

PE2150/C: Amend the Scottish Housing Regulator's mandate or create a body to protect owners of ex-council properties

Petitioner written submission, 5 June 2025

While the SPICe briefing outlines the current statutory limits of the Scottish Housing Regulator (SHR), it fails to meaningfully engage with the core premise of the petition: that thousands of Scottish homeowners—disproportionately affected by RAAC-related structural failures—remain entirely unprotected by the existing regulatory framework and urgently require a new form of statutory representation.

The status quo is not only inadequate but unjust. What the SPICe briefing frames as a mere jurisdictional gap is, in practice, a dangerous void in accountability—one that enables local authorities to sidestep liability, while homeowners are left shouldering the financial and psychological burden of defective construction for which they bear no fault.

1. The SHR's Inadequate Remit Undermines Public Protection

The SPICe briefing states that the SHR's statutory function is to safeguard the interests of tenants, homeless persons, and housing service recipients from social landlords. However, this narrow mandate was devised in a regulatory era blind to the scope and legacy of systemic construction failures that transcend the tenant–landlord relationship.

In Scotland, thousands of properties were sold under “Right to Buy” from the 1980s onward—many of which contain RAAC or were constructed with other non-traditional, unsafe methods. These homeowners were not developers, nor did they commission dangerous building materials. They were ordinary working people who, encouraged by government policy, purchased homes that were often promoted by local councils as structurally sound.

They now face massive remediation costs, loss of property value, and serious mental distress, with no formal statutory body advocating for their interests. That the SHR has “no statutory role” regarding these owners—as SPICe points out—is precisely the problem. The government created the circumstances under which these homes were sold. It must now take responsibility for the aftermath by ensuring those affected have a voice, protection, and legal recourse.

2. Evidence of Institutional Failure and Political Influence Demands Accountability

The SPICe briefing makes no mention of the significant body of historical evidence suggesting long-standing knowledge—both within government and industry—about the risks of RAAC. This omission is troubling and underscores the need for greater scrutiny.

Research reveals that RAAC's use was neither accidental nor based purely on technological optimism. Rather, it was promoted through a network of corporate and political influence:

- **A private company** collaborated with the Building Research Establishment (BRE) to legitimise RAAC use in system-built homes, while also said to facilitate trips by UK politicians to Sweden to promote Siporex (a RAAC product).
- A late MP and former shareholder and director of the abovementioned company promoted system-built housing in Parliament, raising serious conflict of interest concerns.
- **The Edinburgh Research Unit (ERU)** developed automated building design systems that instructed local authorities and the Scottish Special Housing Association (SSHA) to use RAAC-including systems such as Skarne and Bison.

Alarmingly, the post-Ronan Point review into the safety of system-built housing **excluded Scottish properties**, allowing RAAC risks in Scotland to persist unaddressed. Councils such as Edinburgh were already reinforcing RAAC roofs in the 1980s, yet this work was later downplayed or denied in official statements—illustrating a pattern of obfuscation.

Further documentation shows:

- Structural surveyors in Livingston found that RAAC homes lost two-thirds of their value in 1989.
- Siporex was being promoted in the 1960s as a miraculous material, even as its water-sensitivity and fragility were known.
- In 2017, Lanarkshire authorities internally classified Siporex as RAAC, confirming its widespread use—despite subsequent denials from councils.

This body of evidence paints a damning picture: that RAAC was knowingly installed in Scottish housing with either passive neglect or active suppression of concerns. These systemic failures go far beyond individual councils and merit a **full statutory Public Inquiry** into the approval, promotion, and continued use of RAAC in Scotland.

3. Justification for a New Body or Legal Reform

In light of the evidence presented, there is a compelling case to **reassess legal liability** and consider RAAC a “**defective product**” under the principles that once guided the 1980s defective housing scheme under the Housing (Scotland) Act 1987. The Scottish Government previously intervened to provide financial assistance for defective homes constructed with substandard materials. If anything, the case for intervention is even stronger now, given the accumulated knowledge of RAAC’s dangers.

However, unlike in the 1980s, there is **no body today** that represents the interests of ex-council homeowners. Council housing departments are conflicted, often holding records that would establish their own liability. The SHR is statutorily barred from helping owners. Who, then, stands up for these citizens?

This is precisely why **either the SHR’s remit must be expanded** to include owner-occupiers of former council housing, or an entirely **new independent statutory**

body must be created—**free from local government influence**—to advocate for the interests of affected homeowners.

This new entity should:

- Act as a statutory point of redress for ex-council homeowners facing structural issues like RAAC.
- Provide guidance and legal support in disputes with local authorities.
- Hold councils accountable for historic failings in procurement, oversight, and disclosure.
- Support compensation or remediation programmes funded jointly by local and national government.

4. Growing Public Support and Moral Imperative

There is growing national and Scottish support for accountability and justice:

- Over **6,000 signatures** have been collected on the UK petition demanding a statutory Public Inquiry (petition.parliament.uk/petitions/701337).
- Nearly **2,500 people** have signed a RAAC-specific Scottish petition (petitions.parliament.scot/petitions/PE2113).
- Communities from Aberdeen to Tillicoultry are already mobilising through protest, petition, and potential legal challenge.

People affected by RAAC in Scotland are not looking for handouts; they are demanding fairness, transparency, and representation. These are the cornerstones of democracy. For Parliament to acknowledge these harms, yet decline to act due to outdated statutory definitions, would be a dereliction of public duty.

Conclusion

The SPICe briefing confirms the worst fears of affected homeowners: that their suffering falls outside existing protections. This legal vacuum must be filled—through either **reform of the Housing (Scotland) Act 2010** or the creation of a **new statutory agency** representing former council homeowners impacted by RAAC and similar defects.