
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 19

**The Cost of Living (Tenant Protection) (Scotland)
Act 2022 (Saving Provisions) Regulations 2024**

Rent cap: saving provision

2. Despite the expiry of Part 1 of the 2022 Act in accordance with section 7(1) of the 2022 Act(1), paragraphs 1 and 2 of schedule 1, and section 1 as it relates to these paragraphs, of the 2022 Act continue to have effect as they did immediately before the expiry of that Part(2) (including as modified by the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023(3)) insofar as they are applicable in relation to—

- (a) a rent-increase notice given in accordance with section 22(1) of the 2016 Act(4) on or after 1 April 2023 and before 1 April 2024,
- (b) a notice proposing a new rent served in accordance with section 24(1) of the 1988 Act(5) on or after 1 April 2023 and before 1 April 2024,
- (c) a referral to a rent officer made in accordance with section 24(1) of the 2016 Act(6) in relation to a rent-increase notice described in paragraph (a),
- (d) a referral to the relevant rent officer made in accordance with section 24(3)(a) of the 1988 Act(7) in relation to a notice described in paragraph (b),
- (e) an appeal to the First-tier Tribunal made in accordance with section 28(1) of the 2016 Act(8) against an order of a rent officer in relation to a referral described in paragraph (c),
- (f) an appeal to the First-tier Tribunal made in accordance with section 24B(1) of the 1988 Act(9) against an order of a rent officer in relation to referral described in paragraph (d),
- (g) an application to the relevant rent officer to increase rent by more than the permitted rate made in accordance with section 33A(1) of the 2016 Act(10) on or after 1 April 2023 and before 1 April 2024,

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- (1) Part 1 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 (“the 2022 Act”) expires at the end of 31 March 2024 in accordance with section 7(1) of that Act as last amended by [S.S.I. 2023/275](#).
- (2) Paragraphs 1 and 2 of schedule 1 of the 2022 Act imposed rent cap controls with effect from 6 September 2022 which meant that rents for most private residential forms of tenancy could not be increased (except by application to a rent officer for an increase of up to 3% for prescribed property costs) until 1 April 2023, when [S.S.I. 2023/82](#) changed the permitted rate of increase to 3% and allowed applications to rent officers for increases of up to 6% above the existing rent for prescribed property costs.
- (3) [S.S.I. 2023/82](#).
- (4) Section 22 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) was modified by paragraph 1(6) of schedule 1 of the 2022 Act.
- (5) Section 24 of the Housing (Scotland) Act 1988 (“the 1988 Act”) was modified by paragraph 2(4) of schedule 1 of the 2022 Act.
- (6) Section 24 of the 2016 Act was modified by paragraph 1(8) of schedule 1 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 (“the 2022 Act”).
- (7) Section 24 of the 1988 Act was modified by paragraph 2(4) of schedule 1 of the 2022 Act.
- (8) Section 28 of the 2016 Act was modified by paragraph 1(12) of schedule 1 of the 2022 Act.
- (9) Section 24B of the 1988 Act was given effect by the modification in paragraph 2(5) of schedule 1 of the 2022 Act.
- (10) Sections 33A of the 2016 Act was given effect by the modification in paragraph 1(17) of schedule 1 of the 2022 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (h) an application to the relevant rent officer to increase rent by more than the permitted rate made in accordance with section 24E(1) of the 1988 Act⁽¹¹⁾ on or after 1 April 2023 and before 1 April 2024,
- (i) an appeal to the First-tier Tribunal made in accordance with section 33C(1) of the 2016 Act⁽¹²⁾ against an order of a rent officer in relation to an application described in paragraph (g),
- (j) an appeal to the First-tier Tribunal made in accordance with section 24G(1) of the 1988 Act⁽¹³⁾ against an order of a rent officer in relation to an application described in paragraph (h).

⁽¹¹⁾ Section 24E of the 1988 Act was given effect by the modification in paragraph 2(5) of schedule 1 of the 2022 Act.

⁽¹²⁾ Section 33C of the 2016 Act was given effect by the modification in paragraph 1(17) of schedule 1 of the 2022 Act.

⁽¹³⁾ Section 24G of the 1988 Act was given effect by the modification in paragraph 2(5) of schedule 1 of the 2022 Act.