



Housing (Scotland) Act 1988

1988 CHAPTER 43

PART II

RENTED ACCOMMODATION

Assured tenancies—rents and other terms

24 Increases of rent under assured tenancies.

- (1) For the purpose of securing an increase in the rent under [^{F1}a statutory] assured tenancy, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect—
 - (a) if the tenancy was [^{F2}at the time of service of the notice] a contractual tenancy (whether or not renewed by operation of tacit relocation), immediately after its termination; or
 - (b) if the tenancy was [^{F2}at the time of service of the notice] not such a contractual tenancy, at any time during the tenancy,but not earlier than the expiry of the minimum period after the date of service of the notice.
- (2) The minimum period referred to in subsection (1) above is [^{F3}except in a case where section 25A applies]—
 - (a) if the assured tenancy is for 6 months or more, 6 months;
 - (b) if the assured tenancy is for less than 6 months, the duration of the tenancy or one month (whichever is the longer) [^{F4}and in any case to which section 25A applies, one month].
- (3) Where a notice is served under subsection (1) above, a new rent specified in the notice shall take effect as mentioned in the notice unless, before the beginning of the period to which the new rent relates—
 - (a) the tenant refers the notice to [^{F5}the First-tier Tribunal] in the prescribed form; or

Status: Point in time view as at 01/10/2022. This version of this provision has been superseded.

Changes to legislation: Housing (Scotland) Act 1988, Section 24 is up to date with all changes known to be in force on or before 06 August 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)

- (b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree that the rent should not be varied.
- (4) Where a notice is served under subsection (1) above but the rent under the tenancy has previously been increased (whether by agreement or by virtue of a notice under subsection (1) above or a determination under section 25 below) the new rent shall take effect not earlier than the first anniversary of the date on which that increase took effect.
- (5) Nothing in this section
- [^{F6}(a) extends to a statutory assured tenancy of which there is a term] which makes provision for an increase in rent (including provision whereby the rent for a particular period will or may be greater than that for an earlier period) by an amount specified in [^{F7}, or fixed by reference to factors specified in,] the tenancy contract or by a percentage there specified [^{F7}, or fixed by reference to factors there specified,] of an amount of rent payable under the tenancy [^{F8}or
- (b) affects the operation of any term of a contractual tenancy which makes provision for an increase in rent (including provision whereby the rent for a particular period will or may be greater than that for an earlier period)]
- [^{F9}(6) The factors referred to in subsection (5) above must be—
- (a) factors which, once specified, are not wholly within the control of the landlord; and
- (b) such as will enable the tenant at all material times to ascertain without undue difficulty any amount or percentage falling to be fixed by reference to them.]

Textual Amendments

- F1** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 100(a)**
- F2** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 100(a)**
- F3** Words in s. 24(2) inserted (1.4.1993) by S.I. 1993/658, art. 2, **Sch. 1 para. 9(a)**
- F4** Words in s. 24(2)(b) inserted (1.4.1993) by S.I. 1993/658, art. 2, **Sch. 1 para. 9(b)**
- F5** Words in s. 24(3)(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. 2(3)** (with Sch. 1)
- F6** S. 24(5)(a) substituted for words by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 100(b)(i)**
- F7** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 100(b)(ii)(iii)**
- F8** S. 24(5)(b) and preceding word inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1), **Sch. 11 para. 100(b)(iv)**
- F9** S. 24(6) inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(4), **Sch. 11 para. 100(c)**

Modifications etc. (not altering text)

- C1** S. 24 continued (*temp.* from 30.9.2002) by S.S.I. 2002/318, **art. 5** (with art. 4(3))

Status:

Point in time view as at 01/10/2022. This version of this provision has been superseded.

Changes to legislation:

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