

Cost of Living (Tenant Protection) (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Section 1	Schedule 1
Section 2	Schedule 2
Sections 3 to 9	Schedule 3
Sections 10 to 13	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Jeremy Balfour

- 1 Leave out section 1

Schedule 1

Mark Griffin

- 2 In schedule 1, page 7, line 10, leave out <6 September> and insert <6 June>

Mark Griffin

- 3 In schedule 1, page 7, line 31, leave out <6 September> and insert <6 June>

Miles Briggs

- 4 In schedule 1, page 7, line 31, after <tenancy> insert <(excluding tenancies in relation to properties owned, or managed, by registered social landlords or a wholly owned subsidiary of a registered social landlord)>

Willie Rennie

- 5 In schedule 1, page 7, line 31, after <tenancy> insert <(excluding tenancies in relation to properties owned, or managed by, a registered charity)>

Pauline McNeill

- 6 In schedule 1, page 7, line 33, at end insert—

<() Subsection (1) continues to apply even if the tenant under the private residential tenancy changes.>

Mark Griffin

- 7 In schedule 1, page 7, line 37, leave out <6 September> and insert <6 June>

Jeremy Balfour

- 8 In schedule 1, page 10, line 8, leave out <50%> and insert <100%>

Pauline McNeill

- 9 In schedule 1, page 10, line 23, at end insert—

<(ba) a statement that the proposed rent is not payable until the rent officer or First-tier Tribunal (as the case may be) has made an order that from the effective date the rent payable under the tenancy is—

- (i) the proposed rent, or
- (ii) the rent payable under the tenancy as increased by 3%,>

Pauline McNeill

- 10 In schedule 1, page 10, line 28, at end insert—

<() For the purposes of subsection (3)(ba), the “effective date” has the meaning in section 33B(5) or 33C(5) (as the case may be).>

Jeremy Balfour

- 11 In schedule 1, page 11, line 14, leave out <50%> and insert <100%>

Jeremy Balfour

- 12 In schedule 1, page 11, line 28, leave out <50%> and insert <100%>

Jeremy Balfour

- 13 In schedule 1, page 12, line 19, leave out <50%> and insert <100%>

Mark Griffin

- 14 In schedule 1, page 14, line 29, leave out <6 September> and insert <6 June>

Mark Griffin

- 15 In schedule 1, page 14, line 38, leave out <6 September> and insert <6 June>

Pauline McNeill

- 16 In schedule 1, page 14, line 40, at end insert—

<() Subsection (1) continues to apply even if the tenant under the assured tenancy or short assured tenancy changes.>

Mark Griffin

- 17 In schedule 1, page 15, line 4, leave out <6 September> and insert <6 June>

Jeremy Balfour

18 In schedule 1, page 18, line 4, leave out <50%> and insert <100%>

Jeremy Balfour

19 In schedule 1, page 19, line 8, leave out <50%> and insert <100%>

Jeremy Balfour

20 In schedule 1, page 19, line 22, leave out <50%> and insert <100%>

Willie Rennie

21 In schedule 1, page 23, line 2, leave out paragraph 3

Mark Griffin

22 In schedule 1, page 23, line 7, leave out <6 September> and insert <6 June>

Miles Briggs

23 In schedule 1, page 23, line 7, after <tenancy> insert <(or a private residential tenancy where the property is owned, or managed, by a registered social landlord or a wholly owned subsidiary of a registered social landlord)>

Pauline McNeill

24 In schedule 1, page 23, line 9, at end insert—

<() Subsection (1) continues to apply even if the tenant under the Scottish secure tenancy changes.>

Willie Rennie

25 In schedule 1, page 23, line 12, at end insert—

<() Regulations under subsection (3) must be laid before the Scottish Parliament at least 126 days before the regulations come into force. >

Miles Briggs

26 In schedule 1, page 23, line 20, at end insert—

<() Nothing in subsection (1A) affects the validity of any notice given under subsection (1) if the date on which the increase in rent payable takes effect is a date after the expiry of subsection (1A).>

Mark Griffin

27 In schedule 1, page 23, line 24, leave out <6 September> and insert <6 June>

Murdo Fraser

28 In schedule 1, page 23, line 34, at end insert—

<() The 2001 Act has effect as if after section 25 (increase in rent or charges) there were inserted—

“25A Proceedings to increase rent above permitted rate

- (1) A landlord under a Scottish secure tenancy may raise proceedings by summary application to increase the rent payable under the tenancy by more than the permitted rate in order to recover up to 50% of the increase in any prescribed property costs that the landlord has incurred during the relevant period.
- (2) An application under subsection (1) must include—
 - (a) evidence of an increase in any prescribed property costs of the landlord incurred during the relevant period, and
 - (b) a statement of—
 - (i) the rent under the tenancy, and
 - (ii) what the new rent under the tenancy would be if the proposed rent increase took effect (“the proposed rent”).
- (3) The landlord must give notice in writing to the tenant under a Scottish secure tenancy of any application under subsection (1) which must include—
 - (a) a statement of the proposed rent,
 - (b) a statement that the proposed rent would be an increase to the rent under the tenancy of more than the permitted rate,
 - (c) a description of the prescribed property costs of the landlord that have increased during the relevant period prompting the proposed rent, and
 - (d) where an increase mentioned in paragraph (c) includes an increase in the landlord’s service costs, details of the nature of the increase in the service costs and the amount.
- (4) In this section, “prescribed property costs”, in relation to a landlord, are—
 - (a) interest payable in respect of a mortgage or standard security relating to the house that is let,
 - (b) a premium payable in respect of insurance (other than building and contents insurance) relating to the house that is let and the offering of the house for let,
 - (c) service charges relating to the house that is let that are paid for by the landlord but the payment of which the tenant is responsible for (in whole or in part) in accordance with the terms of the tenancy.
- (5) The Scottish Ministers may by regulations modify the list in subsection (4) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (6) Regulations under subsection (5) are subject to the affirmative procedure.
- (7) In this section—

“proposed rent” has the meaning given in subsection (2)(b)(ii),

“relevant period” means the period of 6 months occurring immediately before the day on which the application is made under subsection (1).”>

Murdo Fraser

29 In schedule 1, page 23, line 34, at end insert—

<() The 2001 Act has effect as if after section 25 (increase in rent or charges) there were inserted—

“25A Proceedings to increase rent above permitted rate

- (1) A landlord under a Scottish secure tenancy may raise proceedings by summary application to increase the rent payable under the tenancy by more than the permitted rate in order to recover up to 100% of the increase in any prescribed property costs that the landlord has incurred during the relevant period.
- (2) An application under subsection (1) must include—
 - (a) evidence of an increase in any prescribed property costs of the landlord incurred during the relevant period, and
 - (b) a statement of—
 - (i) the rent under the tenancy, and
 - (ii) what the new rent under the tenancy would be if the proposed rent increase took effect (“the proposed rent”).
- (3) The landlord must give notice in writing to the tenant under a Scottish secure tenancy of any application under subsection (1) which must include—
 - (a) a statement of the proposed rent,
 - (b) a statement that the proposed rent would be an increase to the rent under the tenancy of more than the permitted rate,
 - (c) a description of the prescribed property costs of the landlord that have increased during the relevant period prompting the proposed rent, and
 - (d) where an increase mentioned in paragraph (c) includes an increase in the landlord’s service costs, details of the nature of the increase in the service costs and the amount.
- (4) In this section, “prescribed property costs”, in relation to a landlord, are—
 - (a) interest payable in respect of a mortgage or standard security relating to the house that is let,
 - (b) a premium payable in respect of insurance (other than building and contents insurance) relating to the house that is let and the offering of the house for let,
 - (c) service charges relating to the house that is let that are paid for by the landlord but the payment of which the tenant is responsible for (in whole or in part) in accordance with the terms of the tenancy.
- (5) The Scottish Ministers may by regulations modify the list in subsection (4) so as to amend, remove or add to the matters for the time being mentioned in the list.
- (6) Regulations under subsection (5) are subject to the affirmative procedure.
- (7) In this section—

“proposed rent” has the meaning given in subsection (2)(b)(ii),

“relevant period” means the period of 6 months occurring immediately before the day on which the application is made under subsection (1).”>

Murdo Fraser

- 30 In schedule 1, page 24, line 17, leave out <excessive>

Alex Rowley

- 31 In schedule 1, page 24, line 24, at end insert—

<Rent cap for care home tenancies

- (1) Sub-paragraph (2) applies where—
 - (a) a resident in a care home is an independently funded supported person,
 - (b) a care home tenancy permits the care home provider under the tenancy to increase the rent payable under the tenancy during the period of the residency.
- (2) On or after the day on which this paragraph comes into force, the care home provider may not increase the rent payable under the tenancy by more than the permitted rate.
- (3) For the purposes of this paragraph, the “permitted rate” is 0%.
- (4) If the rent under the tenancy is increased by more than the permitted rate (“impermissible new rent”)—
 - (a) the rent payable under the tenancy is to be treated as being the rent payable under the tenancy immediately before the increase took effect as increased by the permitted rate (“permissible new rent”), and
 - (b) the amount of impermissible new rent above the amount of permissible new rent is not recoverable from the tenant.
- (5) The Scottish Ministers may by regulations substitute a different percentage for the one for the time being mentioned in sub-paragraph (3).
- (6) Regulations under sub-paragraph (5) are subject to the affirmative procedure.
- (7) In this paragraph—

“independently funded supported person” means an individual with access to a sufficient combination of independent monetary wealth and capital assets to support the costs of their placement, within a care home of their choice for the duration of their residency.

“rent” means any sum payable periodically by the resident to the care home provider in connection with board, lodging or accommodation (and includes, for the avoidance of doubt, any sums payable in respect of repairs, maintenance, utilities, food or insurance).>

Jeremy Balfour

- 32 Leave out schedule 1

Schedule 2

Murdo Fraser

- 33 In schedule 2, page 24, line 30, after <force> insert <in relation to an eviction notice served on or after 6 September 2022>

Stephen Kerr

- 34 In schedule 2, page 25, line 11, at end insert—
<(c) paragraph 4 (breach of tenancy agreement)>

Jeremy Balfour

- 35 In schedule 2, page 25, line 17, at end insert—
<() paragraph 7 (property required for religious purpose),>

Jeremy Balfour

- 36 In schedule 2, page 25, line 17, at end insert—
<() paragraph 7A (property required for employee of an agriculture, forestry or other rural land-based business),>

Mark Griffin

- 37 In schedule 2, page 25, leave out line 19

Mark Griffin

- 38 In schedule 2, page 25, leave out lines 25 to 27,

Miles Briggs

- 39 In schedule 2, page 25, line 31, at end insert—
<() paragraph 10 (demolition of, or substantial work on, the property).>

Jeremy Balfour

- 40 In schedule 2, page 25, line 34, at end insert—
<() Ground 5 (property required for religious purpose),>

Mark Griffin

- 41 In schedule 2, page 25, leave out line 35

Mark Griffin

- 42 In schedule 2, page 25, leave out line 39

Miles Briggs

- 43 In schedule 2, page 26, line 5, at end insert—

<() section 23 (prohibition of eviction without due process of law) of the 1984 Act>

Stephen Kerr

44 In schedule 2, page 28, line 32, at end insert—

<Student residential tenancies: breach of tenancy agreement

- (1) For the purpose of paragraph 1(4)(c), the circumstances are as follows.
- (2) During the tenancy, the tenant failed to comply with an obligation under the tenancy.
- (3) In sub-paragraph (2), a tenant fails to comply with an obligation under the tenancy if—
 - (a) the First-tier Tribunal finds that the tenant has failed to comply with a term of the tenancy, and
 - (b) the Tribunal considers it to be reasonable to issue an eviction order on account of that fact.>

Pauline McNeill

45 In schedule 2, page 29, line 1, at end insert—

<() Section 57 has effect as if after subsection (3) there were inserted—

“(3A) For the avoidance of doubt, a tenant who has been evicted under paragraph 4A of schedule 3 may apply for a wrongful termination order if the landlord fails to take up occupancy of the property or has rented the property to another tenant.”.>

Mark Griffin

46 In schedule 2, page 29, line 11, after <hardship> insert <due to substantial arrears (within the meaning of schedule 3(12A))>

Mark Griffin

47 In schedule 2, page 29, line 17, leave out <includes (for example)—> and insert <must include—

- () a letter of advice from an approved money advisor or local authority debt advice service,
- () a letter of advice from an independent financial advisor, or
- () a letter of advice from a Chartered Accountant, and>

Mark Griffin

48 In schedule 2, page 29, line 22, after <market> insert <, and

- () an affidavit stating that the landlord has that intention>

Mark Griffin

49 In schedule 2, page 30, line 2, leave out <(for example)> and insert <—

- () a letter of advice from an approved money advisor or local authority debt advice service,
- () a letter of advice from an independent financial advisor, or

- () a letter of advice from a Chartered Accountant, and
- () a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
- () a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market, and
- ()>

Pauline McNeill

- 50 In schedule 2, page 30, line 2, leave out <(for example)> and insert <—
- () an agreement from the landlord that they will provide the First-tier Tribunal with 3 months' worth of council tax statements to prove they have moved into the property,
 - ()>

Mark Griffin

- 51 In schedule 2, page 30, line 6, at beginning insert <Subject to schedule 3(4A),>

Edward Mountain

- 52 In schedule 2, page 30, line 12, leave out <6> and insert <3>

Mark Griffin

- 53 In schedule 2, page 30, line 24, at end insert—
- <() whether steps have been taken to ensure the tenant is informed about all support available, including that the tenant has exhausted applications for any local authority financial support to which the tenant is entitled.>

Jeremy Balfour

- 54 In schedule 2, page 30, line 38, at end insert—

<Safeguards for landlords: property required for an employee of an agriculture, forestry or other rural land-based business

- (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (2) In schedule 3 (evictions grounds), after paragraph 7 (property required for religious purpose), insert—
 - “7A(1) It is an eviction ground if the landlord intends to let the property to an employee of which the landlord is the employer of an agriculture, forestry or other rural land-based business.
 - (2) The First-tier Tribunal must find that the ground named in sub-paragraph (1) applies if the employee intends to occupy the let property as that person's only or principal home for at least 3 months.

- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (1) includes a contract of employment between the landlord and the employee.
- (4) For the purposes of this paragraph—
- “agriculture” means any growing of plants or keeping of animals for the production of food or drink,
- “forestry” means the growing of a utilisable crop of timber,
- “rural land-based business” includes any land kept or preserved mainly or exclusively for sporting purposes.”.>

Mark Griffin

- 55 In schedule 2, page 31, line 1, leave out <(for example)> and insert <—
- () a letter of advice from an approved money advisor or local authority debt advice service,
 - () a letter of advice from an independent financial advisor, or
 - () a letter of advice from a Chartered Accountant, and
 - () a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
 - () a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market, and
- ()>

Pauline McNeill

- 56 In schedule 2, page 31, line 1, leave out <(for example)> and insert <—
- () an agreement from the landlord that they will provide the First-tier Tribunal with 3 months’ worth of council tax statements to prove they have moved into the property,
- ()>

Mark Griffin

- 57 In schedule 2, page 31, line 12, at end insert—
- <() whether steps have been taken to ensure the tenant is informed about all support available, including that the tenant has exhausted applications for any local authority financial support to which the tenant is entitled.>

Pauline McNeill

- 58 In schedule 2, page 31, line 29, at end insert—
- <() Section 36 has effect as if after subsection (2) there were inserted—
- “(2A) For the avoidance of doubt, unlawful eviction includes evidence a landlord has failed to take up occupancy of the property following an eviction under Ground 1A.”.>

Mark Griffin

- 59 In schedule 2, page 31, line 34, after <hardship> insert <due to substantial rent arrears (within the meaning of Ground 8A)>

Mark Griffin

- 60 In schedule 2, page 32, line 3, at beginning insert <Subject to Ground 1A>

Edward Mountain

- 61 In schedule 2, page 32, line 5, leave out <6> and insert <3>

Mark Griffin

- 62 In schedule 2, page 32, line 13, after <consider> insert <—
()>

Mark Griffin

- 63 In schedule 2, page 32, line 15, at end insert—
<() whether steps have been taken to ensure the tenant is informed about all support available, including that the tenant has exhausted applications for any local authority financial support to which the tenant is entitled.>

Mark Griffin

- 64 In schedule 2, page 32, line 32, leave out <(for example)> and insert <—
() a letter of advice from an approved money advisor or local authority debt advice service,
() a letter of advice from an independent financial advisor, or
() a letter of advice from a Chartered Accountant, and
() a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
() a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market, and>

Pauline McNeill

- 65 In schedule 2, page 32, line 32, leave out <(for example)> and insert <—
() an agreement from the landlord that they will provide the First-tier Tribunal with 3 months' worth of council tax statements to prove they have moved into the property,
()>

Pauline McNeill

- 66 In schedule 2, page 32, line 33, at end insert—

<() Section 22 has effect as if in subsection (2)(a) after “thereof” there was inserted “including having applied for a Case 8A eviction, the landlord fails to occupy the property or rent the property to another tenant”>

Mark Griffin

67 In schedule 2, page 32, line 37, at the beginning insert <Subject to Case 8A,>

Edward Mountain

68 In schedule 2, page 32, line 39, leave out <6> and insert <3>

Mark Griffin

69 In schedule 2, page 33, line 3, after <hardship> insert <due to substantial rent arrears (within the meaning of Case 1A)>

Edward Mountain

70 In schedule 2, page 33, line 11, at end insert—

<*Safeguards for landlords: liability for rent arrears*

The Scottish Ministers must ensure that advice is available to landlords on how to recoup the value of rent arrears where, by virtue of this schedule, these are not of a sufficient amount to execute a decree for removing.>

Before section 3

Paul Sweeney

71 Before section 3, insert—

<A3 Information and advice for tenants

The Scottish Ministers must take steps to ensure that tenants affected by the provisions of Part 1 receive appropriate information, advice and support for the period during which Part 1 remains in force. >

After section 3

Jamie Greene

72 After section 3, insert—

<Compensation for loss on mortgages

- (1) The Scottish Ministers must make a scheme or schemes for the making of payments to landlords who are able to demonstrate that their monthly mortgage payments on a rental property exceed the rental income from that property after application of the permitted rate as provided for in Part 1.
- (2) A scheme under subsection (1) may make provision including—
 - (a) requiring an application to be made for a payment under the scheme,
 - (b) about the persons by whom applications may be made,

- (c) about how applications may be made,
 - (d) about information and evidence to be provided with, or in relation to, applications,
 - (e) about the persons to whom payments may be made.
- (3) The Scottish Ministers must, as soon as reasonably practicable after making a scheme under subsection (1)—
- (a) lay a copy of the scheme before the Scottish Parliament, and
 - (b) publish the scheme in such a way as they consider appropriate.>

Mark Griffin

73 After section 3, insert—

<Duty to provide information

Duty to provide information

- (1) Immediately on the coming into force of Part 1, the Scottish Ministers must write to—
- (a) all registered landlords,
 - (b) all residential addresses on the landlord register,
- setting out information and advice on the operation of Part 1.
- (2) In this section—
- “landlord register” means the register prepared and maintained by virtue of section 82 of the Antisocial Behaviour etc. (Scotland) Act 2004,
- “registered landlord” means a landlord who is registered in the landlord register.>

Section 5

Mark Griffin

74 In section 5, page 2, line 7, at the beginning insert <Subject to subsection (1A),>

Mark Griffin

75 In section 5, page 2, line 9, at end insert—

<(1A) If section 2, or any provision of schedule 2, is suspended before the end of 1 October 2023, it must be revived from 1 October 2023 until no earlier than the end of 31 March 2024.>

Section 6

Mark Griffin

76 In section 6, page 2, line 27, at end insert—

<() Subsection (1) does not apply to section 2, or any provision of schedule 2, which expire at the end of 31 March 2024.>

Miles Briggs

77 In section 6, page 2, line 28, leave out subsections (3) to (9)

Jeremy Balfour

78 In section 6, page 2, line 28, leave out subsections (3) to (9) and insert—

<() Any further extensions to the provisions in Part 1 must be made through an Act of the Scottish Parliament.>

Willie Rennie

79 In section 6, page 2, line 33, at end insert—

<() Regulations under subsection (3) do not apply to paragraph 3 of schedule 1.>

Mark Griffin

80 In section 6, page 3, line 2, at end insert—

<() A statement prepared under subsection (6) must set out an assessment of the impact of extending the expiry of Part 1 on—

(a) sources of rental support funding to residential tenants, including the Tenant Grant Fund,

(b) funding available for affordable housebuilding.>

Jamie Greene

81 In section 6, page 3, line 2, at end insert—

<() A statement made under subsection (6) must include empirical data on the impact of the operation of Part 1 on—

(a) rent levels,

(b) numbers of evictions,

(c) the number of rental properties available on the housing market,

(d) the level of rent arrears.>

Jeremy Balfour

82 Leave out section 6

Section 8

Pam Duncan-Glancy

83 In section 8, page 4, line 2, at end insert—

<() define “cost of living”,>

Pam Duncan-Glancy

84 In section 8, page 4, line 5, at end insert—

<() undertake a review of the factors the Scottish Ministers have taken into account in determining cost of living,>

Paul Sweeney

85 In section 8, page 4, line 9, at end insert—

<() set out the steps the Scottish Ministers have taken to meet the requirements in section A3.>

Pam Duncan-Glancy

86 In section 8, page 4, line 14, at end insert—

<() set out any additional steps the Scottish Ministers have taken to alleviate the cost of living during the reporting period,>

Mark Griffin

87 In section 8, page 4, line 14, at end insert—

<(2A) Before Scottish Ministers prepare a report of a review under subsection (1), the Scottish Ministers—

(a) must consult—

(i) such persons as appear to them to represent the interests of tenants and landlords that may be affected by the provisions of Part 1,

(ii) local authorities,

(b) may consult any other person they consider appropriate.

(2B) A review under this section must include a summary of how the views of those consulted under subsection (2A) were taken into account by the Scottish Ministers in finalising their report.>

Jamie Greene

88 In section 8, page 4, line 14, at end insert—

<(2A) A report prepared under subsection (1) must include empirical data on the impact of the operation of Part 1 on—

(a) average rent levels,

(b) the number of rental properties available on the housing market,

(c) the level of rent arrears.>

Jamie Greene

89 In section 8, page 4, line 14, at end insert—

<(2B) Where information provided under subsection (2A)(b) represents a decline since Part 1 came into force, the report must include a statement by Scottish Ministers—

(a) setting out the level of decline,

(b) any steps Scottish Ministers intend to address this.>

Pam Duncan-Glancy

90 In section 8, page 4, line 20, at end insert—

- <() A report prepared under subsection (1) must set out—
- (a) whether the Scottish Ministers are planning to make regulations under section 6(3) to amend the date on which Part 1 expires, and,
 - (b) if so, when the Scottish Ministers will inform Parliament of the date on which the extension will take effect. >

After section 8

Pam Duncan-Glancy

91 After section 8, insert—

<Cost of living definition

- (1) For the purposes of Part 1, “cost of living” means the general cost of goods and services viewed as necessary to maintain an average or minimal standard of living that have been affected by inflation levels rising to above the anticipated levels.
- (2) In this section, “goods and services” include—
 - (a) housing,
 - (b) transport,
 - (c) food,
 - (d) servicing debt,
 - (e) energy,
 - (f) disability and caring requirements,
 - (g) childcare and costs associated with attending primary and secondary school.>

Edward Mountain

92 After section 8, insert—

<Reports by the Scottish Ministers on effect of operation of Part 1

As soon as practicable after the expiry of Part 1, the Scottish Ministers must prepare a report on—

- (a) the cost and effect on landlords and tenants,
 - (b) the cost to the Scottish Ministers, including loss of income from taxation,
- of the operation of the provisions in Part 1.>

Miles Briggs

93 After section 8, insert—

<Ensuring adequate resources for tribunals

- (1) The Scottish Ministers must ensure adequate resources are available to First-tier Tribunals if the provisions in Part 1 result in a significant increase to the number of cases being heard.
- (2) Without prejudice to the generality of subsection (1), resources made available to First-tier Tribunals may include—
 - (a) grants,
 - (b) loans,
 - (c) guarantees,
 - (d) indemnities.
- (3) The Scottish Ministers must consult with First-tier Tribunal for Scotland in determining under subsection (1) whether there has been a significant increase in the number of cases being heard.>

Schedule 3

Edward Mountain

- 94 In schedule 3, page 35, line 11, after <rent,> insert <which must be based on open market rent for a willing tenant,>

Edward Mountain

- 95 In schedule 3, page 35, line 19, at end insert—
<() Regulations under subsection (1) must respect the principle that the determination of the rent payable should be based on open market rent for a willing tenant.>

Miles Briggs

- 96 In schedule 3, page 35, line 24 at end insert—
<() must publish a draft of the proposed regulations no later than 3 months before the expiry of the Cost of Living (Tenant Protection)(Scotland) Act 2022.>

Edward Mountain

- 97 In schedule 3, page 35, line 38, after <rent,> insert <which must be based on open market rent for a willing tenant,>

Edward Mountain

- 98 In schedule 3, page 36, line 4, at end insert—
<() Regulations under subsection (1) must respect the principle that the determination of the rent payable should be based on open market rent for a willing tenant.>

Miles Briggs

- 99 In schedule 3, page 36, line 10, at end insert—
<() must publish a draft of the proposed regulations no later than 3 months before the expiry of the Cost of Living (Tenant Protection)(Scotland) Act 2022.>

Edward Mountain

100 In schedule 3, page 36, line 13, at end insert—

<Rent adjudication: open market rent

On the expiry or suspension of schedule 1, rent payable under—

- (a) a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016,
- (b) an assured, or short assured, tenancy under the Housing (Scotland) Act 1988,

is to be determined based on open market rent for a willing tenant.>

Before section 11

Alex Cole-Hamilton

101 Before section 11, insert—

<Report on Crown consent

- (1) The Scottish Ministers must prepare a report on Crown consent in relation to this Act.
- (2) A report prepared under subsection (1) must include—
 - (a) a summary of discussions that were had between the Scottish Ministers and His Majesty, the Prince and Steward of Scotland or the Duke of Cornwall or their representatives in relation to the Bill or draft Bill for this Act,
 - (b) details of any changes that were suggested or requested by His Majesty, the Prince and Steward of Scotland or the Duke of Cornwall or their representatives, including any reasons for suggesting or requesting such changes,
 - (c) details of the Scottish Ministers' response to any suggested or requested changes, including the reasons for accepting or rejecting such changes.
- (3) The Scottish Ministers must lay a report before the Scottish Parliament no later than 3 months after Royal Assent.>

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