



Tenants' Rights, Etc. (Scotland) Act 1980

1980 CHAPTER 52

S

An Act to make provision for Scotland, in relation to dwelling-houses let by islands and district councils and by certain other bodies, for a tenant's right to purchase the dwelling-house which he occupies; to make provision, in relation to dwelling-houses let by islands and district councils and by certain other bodies, for a tenant's right to security of tenure and to a written lease; in relation to private sector tenancies, to make provision for a new category of short tenancies; and to make other provision in relation to housing, rents and connected matters. [1st August 1985]

PARTS I, II S

1—25.^{F1} S

Textual Amendments

F1 Pts. I, II (ss. 1–25) repealed by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), [Sch. 24](#) (with savings for [ss. 16\(2\)\(3\)\(b\)](#), [24\(1\)](#) in [s. 339\(1\)](#), [Sch. 22](#) paras. 7, 12)

PART III S

26—^{F2} S
32.

Textual Amendments

F2 Pt. III (ss. 26–32) repealed by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), [Sch. 24](#)

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

PART IV S

PROVISIONS RELATING TO PRIVATE SECTOR TENANCIES

Interpretation

33 Interpretation of Part IV. S

(1) In this Part of this Act—

“the 1971 Act” means the ^{M1}Rent (Scotland) Act 1971;

“the 1972 Act” means the ^{M2}Housing (Financial Provisions) (Scotland) Act 1972;

“the 1975 Act” means the ^{M3}Housing Rents and Subsidiaries (Scotland) Act 1975; and

“short tenancy” has the meaning assigned to it in section 34 of this Act.

(2) This Part of this Act shall be construed along with the Rent (Scotland) Acts 1971 to 1975.

Marginal Citations

M1 1971 c.28.

M2 1972 c.46 (61).

M3 1975 c.28 (61).

34^{F3} — Short tenancies S 36.

Textual Amendments

F3 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

Limits on rent increase

37 Limits on rent increases. S

(1) Subject to subsection (5) below, sections 7 to 9 of the 1975 Act and Schedule 2 to that Act are repealed.

(2)

^{F4}(5) Where a rent registered for a dwelling-house under a regulated tenancy under Part IV of the 1971 Act was registered before the commencement of this section, but the full registered rent has not yet become payable by reason of the operation of section 7 of the 1975 Act, the said section 7 and Schedule 2 shall continue to have effect so as to allow increase of rent to take place under the said section 7.

(6^{F4})

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

Textual Amendments

F4 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

38 ^{F5} **S**

Textual Amendments

F5 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

39 **Amendment of Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.** **S**

- (1) The ^{M4} Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 shall be amended in accordance with this section.
- (2) In section 15 (protection of tenure of certain premises), after subsection (1) insert the following subsection—
 - “(1A) This section does not apply in relation to any tenancy entered into after the commencement of section 55 of the Tenants’ Rights, Etc. (Scotland) Act 1980.”
- (3) In section 16 (protection of tenure of premises not falling under section 15)—
 - (i) in subsection (2)(c) the words from “and” to the end are repealed;
 - (ii) for subsections (3) to (8) substitute the following subsections—
 - “(3) The rent for any rental period (that is to say, a period in respect of which an instalment of rent falls to be paid) shall be the amount payable for the last rental period before the end of the tenancy, but subject to adjustment from time to time in accordance with section 22 or 23 of the Rent (Scotland) Act 1971 (adjustment, with respect to rates, services and furniture, of recoverable rent for statutory periods before registration).
 - (4) Subsection (3) above has effect subject to any agreement between the parties for the payment of a lower rent; and where a lower rent is agreed it shall not be increased in accordance with the said section 22 or 23 but may, notwithstanding anything in any other enactment, be increased by agreement in writing between the parties up to an amount not exceeding the amount of rent provided for in subsection (3) above.”.
- (4) In section 17(2)(b) (provisions supplementary to section 16 where the accommodation is shared other than with the landlord) for “(5) to (8)” substitute “(3) and (4)”.
- (5) In section 18(2) (protection of tenure in connection with employment, under a licence or a rent-free letting) for “(5) to (8)” substitute “(3) and (4)”.

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

(6) Section 19(5) (limitation on application of Rent Acts— heritable securities) is repealed.

Modifications etc. (not altering text)

C1 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 1951 c.65

40^{F6} **S**

Textual Amendments

F6 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

Miscellaneous amendments of enactments relating to private sector tenancies

41 **S**

(1)

^{F7}(4) Section 18 of the ^{M5} Housing Act 1974 shall be amended as follows—

- (a) in subsection (2) the words “in such form as may be prescribed” are repealed; and
- (b) subsection (5) is repealed.

Textual Amendments

F7 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

Modifications etc. (not altering text)

C2 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M5 1974 c.44

42—^{F8} **S**
45.

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

Textual Amendments

F8 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

46 Conversion of all remaining controlled tenancies. S

- (1) Every controlled tenancy for the purposes of the 1971 act in existence at the date of commencement of this section shall then cease to be a controlled tenancy and shall become a regulated tenancy for the purposes of the [^{F9M6}Rent (Scotland) Act 1984]
- (2) Where a part of premises which include a dwelling-house is used as a shop or office or for business, trade or professional purposes, and the premises were let immediately before the commencement of this section under a controlled tenancy, [^{F9}neither section 9 of the 1971 Act nor section 10 of the Rent (Scotland) Act 1984 shall] prevent that tenancy becoming a regulated tenancy under subsection (1) above nor shall it prevent a new tenancy granted to the tenant or to any person who is entitled to succeed him as a statutory tenant from becoming a regulated tenancy.

(3^{F10})

Textual Amendments

F9 Words substituted by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(1), **Sch. 8 Pt. II**

F10 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

Marginal Citations

M6 1984 c.58 (75:4)

47, 48.^{F11} S

Textual Amendments

F11 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(3), **Sch. 10**

49 Repeal of provisions relating to increase of recoverable rent on account of improvements. S

- (1) Subject to subsection (2) below, sections 24, 29 and 30 of the 1971 Act, all of which relate to increase of recoverable rent on account of improvements, shall cease to have effect.
- (2) Where a notice of increase has been served by the landlord under subsection (2) of the said section 24 before the commencement of this section, the said sections 24, 29 and 30 shall continue to apply in relation to the rent increase to which the notice relates as they applied before the said commencement.

(3^{F12})

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

Textual Amendments

F12 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(3), **Sch. 10**

Modifications etc. (not altering text)

C3 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C4 The “said sections 24, 29 and 30” means [Rent \(Scotland\) Act 1971 \(c.28, SIF 75:4\)](#), **ss. 24, 29, 30**

50—^{F13} **S**
 63.

Textual Amendments

F13 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 50–63, 64(2) repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(3), **Sch. 10**

64 Pensions etc. for Rent Assessment Panel. **S**

- (1) The Secretary of State may pay or make provision for paying—
- (a) to or in respect of any member of the panel set up by section 38 of the 1971 Act, such sums by way of pensions, superannuation allowances and gratuities; and
 - (b) to any member of the said panel who ceases to be a member other than on the expiry of his term of office, where it appears to the Secretary of State that there are special circumstances which make it unjust for the member not to receive compensation, such sum by way of compensation,
- as the Secretary of State may, with the approval of [^{F14}the Treasury], determine.

(2)^{F15}

Textual Amendments

F14 Words substituted by virtue of S. 1. 1981/1670, arts. 2(1)(c)6d), 3(5)

F15 Ss. 34–36, 37(2)–(4)(6)(7), 38, 40, 41(1)–(3), 42–45, 46(3)(4), 47, 48, 49(3), 54–63, 64(2) repealed by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(3), **Sch. 10**

Modifications etc. (not altering text)

C5 [S. 64\(1\)\(a\)](#): The reference to s. 38 of the 1971 Act to be construed as a reference to s. 44 of the [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#) by virtue of Sch. 8 Pt. I para. 1 of that 1984 Act

65 Increases in penalties for offences relating to houses in multiple occupation. **S**

- (1) The Housing (Scotland) Act 1966 shall be amended as follows—
- (a) In section 100(3) for “ten pounds” substitute “ fifty pounds ”;
 - (b) in section 102(3) for “ten pounds” substitute “ fifty pounds ”;

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

- (c) in section 103(4) for paragraphs (a) and (b) substitute “ to a fine not exceeding £200 ”;
 - (d) in section 110(1)(b) leave out the words from the second “or” to the end of the paragraph;
 - (e) in section 111(5) for paragraphs (a) and (b) substitute “ to a fine not exceeding five hundred pounds ”;
 - (f) in section 112(5) for “twenty pounds” substitute “ fifty pounds ”;
 - (g) in section 185(2) after “offence”, insert “ and shall be liable on summary conviction to a fine not exceeding £200 ”
- (2) Schedule 7C to the ^{M7} Criminal Procedure (Scotland) Act 1975 shall be amended by deleting from the first column of the entry relating to the Housing (Scotland) Act 1966 the words from “where” to the end of the column.

Modifications etc. (not altering text)

C6 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M7 1975 c. 21

PART V S

MISCELLANEOUS

Improvement grants

66— ^{F16} **S**
73.

Textual Amendments

F16 Pt. V (ss. 66–81) except s. 74 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

74 Discretion of court in cases relating to instalment purchase agreements. S

- (1) Where, under the terms of an instalment purchase agreement, a person has been let into possession of a dwelling-house and, on the termination of the agreement or of his right to possession under it, proceedings are brought for possession of the dwelling-house, the court may—
- (a) adjourn the proceedings; or
 - (b) on making an order for possession of the dwelling-house, supersede extract or postpone the date of possession;
- for such period or periods as the court thinks fit.

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

- (2) On any such adjournment, superseding of extract, or postponement the court may impose such conditions with regard to the payment by the person in possession in respect of his continued occupation of the dwelling-house and such other conditions as the court thinks fit.
- (3) The court may revoke or from time to time vary any condition imposed by virtue of this section.
- (4) In this section “instalment purchase agreement” means an agreement for the purchase of a dwelling-house under which the whole or part of the purchase price is to be paid in 3 or more instalments and the completion of the purchase is deferred until the whole or a specified part of the purchase price has been paid.

75—^{F17} **S**
81.

Textual Amendments
F17 Pt. V (ss. 66–81) except s. 74 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

PART VI **S**

SUPPLEMENTARY

82—^{F18} **S**
85.

Textual Amendments
F18 Pt. VI (ss. 82–86) except s. 86 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

86 Citation, commencement and extent. **S**

- (1) This Act may be cited as the Tenants' Rights, Etc. (Scotland) Act 1980.
- (2) The Housing (Scotland) Acts 1966 to 1978 and this Act (except Part IV) may be cited together as the Housing (Scotland) Acts 1966 to 1980.
- (3) The Rent (Scotland) Acts 1971 to 1975 and Part IV of this Act, and this Part so far as it relates to the said Part IV, may be cited together as the Rent (Scotland) Acts 1971 to 1980.
- (4) This Act shall commence on a day appointed by the Secretary of State by order in a statutory instrument, and different days may be appointed for different provisions.
- (5) This Act applies to Scotland only.

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

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Modifications etc. (not altering text)

C7 Power of appointment conferred by s. 86(4) fully exercised: [S.I. 1980/1387](#)

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

SCHEDULES

A1, 1—4. **S**

SCHEDULE 5 **S**

Section 84.

Modifications etc. (not altering text)

C8 The text of ss. 39, 41(4), 49(1), 65, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

REPEALS

Chapter	Short title	Extent of repeal
62 & 63 Vict. c. 44.	Small Dwellings Acquisition Act 1899.	The whole Act.
13 & 14 Geo. 5. c. 24	Housing, &c. Act 1923.	Part III and section 25(7).
25 & 26 Geo. 5. c. 41	Housing (Scotland) Act 1935	Section 83.
12 & 13 Geo. 6. c. 61.	Housing (Scotland) Act 1949.	Section 39.
14 & 15 Geo. 6. c. 65.	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 16(1) the word “standard”. In section 16(2)(c) the words from “and” to the end. Section 16(4)(b). In section 17(2)(a) and (b) the word “standard” and in section 17(2)(a) the words from “,and” to the end. In section 18(2)(a) and (b) the word “standard” and in section 18(2)(a) the words from “,and” to the end. Section 19(5).
7 & 8 Eliz. 2. c.33.	House Purchase and Housing Act 1959.	Section 3(1).

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

		Section 31(2).
		Schedule 2.
1966 c. 49.	Housing (Scotland) Act 1966.	In section 17(2)(b) and (3), the words "with the consent of the Secretary of State". In section 17(3) the words ", or fail to make such regulations under the said subsection (2)(b) as the Secretary of State approves,". In section 91(1), the words "and after consultation with the Scottish Housing Advisory Committee". In section 91(2), the words "and the said Committee". Section 145(5)(b). Section 151(6). Section 167. In section 177(1) the words from "artistic interest" to the end. In section 177(2) the words ", and if required by the Secretary of State shall," and the words from ", and the authority" to the end.
1968 c. 31.	Housing (Financial Provisions) (Scotland) Act 1968.	In section 49(1), the words "subject to such conditions as may be approved by the Secretary of State". Section 50.
1970 c. 35.	Conveyancing and Feudal Reform (Scotland) Act 1970.	Section 9(7).
1970 c. 44.	Chronically Sick and Disabled Persons Act 1970.	Section 10.
1971 c. 28.	Rent (Scotland) Act 1971.	In section (4)1 the words from "or of" to "Cornwall". In section 5, in subsection (4), the words from the beginning to "fulfilled," and subsection (5).

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

Section 7(1) and in subsection (2) the words from "which" to the end.

Section 9(1).

Section 24.

In section 25(1) the words "or section 24(2)".

Sections 29 and 30.

In section 36, the definition of "improvement".

Part V.

Sections 70 to 76.

In section 8(2), the words "(whether a controlled or regulated tenancy)".

Section 81.

In section 82 the definitions of "qualification certificate" and "qualifying conditions".

Section 84.

In section 85 the words from "or of" to "Cornwall".

Section 97(2).

In section 100, the definition of "rent tribunal".

Section 106(8).

In section 110(1)(b), the words "either controlled heritable securities or".

Section 110(2).

In section 111(1), the words "but which is not a controlled heritable security".

Sections 113 to 115.

Section 122(1)(b).

Section 123(2), and in section 123(3), the references to sections 24(3), 49(4), 50(4), 54(2) and 69(4).

Section 125(2).

Section 129(2).

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

		<p>In section 133, the definition of “controlled tenancy”, “repairs increase”, “section 50 increase” and “standard rent”.</p> <p>Section 135(1).</p> <p>Schedule 2.</p> <p>In Schedule 3, (i) in Case 5 the words from “or, in” to “1939,”;</p> <p>(ii) Case 6</p> <p>(iii) in Case 9 the words “or as the case may be, Part V”.</p> <p>Schedule 8.</p> <p>Schedules 10 to 12.</p> <p>Schedule 14.</p> <p>Schedules 16 and 17.</p> <p>In Schedule 19, paragraphs 9, 10, 14(1)(c) and 19(1).</p>
1971 c. 40.	Fire Precautions Act 1971.	<p>In Part III of the Schedule, in paragraph 1(1), the words “or a controlled”, in paragraph 1(2), sub-paragraph (a), paragraphs 1(6) and 1(7) and 4.</p>
1972 c. 46.	Housing (Financial Provisions) (Scotland) Act 1972.	<p>Section 49(2).</p> <p>In section 50, the definition of “controlled tenancy”.</p> <p>In section 61(3), the words “subject to section 64 of this Act”.</p> <p>In section 62, in subsection (2) the words “and 64”, in subsection (4) the words “or section 64(4)”.</p> <p>64 and 65.</p> <p>In Schedule 7, paragraphs 1 to 7.</p>
1973 c. 65.	Local Government (Scotland) Act 1973.	<p>In Schedule 12, paragraph 1.</p>

Changes to legislation: There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)

		In Schedule 13, paragraphs 4, 5 and 7.
1974 c. 44.	Housing Act 1974.	In section 18, in subsection (2) the words "in such form as may be prescribed" and subsection (5).
1974 c. 45.	Housing (Scotland) Act 1974.	Section 1(2). In section 7, in subsection (1) the words "by the owner," in both places where they appear, subsection (1)(c) and the word "and" which precedes it. In section 8, in subsection (1) the words "and in subsection (2) below" and subsection (2). In section 9, in paragraph (b) of subsection (5) the words "by a member of the agricultural population". In section 10A(5), "(1A)". Section 14A(2). In section 49(3), in the definition of "owner", the words "but in Part I includes such a lessee as is mentioned in section 2(3)(a) of this Act".
1974 c. 51.	Rent Act 1974.	In Schedule 3, paragraph 37. Section 1(3).
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In Schedule 7C, in the entry relating to the Housing (Scotland) Act 1966, in the first column, the words from "where" to the end of the column.
1975 c. 28.	Housing Rents and Subsidies (Scotland) Act 1975.	Section 1(5). Section 2. In section 5, in subsection (2) the words "and the terms of any agreement shall be approved by him", in

Changes to legislation: *There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980. (See end of Document for details)*

subsection (3) the words “and to the terms”.

Sections 7 to 11.

Schedule 2.

In Schedule 3, paragraph 5.

Changes to legislation:

There are currently no known outstanding effects for the Tenants' Rights, Etc. (Scotland) Act 1980.