STATUTORY INSTRUMENTS

1989 No. 2468 (S.167)

LANDLORD AND TENANT, SCOTLAND

The Limits on Rent Increases (Housing Associations) (Scotland) Order 1989

Made - - - -	*28th December 1989*
Laid before Parliament	*12th January 1990*
Coming into force	*5th February 1990*

The Secretary of State, in exercise of the powers conferred on him by section 58(7) of the Rent (Scotland) Act 1984(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Limits on Rent Increases (Housing Associations) (Scotland) Order 1989 and shall come into force on 5th February 1990.

Variation of limits of rent increases

2. In section 58(2) of the Rent (Scotland) Act 1984 (which sets out the limits of rent increases for certain housing association rents) for paragraphs (a) and (b) there shall be substituted the following:–

"(a) for any rental period beginning in the first stage, the rent limit shall be the rent limit immediately before the date of registration plus the greatest of–

(i) £104; or

(ii) one-quarter of the previous rent limit; or

(iii) one-half of the difference between the previous rent limit and the amount of the registered rent:

provided that nothing in this paragraph shall enable the rent to be increased above the amount of the registered rent;

(b) for any rental period beginning in the second stage the rent limit shall be the rent payable for the first stage plus any amount required to increase the rent payable to the registered rent.".

Transitional

3. The provisions of this Order shall apply to a rent registered before the coming into force of this Order at the date of the next subsequent stage as though it were the first stage and the rent limit the rent payable before that date.

(a) 1984 c.58; section 58 was amended by the Housing (Scotland) Act 1988 (c.43), section 41(5) and Schedule 10 and by the Local Government and Housing Act 1989 (c.42), Schedule 11, paragraph 61.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

St. Andrew's House, Edinburgh
28th December 1989

EXPLANATORY NOTE

(This note is not part of the Order)

Section 58 of the Rent (Scotland) Act 1984 provides for the phasing of the progression to a registered rent for certain housing association rents. The phasing is dependent upon the rent limits for each stage provided for under section 58(2). Section 58(7) provides that the Secretary of State may make an order varying or repealing any of the rent limit provisions in subsection (2).

Article 2 of the Order inserts in subsection (2) new paragraphs (a) and (b) so that in the first year after registration the rent limit will be the existing rent plus the greatest of–

(a) £104; or

(b) one-quarter of the existing rent; or

(c) one-half of the difference between the existing rent and the amount of the registered rent.

However, the rent cannot at any time be increased beyond the registered rent.

The Order also contains transitional provisions.