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## 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.