

1980 No. 1668 (S. 132)

**LANDLORD AND TENANT**  
**RENT CONTROL, ETC. (SCOTLAND)**  
**The Increase of Rent Restriction (Housing**  
**Association) (Scotland) Order 1980**

*Made* - - - - 30th October 1980

*Laid before Parliament* 11th November 1980

*Coming into Operation* 1st December 1980

In exercise of the powers conferred on me by section 63(7) and (8) of the Housing (Financial Provisions) (Scotland) Act 1972(a) as inserted by section 14 of the Housing (Financial Provisions) (Scotland) Act 1978(b) and of all other powers enabling me in that behalf, I hereby make the following order:—

*Citation and commencement*

1. This order may be cited as the Increase of Rent Restriction (Housing Association) (Scotland) Order 1980 and shall come into operation on 1st December 1980.

*Interpretation*

2. In this order—

“the 1971 Act” means the Rent (Scotland) Act 1971(c);

“the 1972 Act” means the Housing (Financial Provisions) (Scotland) Act 1972;

“noted amount” means the amount of the registered rent noted as fairly attributable to the provision of services under subsection (1A) of section 43 of the 1971 Act;

“previous rent limit” means, as the case may require, either—

(a) where the increase is the first to be made since the date of registration of the rent, the amount payable by way of rent on that date; or

(b) in all other cases, the amount payable by way of rent on the relevant anniversary of that date,

the rent in either case not including a noted amount as defined above.

*Variation of rent increase limit*

3.—(1) The sum specified in paragraphs (a) and (b) of section 63(2) of the 1972 Act (rent increase limit) shall be varied—

(a) in accordance with paragraph (2) below in relation to a rent registered before the coming into operation of this order;

(a) 1972 c. 46.

(b) 1978 c. 14.

(c) 1971 c. 28.

(b) in accordance with paragraph (3) below in relation to a rent registered on or after the coming into operation of this order.

(2) For the words “£0.75 per week”, there shall be substituted the words “£78 per year”.

(3) For the words “£0.75 per week, or”, there shall be substituted the words “(i) the greater of £104 per year or one-quarter of the previous rent limit; or (ii)”.

Provided that nothing in this order or in sections 60 to 63 and 66 of the 1972 Act shall prevent or limit an increase in any amounts payable to the landlord for the provision of services which are variable by virtue of section 43(4) of the 1971 Act.

*Transitional*

4. The provisions of article 3 above shall not apply as respects a rent registered before the coming into operation of this order until one year after the end of the stage (as defined in section 63(3) or (4) of the 1972 Act) which last began before the coming into operation of this order.

*Effect of Notice of Increase*

5. Any notice of increase under section 62(1) of the Housing (Scotland) Act 1969(a) or under section 17(2) of the Tenants' Rights, Etc. (Scotland) Act 1980(b), which purports to increase the rent payable at any time above that permitted at that time in terms of section 63(2) of the 1972 Act as amended by this order, and any other provisions of this order, shall have effect to increase the rent to the extent so permitted and no further.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
30th October 1980.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

1. Section 14 of the Housing (Financial Provisions) (Scotland) Act 1978 inserts into section 63 of the Housing (Financial Provisions) (Scotland) Act 1972 power to vary by Order the annual limit by which housing association rents can be increased.

2. This Order prescribes £104 or one-quarter of the existing rent, whichever is the greater, as the amount by which a rent registered after the coming into operation of the Order may be increased annually in the progression to full registered rent. It also provides that there shall be no limitation on increases in any charges included in the rent for services provided by the landlord if such charges are registered by the Rent Officer as variable. The Order also contains certain transitional provisions.

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