 1982.	In Schedule 15, paragraph 14.

TABLE OF DERIVATIONS NOTE: THE FOLLOWING
ABBREVIATIONS ARE USED IN THIS TABLE:

1965 =	The Rent Act 1965 (1965 c. 75).
1970 =	The Agriculture Act 1970 (1970 c. 40).
1971 =	The Rent (Scotland) Act 1971 (1971 c. 28)
1972 =	The Housing (Financial Provisions) (Scotland) Act 1972 (1972 c. 46)
1972 (c. 71) =	The Criminal Justice Act 1972 (1972 c. 71).
1973 =	The Local Government (Scotland) Act 1973 (1973 c. 65).
1974 (c. 44) =	The Housing Act 1974 (1974 c. 44).
1974 (c. 45) =	The Housing (Scotland) Act 1974 (1974 c. 45).
1974 =	The Rent Act 1974 (1974 c. 51).
1975 =	The Criminal Procedure (Scotland) Act 1975 (1975 c. 21).
1975 (c. 28) =	The Housing Rents and Subsidies (Scotland) Act 1975 (1975 c. 28).

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1978 =	The Housing (Financial Provisions) (Scotland) Act 1978 (1978 c. 14).
1980 =	The Tenants' Rights, Etc. (Scotland) Act 1980 (1980 c. 52).
1980 (c. 61) =	The Tenants' Rights, Etc. (Scotland) Amendment Act 1980(1980 c. 61).
1980 (c. 65) =	The Local Government, Planning and Land Act 1980 (1980 c. 65).
1982 =	The Criminal Justice Act 1982 (1982 c. 48).
S.I. 1980H =	The Increase of Rent Restriction (Housing Association) (Scotland) Order 1980 (S.I. 1980 No. 1668).
S.I. 1980P =	The Protected Tenancies and Part VII Contracts (Rateable Value Limits) (Scotland) Order 1980 (S.I. 1980 No. 1669).
S.I. 1981 =	The Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981 No. 1670).

Provision	Derivation
1	1971 s. 1; 1972 s. 77(1); 1974 s. 2(3); 1980 s. 43(a); S.I. 1980P.
2	1971 s. 2; 1972 s. 36(4); 1974 ss. 1(4)(a), 2.
3	1971 s. 3.
4	1971 s. 4; 1980 ss. 40(b), 43(a).
5	1971 s. 5; 1973 Sch. 13 para. 1; 1974 (c. 44) s. 18(1), Sch. 13 para. 22; 1975 (c. 28) Sch. 3 para. 4; 1980 (c. 65) s. 155(2).
6	1971 s. 5A; 1974 Sch. 2 para. 2; 1980 ss. 44, 45.
7	1971 s. 6; 1980 s. 40(2).
8	1971 s. 7.
9	1980 s. 34.
10	1971 s. 9.
11	1971 s. 10.
12	1971 s. 11.
13	1980 s. 35.
14	1980 s. 36(1), (2), (4).
15	1971 s. 12.
16	1971 s. 13; 1975 ss. 289F(8), 289G(4).

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17	1971 s. 14.
18	1971 s. 15; 1975 ss. 289F(8), 289G(4).
19	1971 s. 17.
20	1974 s. 13.
21	1971 s. 18.
22	1965 s. 30; 1972 (c. 71) s. 30; 1975 s. 289B(1)(6); 1982 s. 55(2).
23	1965 s. 32; 1971 Sch. 18 Pt. II; 1980 s. 42.
24	1965 s. 33; 1970 s. 99.
25	1965 ss. 34, 35; 1971 Sch. 18 Pt. II.
26	1965 s. 36.
27	1965 s. 45.
28	1971 s. 19; 1975 (c. 28) Sch. 2 para. 11; 1980 s. 37(6).
29	1971 s. 21; 1972 s. 36(3), Sch. 9 para. 23; 1975 (c. 28) Sch. 2 para. 12; 1980 ss. 37(6), 48(2), 49(3), 61.
30	1971 s. 22.
31	1971 s. 23.
32	1971 s. 25.
33	1980 s. 37(2)–(4).
34	1972 s. 42; 1975 (c. 28) Sch. 2 para. 18; 1980 s. 38(1).
35	1972 s. 43.
36	1972 s. 45; 1975 (c. 28) Sch. 2 para. 19.
37	1971 s. 31(1)–(3); 1975 (c. 28) Sch. 2 para. 13; 1980 s. 37(6).
38	1971 s. 31(4), (5); 1975 (c. 28) Sch. 2 para. 13; 1980 s. 37(6); 1975 ss. 289F(8), 289G(4).
39	1971 s. 32.
40	1971 s. 34.
41	1971 s. 35; 1972 s. 47; 1975 ss. 289F(8), 289G(4).
42	1971 s. 36; 1972 s. 36(1).
43	1971 s. 37; 1973 Sch. 13 para. 2; S.I. 1981.
44	1971 s. 38.
45	1971 s. 39; 1973 Sch. 13 para. 3.

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46	1971 s. 40; 1974 s. 4(3), Sch. 1 para. 17; 1980 s. 48(3).
47	1971 s. 41.
48	1971 s. 42; 1972 s. 36(5); 1974 Sch. 1 para. 18; 1980 s. 47.
49	1971 s. 43; 1972 s. 40; 1975 (c. 28) Sch. 2 paras. 14, 15; 1980s. 37(6).
50	1971 s. 44; 1974 s. 4(4); 1980 s. 48(1).
51	1971 s. 44A; 1972 s. 39.
52	1971 s. 44B; 1980 s. 50.
53	1971 s. 46; 1972 Sch. 9 para. 24.
54	1971 s. 47.
55	1972 s. 60; 1980 s. 38(2).
56	1972 s. 61; 1974 (c. 44) Sch. 13 para. 23(5); 1980 s. 38(3).
57	1972 s. 62; 1971 s. 33; 1974 (c. 44) Sch. 13 para. 23(6); 1975 ss. 289F(6), (8), 289G(4).
58	1972 s. 63; 1978 s. 14; S.I. 1980H, Arts. 2, 3; S.I. 1984 No. 501.
59	1972 s. 66; 1974 (c. 44) Sch. 13 para. 23(7); 1980 s. 41(3).
60	1972 s. 67; S.I. 1980H, Art. 3, proviso.
61	1972 ss. 68(2), 78(1).
62	1971 s. 83; 1973 Sch. 13 para. 6.
63	1971 s. 85; 1972 Sch. 9 para. 25; 1980 ss. 10(2), 40(3), 53(1).
64	1971 s. 86; 1972 s. 77(2); 1980 ss. 43, 54; S.I. 1980P.
65	1971 s. 87; 1975 ss. 289F(6), (8), 289G(4).
66	1971 s. 88; 1972 Sch. 9 para. 26; 1974 s. 9(1)(2).
67	1971 s. 89; 1973 Sch. 13 para. 9; 1974 s. 9(3).
68	1971 s. 90(1); 1974 s. 9(4).
69	1971 s. 91; 1974 s. 9(5); 1975 ss. 457A(3)(b), 289B(1), (6); 1982s. 55(1), (2).
70	1971 s. 91A; 1980 s. 51.
71	1971 s. 92.
72	1971 s. 93.

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73	1971 s. 94.
74	1971 s. 95; 1974 s. 10(2).
75	1971 s. 95A; 1974 s. 14(3).
76	1971 s. 95B; 1980 s. 55.
77	1971 s. 96.
78	1971 s. 97(3).
79	1971 s. 98; 1975 s. 289H.
80	1971 s. 99.
81	1971 s. 100; 1974 s. 9(6).
82	1971 s. 101; 1975 ss. 289F(8), 289G(4).
83	1971 s. 102; 1975 ss. 289F(8), 289G(4).
84	1971 s. 103.
85	1971 s. 104; 1975 ss. 289F(8), 289G(4).
86	1971 s. 105.
87	1971 s. 106; 1975 ss. 289E(5), 289F(6), (8), 289G(4).
88	1971 s. 107.
89	1971 s. 108; 1975 ss. 289F(8), 289G(4).
90	1971 s. 109; 1980 s. 57.
91	1971 s. 110(1), (3).
92	1971 s. 111.
93	1971 s. 112.
94	1971 s. 116; 1974 sch. 1 para. 19.
95	1971 s. 117.
96	1971 s. 118.
97	1971 s. 119.
98	1971 s. 119A; 1974 Sch. 1 para. 20, Sch. 2 para. 6; 1980 s. 58.
99	1971 s. 120.
100	1971 s. 121; 1975 ss. 289F(8), 289G(4).
101	1971 s. 121A; 1980 s. 60.
102	1971 s. 122; 1974 Sch. 1 para. 21.
103	1971 s. 123(1), (3); 1972 Sch. 9 para. 32.
104	1971 s. 124; 1974 Sch. 1 para. 22.
105	1971 s. 125(1), (3); 1972 Sch. 9 para. 27; 1974 Sch. 1 para. 23; 1980 s. 62.

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106	1971 ss. 80, 82; 1972 Sch. 7 para. 8; 1974 (c. 45) Sch. 3 para. 39; 1980 s. 59.
107	1971 s. 126; 1982 Sch. 15 para. 14; 1965 s. 44.
108	1971 s. 127; 1975 s. 289H.
109	1971 s. 128.
110	1971 s. 129(1).
111	1971 s. 130.
112	1971 s. 131; 1974 (c. 44) s. 123.
113	1971 s. 132; 1975 s. 289H.
114	1980 s. 83.
115	1971 ss. 2, 133; 1972 ss. 36(1), 78(1); 1973 Sch. 13 para. 11; 1974 ss. 1(1), (2), 15(1); 1980 s. 52(2); 1982 ss. 54, 74, 75.
116	1971 s. 134; 1980 s. 40(5).
117	1971 s. 135(2), (3), (5).
118	1971 s. 136.
Sch. 1	1971 Sch. 1; 1972 s. 46; 1980 s. 56(1).
Sch. 2,	
Part I	1971 Sch. 3; 1974 Sch. 1 paras. 1, 4(1); 1980 ss. 40(4), 46(4).
Part II	1971 Sch. 3; 1974 s. 3, Sch. 1 para. 5; 1980 ss. 36, 63; 1980 (c. 61) s. 2.
Part III	1971 Sch. 3; 1974 Sch. 1 para. 6; 1980 s. 40(4).
Part IV	1971 Sch. 3; 1974 Sch. 1 para. 7.
Sch. 3	1971 Sch. 4.
Sch. 4.	1971 Sch. 5; 1980 s. 64(1), (2); S.I. 1981.
Sch. 5	
Part I	1971 Sch. 6; 1972 s. 49(1); 1975 ss. 289E(5), 289F(6), (8), 289G(4); 1980 s. 48(4).
Part II	1971 Sch. 6; 1974 Sch. 1 para. 24.
Part III	1971 Sch. 6; 1972 Sch. 9 para. 29; 1975 (c. 28) Sch. 2 para. 16; 1980 .S 37(7).
Sch. 6	1971 Sch. 7; 1972 Sch. 9 para. 28; 1974 Sch. 1 para. 25.
Sch. 7	1971 Sch. 15.
Sch. 8	[Amendment of enactments].

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Sch. 9

[Savings and transitory provisions].

Sch. 10

[Enactments repealed].

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 23A(5A) words omitted by [2016 c. 19 Sch. 11 para. 2\(b\)\(iii\)](#)
- s. 23A(5B) inserted by [2002 c. 41 s. 32\(6\)](#)
- s. 25(1) words repealed by [2014 asp 14 sch. 1 para. 9](#)
- s. 49(3) words substituted by [S.S.I. 2016/337 Sch. 2 para. 1\(5\)\(b\)](#)
- s. 49(6) words substituted by [S.S.I. 2016/337 Sch. 2 para. 1\(5\)\(c\)](#)
- Sch. 6 para. 9 words substituted by [S.S.I. 2016/337 Sch. 2 para. 1\(29\)\(f\)](#)