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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2012 No.**

**LANDLORD AND TENANT**

**The Rent (Scotland) Act 1984 (Premiums) Regulations 2012**

*Made* - - - -

*Coming into force* - - *30th November 2012*

The Scottish Ministers make the following Regulations under section 89A(1) and (2)(a) of the Rent (Scotland) Act 1984(a) and all other powers enabling them to do so.

In accordance with section 89A(3) of that Act, the Scottish Ministers have consulted such persons or bodies as they consider representative of the interests of tenants, private sector landlords and persons who act as agents for such landlords, and such other persons or bodies as the Scottish Ministers consider appropriate.

In accordance with section 89A(5) of that Act, a draft of these Regulations has been laid before, and approved by resolution of, the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Rent (Scotland) Act 1984 (Premiums) Regulations 2012 and come into force on 30th November 2012.

**Green deal payments**

2. Any payments towards energy efficiency improvements under a green deal plan within the meaning of chapter 1 of the Energy Act 2011(b) are not to be treated as a premium for the purposes of Part 8 of the Rent (Scotland) Act 1984.

St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

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(a) 1984 c.58. Section 89A was inserted by section 32(2) of the Private Rented Housing (Scotland) Act 2011 (asp 14).  
(b) 2011 c.16

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 82 of the Rent (Scotland) Act 1984 (“the 1984 Act”) makes it an offence to charge or receive any premium or make any loan a condition of the grant, renewal or continuance of a protected tenancy. Section 27 of the Housing (Scotland) Act 1988 applies this provision to assured tenancies.

The Private Rented Housing (Scotland) Act 2011 inserted section 89A into the 1984 Act which gives Ministers the power to make provision about charges that may be made in connection with the grant, renewal or continuance of a tenancy, including categories of sum which are not to be treated as a premium.

Chapter 1 of the Energy Act 2011 introduces green deal plans whereby energy efficiency improvements to a property are to be paid for wholly, or partly in instalments, by the person who is liable to pay the energy bills for that property. A tenant could be liable for these payments. These Regulations clarify that payments under a green deal plan are not a premium.

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