

# Housing (Scotland) Bill

---

## **Groupings of Amendments for Stage 2: Local Government, Housing and Planning Committee**

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### **Groupings of amendments**

#### **Designation of rent control areas: assessments, reports and designation**

203, 133, 204, 205, 278, 81, 82, 83, 84, 480, 206, 90, 279, 142, 143, 280, 144, 145, 146, 94, 95, 96, 97, 69

##### *Notes on amendments in this Group*

Amendment 205 pre-empts amendments 278, 81, 82, 83 and 84

Amendments 94, 95, 96 and 97 are pre-empted by amendment 282 in the group “Rent control areas: amount of rent cap”

Each of the following amendments are direct alternatives: 81, 82, 83 and 84; 94, 95, 96 and 97

#### **Student tenancies and accommodation**

51, 52, 53, 54, 55, 56, 57, 58, 59, 59A, 59B, 60, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 183, 535, 407, 536, 537, 540, 541, 474, 475, 548, 549, 441, 75, 556, 559, 560

##### *Notes on amendments in this Group*

Amendment 54 is pre-empted by amendment 281 in the group “Rent control areas: amount of rent cap”

Amendment 55 is pre-empted by amendment 186 in the group “Emergency, special and transitional rent control provisions”

#### **Removal of Part 1**

85, 86, 87, 88, 89, 91, 92, 93, 98, 99, 100, 101, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118

##### *Notes on amendments in this Group*

Amendment 115 pre-empts amendment 361 in the group “Information to tenants”

### **Taxes and local government finance**

519, 74, 191, 192, 192A, 462, 463, 464, 542, 543, 132, 224, 225, 255, 465, 466, 467, 468, 469, 492, 493, 544, 545, 546, 547, 193, 194, 459, 460, 461, 550, 478, 197, 198

### **Rent control areas: amount of rent cap**

281, 412, 147, 282, 283, 207, 284, 285, 286, 287, 288, 289, 289A, 290, 290A, 291, 292, 293, 293A, 294, 295, 296, 297, 298, 299, 300, 301, 302, 327, 332, 332A, 332B, 332C, 332D, 332E, 332F, 332G, 332H, 47, 333, 215, 48, 334, 49, 61, 61A, 61B, 62, 63, 63A, 64, 64A, 64B, 64C, 335, 65, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 66, 67, 68, 393, 398, 401, 402, 410, 77, 50, 78, 79, 80, 406

#### *Notes on amendments in this Group*

Amendment 281 pre-empts amendment 54 in the group “Student tenancies and accommodation” and amendment 412

Amendment 282 pre-empts amendments 94, 95, 96 and 97 in the group

“Designation of rent control areas: assessments, reports and designation”

Amendments 334 and 49 are pre-empted by amendment 31 in the group “Rent control areas: changes to between tenancy rent controls”

Amendments 350, 351 and 352 are pre-empted by amendment 37 in the group “Rent control areas: changes to between tenancy rent controls”

### **Emergency, special and transitional rent control provisions**

148, 149, 158, 159, 160, 424, 425, 186, 185, 426, 199, 196

#### *Notes on amendments in this Group*

Amendment 186 pre-empts amendment 55 in the group “Student tenancies and accommodation”

### **Exempt properties**

102, 150, 208, 209, 210, 103, 104, 105, 134, 151, 152, 211, 411, 212, 213, 416, 106, 329, 329A, 329B, 329C, 329D, 329E, 329F, 329J, 329K, 329G, 329H, 329I, 329L, 330, 331

### **Rent control areas: collection and use of information**

303, 3, 448, 4, 5, 304, 305, 306, 307, 308, 309, 310, 311, 153, 154, 312, 313, 155, 314, 6, 315, 316, 449, 317, 318, 450, 156, 157, 481, 319, 482, 7, 320, 321, 322, 109, 8, 323, 9, 483, 10, 11, 12, 13, 14, 237, 15, 484, 324, 324A, 16, 485, 17, 18, 19, 20, 137, 486, 325, 325A, 326, 328, 394

#### *Notes on amendments in this Group*

Amendment 303 pre-empts amendments 3, 448, 4 and 5

Amendment 3 pre-empts amendment 448

Amendment 311 pre-empts amendments 153 and 154

Amendment 6 pre-empts amendments 315, 316, 449 and 317

Amendment 7 pre-empts amendments 320 and 321

### **Rent controls outwith rent control areas**

214, 500, 501, 229, 258, 451, 266

### **Rent control areas: changes to between tenancy rent controls**

29, 30, 31, 32, 33, 216, 217, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 227

#### *Notes on amendments in this Group*

Amendment 31 pre-empts amendments 32, 33, 216, 217 and amendments 334 and 49 in the group “Rent control areas: amount of rent cap”

Amendment 37 pre-empts amendments 350, 351 and 352 in the group “Rent control areas: amount of rent cap” and amendments 162 and 202 in the group “Rent increase procedure”

Amendment 44 pre-empts amendments 355 and 356 in the group “Information to tenants”

Amendment 45 pre-empts amendment 358 in the group “Information to tenants”

### **Rent increase procedure**

218, 219, 220, 138, 161, 201, 494, 495, 496, 139, 238, 497, 498, 499, 140, 239, 162, 202, 240, 399, 400, 228

#### *Notes on amendments in this Group*

Each of the following amendments are direct alternatives: 138 and 161

Amendments 162 and 202 are pre-empted by amendment 37 in the group “Rent control areas: changes to between tenancy rent controls”

### **Repairs and standards**

257, 442, 231, 231A, 231B, 443, 221, 222, 444, 444A, 249, 385, 489, 538, 539, 254, 477, 490, 516, 552, 470, 471, 472, 473, 551, 555, 446, 557, 558, 479, 561, 267

### **Information to tenants**

354, 355, 356, 357, 358, 359, 360, 361, 422, 247, 273, 248, 274

#### *Notes on amendments in this Group*

Amendments 355 and 356 are pre-empted by amendment 44 in the group “Rent control areas: changes to between tenancy controls”

Amendment 358 is pre-empted by amendment 45 in the group “Rent control areas: changes to between tenancy controls”

Amendment 361 is pre-empted amendment 115 in the group “Removal of Part 1”

### **Reviews and reports**

70, 71, 72, 226, 76

### **Dealing with evictions**

119, 120, 122, 123, 491, 124, 125, 163, 452, 487, 126, 127, 128, 129, 164, 165, 166, 167, 187, 188, 250, 251, 362, 363, 364, 365, 366, 367, 368, 369, 268, 269, 141, 409, 502, 413, 414, 200, 395, 404

### **Tenant’s right to keep a pet**

522, 259, 260, 261, 523, 24, 25, 524, 525, 526, 527, 370, 168, 26, 169, 528, 529, 170, 171, 172, 263, 264, 265, 180, 181, 182, 27, 530, 531, 532, 28, 533, 534, 563, 564

*Notes on amendments in this Group*

Each of the following amendments are direct alternatives: 523 and 24; 532 and 28

**Tenant's right to make changes to let property**

173, 174, 175, 176, 262, 252, 177, 178, 179

**Social housing: Scottish secure tenancies**

440, 456, 423, 457, 457A

**Tenancy deposits and guarantors**

73, 189, 130, 190, 371, 372, 373, 184, 374, 375, 376, 377, 195, 396

**Landlord register**

417, 418, 488, 454, 419, 455, 503, 420, 421

**Joint tenancies**

408, 378, 379, 380, 381, 382, 403, 405

**Succession to tenancies**

383, 384, 520, 521

**Long leases**

232, 232A, 234, 235, 236

**Mobile homes**

386, 21, 22, 23

**Social housing regulation**

458, 271, 272

**Property factors**

507, 387, 508, 388, 389, 390, 391, 392, 509, 510, 511, 512, 415, 513, 504, 505, 506, 514, 476, 476A, 517, 518, 397

**Private rented sector**

1, 2, 135, 135A, 135B, 135C, 135D, 135E, 275, 276, 256

**Housing availability**

223, 270, 515, 553, 277

**Cohousing and housing cooperatives**

445, 554, 447, 562

**Homelessness prevention: commencement**

230

# THIS IS NOT THE MARSHALLED LIST

## Amendments in debating order

### Designation of rent control areas: assessments, reports and designation

**Rachael Hamilton**

- 203 In section 1, page 1, line 12, leave out <, by no later than the end of each reporting period>

**Meghan Gallacher**

- 133 In section 1, page 1, line 17, at end insert—

<( ) the impact that the level of rent and rate of increase in rent payable under relevant tenancies of properties has on properties, tenants and landlords in rural areas within the local authority where applicable, and>

**Rachael Hamilton**

- 204 In section 1, page 1, line 18, after <and> insert <, on the date specified in subsection (2),>

**Rachael Hamilton**

- 205 In section 1, page 1, line 20, leave out subsection (2) and insert—

<(2) The report mentioned in subsection (1) must be submitted—

- (a) in the case of the first report of a local authority under that subsection, on 30 November 2026,
- (b) in the case of each subsequent report of a local authority under that subsection, on the date 5 years following the submission of the local authority's previous report under that subsection.>

**Paul McLennan**

- 278 In section 1, page 1, line 22, leave out <30 November 2026> and insert <31 May 2027>

**Meghan Gallacher**

- 81 In section 1, page 1, line 24, leave out <5> and insert <4>

**Meghan Gallacher**

- 82 In section 1, page 1, line 24, leave out <5> and insert <3>

**Meghan Gallacher**

- 83 In section 1, page 1, line 24, leave out <5> and insert <2>

**Meghan Gallacher**

- 84 In section 1, page 1, line 24, leave out <5 years> and insert <1 year>

**Carol Mochan**

- 480 In section 1, page 2, line 11, at end insert—

## THIS IS NOT THE MARSHALLED LIST

- <( ) Regulations under subsection (4) may not specify a time period or date exceeding 5 years beginning with the day following the end of the reporting period relating to the local authority's previous report under subsection (1).>

### **Rachael Hamilton**

- 206** In section 2, page 2, line 30, at end insert—

- <( ) Where a local authority recommends under subsection (1)(b)(i) that part of the area of the local authority should be designated as a rent control area, the authority must specify the part by reference to the street or ward (as the case may be).>

### **Meghan Gallacher**

- 90** In section 6, page 5, line 13, at end insert—

- <( ) persons who appear to them to understand the impact of rent increases on rural areas.>

### **Paul McLennan**

- 279** In section 6, page 5, line 13, at end insert—

- <( ) The requirement to consult under subsection (3) may be met by consultation carried out before this section comes into force.>

### **Edward Mountain**

- 142** In section 7, page 5, line 19, leave out <may> and insert <must>

### **Edward Mountain**

- 143** In section 7, page 5, line 20, at end insert—

- <( ) Guidance under subsection (1) must include provision about the eligible reasons for any such recommendations which may be given in a local authority's report under section 1(1).>

### **Paul McLennan**

- 280** In section 7, page 5, line 35, at end insert—

- <( ) The requirement to consult under subsection (3) may be met by consultation carried out before this section comes into force.>

### **Maggie Chapman**

- 144** In section 9, page 6, line 19, after <5(2)> insert <—

- (a) if the local authority has recommended to the Scottish Ministers that they designate all or any part of the area of the local authority as a rent control area, the Scottish Ministers must—
  - (i) lay a statement before the Scottish Parliament with the local authority's recommendation,

## THIS IS NOT THE MARSHALLED LIST

- (ii) subject to subsection (1A), by regulations designate the recommended area as a rent control area,
- (b) otherwise>

### **Maggie Chapman**

**145** In section 9, page 6, line 20, at end insert—

<(1A) The Scottish Parliament may, within two weeks of a statement being laid under subsection (1)(a)(i), by resolution agree that, notwithstanding the recommendation of the local authority, no regulations should be made under subsection (1)(a)(ii).>

### **Maggie Chapman**

**146** In section 9, page 6, line 21, leave out <(1)> and insert <(1)(b)>

### **Meghan Gallacher**

**94** In section 9, page 6, line 38, leave out <5> and insert <4>

### **Meghan Gallacher**

**Supported by: Edward Mountain**

**95** In section 9, page 6, line 38, leave out <5> and insert <3>

### **Meghan Gallacher**

**96** In section 9, page 6, line 38, leave out <5> and insert <2>

### **Meghan Gallacher**

**97** In section 9, page 6, line 38, leave out <5 years> and insert <1 year>

### **Graham Simpson**

**69** After section 23, insert—

## **<CHAPTER**

### **ESTABLISHMENT OF RENT BOARDS**

#### **Rent boards**

- (1) Each local authority must establish a committee to be known as a rent board.
- (2) Where all or part of the area of the local authority is designated by Scottish Ministers as a rent control area, a rent board has the general functions of—
  - (a) reviewing the operation of the rent control area,
  - (b) considering whether any property should be defined as an exempt property,
  - (c) supporting tenants with any appeal to the rent officer or First-tier Tribunal.
- (3) A local authority—
  - (a) must appoint to the rent board—
    - (i) persons who appear to them to represent the interests of tenants and landlords,

## THIS IS NOT THE MARSHALLED LIST

- (ii) persons who may provide independent and expert advice on rent control measures,
- (b) may appoint to the rent board such other persons as it considers appropriate.>

### **Student tenancies and accommodation**

#### **Graham Simpson**

- 51 In section 1, page 2, line 16, after <1988> insert <, or a student residential tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies>

#### **Graham Simpson**

- 52 In section 2, page 2, line 28, after <private> insert <or student>

#### **Graham Simpson**

- 53 In section 9, page 6, line 23, after <private> insert <or student>

#### **Graham Simpson**

- 54 In section 9, page 6, line 29, after <private> insert <or student>

#### **Graham Simpson**

- 55 In section 10, page 7, line 35, after <private> insert <or student>

#### **Graham Simpson**

- 56 In section 14, page 9, line 18, after <private> insert <or student>

#### **Graham Simpson**

- 57 In section 14, page 9, line 39, after <private> insert <or student>

#### **Graham Simpson**

- 58 In section 18, page 12, line 35, after <private> insert <or student>

#### **Graham Simpson**

- 59 After section 18, insert—

*<Power to subject to rent controls*

#### **Power to subject student residential tenancies to rent controls**

- 5
- (1) The Scottish Ministers may, by regulations, make such provision as they consider necessary to provide for a student residential tenancy to be subject to rent controls.
  - (2) Regulations under subsection (1) may provide for—
    - (a) the setting and variation of rent,



## THIS IS NOT THE MARSHALLED LIST

- 10
- (b) the frequency with which rent may be increased,
  - (c) rent-increase notices,
  - (d) the process for appeals.
- (3) In this Part, "student residential tenancy" means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

### Maggie Chapman

- 59A As an amendment to amendment 59, line 4, leave out <may> and insert <must>

### Maggie Chapman

- 59B As an amendment to amendment 59, line 6, leave out <may> and insert <must>

### Graham Simpson

- 60 Before section 19, insert—

*<Private residential tenancy: student let*

#### **Private residential tenancy: student let**

- (1) The 2016 Act is modified as follows.
- (2) In schedule 1, paragraph 5 is repealed.>

### Edward Mountain

- 427 After section 23, insert—

#### **<PART**

#### STUDENT RESIDENTIAL TENANCIES: RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

#### **Landlord's power to increase rent**

- (1) The landlord under a student residential tenancy may increase the rent payable under the tenancy by giving the tenant a notice in accordance with this section ("a rent-increase notice").
- (2) The notice must—
  - (a) specify—
    - (i) the rent that will be payable once the increase takes effect,
    - (ii) the day on which the increase is to take effect, and
  - (b) fulfil any other requirements prescribed by the Scottish Ministers in regulations.
- (3) The rent increase takes effect on the effective date, unless before that date—
  - (a) the landlord intimates to the tenant that the notice is rescinded, or
  - (b) the tenant makes a referral to a rent officer under section (*Tenant's right to refer increase to rent officer*).

## THIS IS NOT THE MARSHALLED LIST

- (4) For the purpose of subsection (3), the effective date is the date of the later of—
  - (a) the day specified in the notice in accordance with subsection (2)(a)(ii), or
  - (b) the day after the day on which the minimum notice period ends.
- (5) In subsection (4)(b), “the minimum notice period” means a period which—
  - (a) begins on the day the notice is received by the tenant, and
  - (b) ends on the day falling—
    - (i) three months after it began, or
    - (ii) whatever longer period after it began as the landlord and tenant have agreed between them.
- (6) In subsection (5), the reference to a period of three months is to a period which ends in the month which falls three months after the month in which it began, either—
  - (a) on the same day of the month as it began, or
  - (b) if the month in which the period ends has no such day, on the final day of that month.
- (7) In this Part, “student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

### Edward Mountain

**428** After section 23, insert—

#### <Modification of rent-increase notice by parties

- (1) Anything specified in a rent-increase notice in accordance with section (*Landlord’s power to increase rent*)(2)(a) may be modified by agreement between the landlord and tenant concerned.
- (2) A modification made to a rent-increase notice by virtue of subsection (1) ceases to have effect if the notice subsequently prompts a referral to a rent officer under section (*Tenant’s right to refer increase to rent officer*)(1).>

### Edward Mountain

**429** After section 23, insert—

#### <Tenant’s right to refer increase to rent officer

- (1) Having received a rent-increase notice, a tenant may make a referral to a rent officer for the area in which the let property is situated seeking an order under section (*Rent officer’s power to set rent*).
- (2) A referral to a rent officer under subsection (1) must be—
  - (a) in the prescribed form,
  - (b) accompanied by the prescribed fee (if any),
  - (c) intimated by the tenant to the landlord in the prescribed manner, and
  - (d) made before the end of the day falling 21 days after the tenant receives the notice.
- (3) In subsection (3), “prescribed” means prescribed by the Scottish Ministers in regulations.>

## THIS IS NOT THE MARSHALLED LIST

### Edward Mountain

430 After section 23, insert—

#### <Rent officer's power to set rent

- (1) Where a rent officer receives a referral under section (*Tenant's right to refer increase to rent officer*)(1), the rent officer must make an order stating that from the effective date the rent payable under the tenancy is the lower of—
  - (a) the rent determined by the rent officer in accordance with section (*Determination of open market rent*), and
  - (b) the rent specified in accordance with section (*Landlord's power to increase rent*)(2)(a)(i).
- (2) For the purpose of subsection (1), the effective date is—
  - (a) where the rent officer makes the order 14 days or more before the original effective date, the original effective date,
  - (b) otherwise, the first payment date falling at least 14 days after the day on which the rent officer makes the order.
- (3) In an order made under subsection (1), the rent officer must record the amount of the rent that is fairly attributable to the provision of services, unless the amount is negligible or no amount is so attributable.
- (4) In subsection (2)—

“original effective date” means the date on which the rent would have been increased in accordance with section (*Landlord's power to increase rent*)(4) had the referral to the rent officer not been made, and

“payment date” means a date on which a rent payment falls to be made in accordance with the terms of the tenancy.>

### Edward Mountain

431 After section 23, insert—

#### <Rent officer's duty to issue provisional order

- (1) Before making an order under subsection (1) of section (*Rent officer's power to set rent*), a rent officer must issue a provisional order stating—
  - (a) the rent which the rent officer proposes to specify under that section, and
  - (b) the amount which the rent officer proposes to record for the purpose of subsection (3) of that section.
- (2) Where a rent officer has issued a provisional order under subsection (1), the landlord or the tenant may ask the rent officer to reconsider the proposed amounts.
- (3) A request under subsection (2) may not be made more than 14 days after the provisional order is issued.
- (4) If a request is made under subsection (2), the rent officer must reconsider the proposed amounts prior to making an order under section (*Rent officer's power to set rent*)(1).>

### Edward Mountain

432 After section 23, insert—

## THIS IS NOT THE MARSHALLED LIST

### <Rent officer's power to correct final order

- (1) A rent officer may, within 14 days of making an order under section (*Rent officer's power to set rent*)(1), re-make the order for the purpose of curing an error in the original order.
- (2) The effective date of the re-made order is to be specified in accordance with subsection (2) of section (*Rent officer's power to set rent*) as though it were an order made under that section.
- (3) Where an order has been re-made under this section—
  - (a) the original order is of no effect,
  - (b) references in this Chapter to an order made under section (*Rent officer's power to set rent*)(1) are to be read as references to the re-made order,
  - (c) if the original order has been appealed against under section (*Right of appeal to First-tier Tribunal*)(1), the appeal is to be regarded as having been made against the re-made order.
- (4) Subsection (3)(b) does not apply in relation to—
  - (a) subsection (1),
  - (b) section (*Rent officer's power to issue provisional order*).>

### Edward Mountain

433 After section 23, insert—

#### <Right of appeal to First-tier Tribunal

- (1) Where a rent officer has made an order under section (*Rent officer's power to set rent*)(1), in relation to the rent payable under a private residential tenancy, the landlord or the tenant may appeal against the order to the First-tier Tribunal.
- (2) An order under section (*Rent officer's power to set rent*)(1) may not be appealed against—
  - (a) more than 14 days after the order is made, or
  - (b) where the order is made by virtue of section (*Withdrawal of referral or appeal*)(2).
- (3) Making an appeal under subsection (1) renders the order being appealed against of no effect.>

### Edward Mountain

434 After section 23, insert—

#### <First-tier Tribunal's power to set rent

- (1) Where an appeal is made to the First-tier Tribunal under section (*Right of appeal to First-tier Tribunal*)(1), the First-tier Tribunal must make an order stating that from the effective date the rent payable under the tenancy is the lower of—
  - (a) the rent determined by the First-tier Tribunal in accordance with section (*Determination of open market rent*) and
  - (b) the rent specified in accordance with section (*Landlord's power to increase rent*)(2)(a)(i).

## THIS IS NOT THE MARSHALLED LIST

- (2) For the purpose of subsection (1), the effective date is—
  - (a) where the First-tier Tribunal makes its order on or before the original effective date, the original effective date,
  - (b) otherwise, the first payment date falling on or after the day on which the First-tier Tribunal makes its order.
- (3) In an order made under subsection (1), the First-tier Tribunal must record the amount of the rent that is fairly attributable to the provision of services, unless the amount is negligible or no amount is so attributable.
- (4) In subsection (2)—
  - “original effective date” means the date on which the rent would have been increased in accordance with section (*Landlord’s power to increase rent*)(4) had the referral to the rent officer not been made, and
  - “payment date” means a date on which a rent payment falls to be made in accordance with the terms of the tenancy.>

### Edward Mountain

435 After section 23, insert—

#### <Finality of First-tier Tribunal's decision

- (1) An order under section (*First-tier Tribunal’s power to set rent*)(1) may be reviewed in accordance with this section only.
- (2) Accordingly (and without prejudice to the generality of subsection (1)), a decision of the First-tier Tribunal to make an order under section (*First-tier Tribunal’s power to set rent*)(1) may be neither—
  - (a) reviewed under section 43 of the Tribunals (Scotland) Act 2014, nor
  - (b) appealed against under section 46 of that Act.
- (3) The First-tier Tribunal may review an order under section (*First-tier Tribunal’s power to set rent*)(1)—
  - (a) at its own instance, or
  - (b) at the request of the landlord or the tenant under the tenancy to which the order relates.
- (4) In a review under subsection (3), the First-tier Tribunal may—
  - (a) take no action, or
  - (b) correct a minor error contained in the order.>

### Edward Mountain

436 After section 23, insert—

#### <Liability for over or under paid rent

- (1) This section applies where—
  - (a) the rent payable under a student residential tenancy has been changed by an order made under section (*Rent officer’s power to set rent*)(1) or (*First-tier Tribunal’s power to set rent*)(1),

## THIS IS NOT THE MARSHALLED LIST

- (b) the effective date stated in the order (“the actual effective date”) falls later than the date on which the rent would have been increased in accordance with section (*Landlord’s power to increase rent*)(4) had a referral to a rent officer not been made (“the originally proposed effective date”), and
  - (c) the rent payable from the actual effective date (“the new rent”) differs from the rent payable immediately before that date (“the old rent”).
- (2) If the new rent is less than the old rent, on the date the order is made the landlord becomes liable under this subsection to pay the tenant the difference between—
  - (a) the amount actually paid in rent between the originally proposed effective date and the actual effective date, and
  - (b) the amount that would have been payable in rent during the same period had the new rent been the rent payable from the originally proposed effective date.
- (3) If the new rent is more than the old rent, on the date the order is made the tenant becomes liable under this subsection to pay the landlord the difference between—
  - (a) the amount that would have been payable in rent between the originally proposed effective date and the actual effective date had the new rent been the rent payable from the originally proposed effective date, and
  - (b) the amount that should have been paid in rent during the same period (whether or not it was actually paid).
- (4) In this section, a reference to a period between two dates includes both of those dates.>

### Edward Mountain

437 After section 23, insert—

#### <Determination of open market rent

- (1) Where an order maker is to determine the rent under section (*Rent officer’s power to set rent*)(1) or (as the case may be) (*First-tier Tribunal’s power to set rent*)(1), the determination is to be made on the basis that the property in question would be let by a willing landlord to a hypothetical willing tenant under a new tenancy which would—
  - (a) be a student residential tenancy,
  - (b) begin on the date on which the rent would have been increased in accordance with section (*Landlord’s power to increase rent*)(4) had a referral to a rent officer not been made,
  - (c) have the same terms as the tenancy to which the referral or (as the case may be) appeal relates.
- (2) In determining the open market rent of the property under subsection (1), the order maker is to disregard—
  - (a) any positive effect on the rental value of the property that is attributable to work paid for or carried out by the tenant or a previous tenant under the same tenancy, unless the work was paid for or carried out pursuant to a requirement under the terms of the tenancy,
  - (b) any negative effect on the rental value that is attributable to a failure by the tenant or a previous tenant under the same tenancy to comply with the terms of the tenancy.

## THIS IS NOT THE MARSHALLED LIST

- (3) In a case where two or more persons jointly are the tenant under a tenancy, a reference to the tenant in subsection (2) includes any one of them.>

### Edward Mountain

438 After section 23, insert—

#### <Withdrawal of referral or appeal

- (1) This section applies—
- (a) where a referral made under section (*Tenant's right to refer increase to rent officer*)(1) is withdrawn by the tenant, or
  - (b) where—
    - (i) an appeal made under section (*Right of appeal to First-tier Tribunal*)(1) is withdrawn by one party, and
    - (ii) the other party has not made an appeal in respect of the tenancy in question, or any appeal made by the other party has been withdrawn.
- (2) The order maker must make an order under section (*Rent officer's power to set rent*)(1) or (as the case may be) (*First-tier Tribunal's power to set rent*)(1) stating that from the effective date the rent payable under the tenancy is—
- (a) the rent specified in the rent-increase notice, or
  - (b) an amount which the parties have asked the order maker to state in the order.
- (3) Where the order maker is the First-tier Tribunal, an order may not be made by virtue of subsection (2) until the earlier of—
- (a) the expiry of the period within which an appeal under section (*Right of appeal to First-tier Tribunal*)(1) may be made, or
  - (b) the date on which both parties become ineligible to make an appeal (whether by withdrawing an appeal or by waiving the right to appeal).
- (4) The following do not apply in relation to an order made by virtue of subsection (2)—
- (a) the requirement to record in the order an amount in accordance with section (*Rent officer's power to set rent*)(3) or (as the case may be) (*First-tier Tribunal's power to set rent*)(3),
  - (b) the duty to issue a provisional order under section (*Rent officer's duty to issue provisional order*).
- (5) In subsection (2), “the rent-increase notice” means the rent-increase notice which prompted the referral or (as the case may be) led to the appeal.>

### Edward Mountain

439 After section 23, insert—

#### <Duty to make information available

- (1) Rent officers and the First-tier Tribunal collectively must make publicly available information about—
- (a) the rents they have taken into account in determining the open market rents for let properties under section (*Determination of open market rent*),

## THIS IS NOT THE MARSHALLED LIST

- (b) what rents they have determined in accordance with that section, and
  - (c) what rents they have ordered to be payable in accordance with section (*Rent officer's power to set rent*) or (as the case may be) (*First-tier Tribunal's power to set rent*).
- (2) The Scottish Ministers may by regulations—
- (a) specify—
    - (i) the information that is to be made available under subsection (1),
    - (ii) the manner in which it is to be made available,
  - (b) prescribe the fees (if any) which may be charged for supplying the information.>

### Jeremy Balfour

183 Before section 31, insert—

*<Requirement for a guarantor: student residential tenancy*

#### **Requirement for a guarantor: student residential tenancy**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) After section 120 (tenancy deposits: preliminary) insert—

#### **“120A Tenancy deposits: restrictions on requirements for a guarantor**

- (1) The Scottish Ministers must, by regulations, provide that a tenant under a student residential tenancy must not be required to provide a guarantor in relation to the observance or performance of the tenant's obligations under the tenancy.
- (2) For the purposes of this section, requiring a person to provide a guarantor includes accepting an offer by that person to provide a guarantor or an equivalent sum of money.
- (3) In this section—

“guarantee” is a contractual obligation promise to be responsible for the performance of an obligation owed by the tenant to a landlord under the tenancy if the tenant fails to perform the obligation,

“guarantor” is a person who enters into a guarantee in relation to a tenancy,

“student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the Private Tenancies (Scotland) Act 2016 applies.”.>

### Maggie Chapman

535 Before section 31, insert—



## THIS IS NOT THE MARSHALLED LIST

### *<Guarantor scheme*

#### **Guarantor scheme for non-UK domiciled students**

- (1) The Scottish Ministers must by regulations set up a scheme for a public body to act as guarantor for a tenant who is—
  - (a) a student, and
  - (b) not domiciled in the United Kingdom.
- (2) Regulations under subsection (1) must be introduced no later than 1 year after Royal Assent.
- (3) The Scottish Ministers must review the scheme no later than 3 years following the day on which regulations under subsection (1) are made.
- (4) A review under subsection (3) must include—
  - (a) impact of the scheme, and
  - (b) any changes required to improve the scheme.
- (5) In this section—

“guarantee” is a contractual promise to be responsible for the performance of an obligation owed by the tenant to a landlord under the tenancy if the tenant fails to perform the obligation,

“guarantor” is a person who enters into a guarantee in relation to a tenancy,

“public body” includes further or higher education institutions,

“tenant” means a person occupying a residential property under a lease, including student lets.>

#### **Edward Mountain**

- 407** Before section 31, insert—

### *<Tenancy deposits: non-UK domiciled students*

#### **Tenancy deposits: non-UK domiciled students**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) After section 120 (tenancy deposits: preliminary) insert—

**“Tenancy deposits: non-UK domiciled students**

  - (1) The Scottish Ministers must, by regulations, provide that where—
    - (a) a student is not domiciled in the United Kingdom, and
    - (b) is not required, as a condition of the grant of a tenancy, to provide a guarantor in relation to the observance or performance of the tenant’s obligations under the tenancy,

the landlord may set the tenancy deposit at an amount not exceeding three times the monthly rent payable under the tenancy.
  - (2) For the purposes of this section, requiring a person to provide a guarantor includes accepting an offer by that person to provide a guarantor or an equivalent sum of money.

## THIS IS NOT THE MARSHALLED LIST

- (3) In this section—

“guarantee” is a contractual promise to be responsible for the performance of an obligation owed by the tenant to a landlord under the tenancy if the tenant fails to perform the obligation,

“guarantor” is a person who enters into a guarantee in relation to a tenancy.”.>

### Maggie Chapman

- 536 Before section 31, insert—

*<Tenancy deposits review: non-UK domiciled students*

#### **Tenancy deposits review: non-UK domiciled students**

- (1) The Housing (Scotland) Act 2006 is modified as follows.  
(2) After section 120 (tenancy deposits: preliminary) insert—

#### **“120A Tenancy deposits: non-UK domiciled students**

- (1) The Scottish Ministers must—
- (a) review the payment of tenancy deposits by students not domiciled in the United Kingdom within 1 year of the coming into force of section (*Tenancy deposits review: non-UK domiciled students*) of the Housing (Scotland) Act 2025, and
  - (b) publish a report on the review undertaken under subsection (1) within 2 years of the coming into force of that section.
- (2) The Scottish Ministers may, by regulations, make provision for the purposes of restricting the value or number of tenancy deposits to be paid by students not domiciled in the United Kingdom.”.>

### Pam Duncan-Glancy

- 537 Before section 31, insert—

*<Pre-tenancy requirements: student funding*

#### **Pre-tenancy requirements: student funding**

- (1) The Scottish Ministers must, by regulations, provide that, for the purposes of pre-tenancy requirements, student funding has equal status to other forms of income.  
(2) For the purposes of this section—
- “pre-tenancy requirements” includes the requirement for a deposit or guarantor,  
“student funding” includes any grant, loan or other form of funding provided to an individual for the purpose of undertaking a course of education.>

### Ross Greer

- 540 After section 38, insert—

## THIS IS NOT THE MARSHALLED LIST

### *<Termination of student residential tenancies*

#### **Tenant's ability to bring tenancy to an end**

- (1) A tenant may bring to an end a student residential tenancy by giving to the landlord a notice which fulfils the requirements described in subsection (3).
- (2) A tenancy comes to an end in accordance with subsection (1) on the day on which the notice states (in whatever terms) that it is to come to an end.
- (3) A notice fulfils the requirements referred to in subsection (1) if—
  - (a) it is in writing, and
  - (b) it states, as the day on which the tenancy is to end, a day that is after the last day of the minimum notice period.
- (4) In subsection (3)(b), “the minimum notice period” means a period which—
  - (a) begins on the day the notice is received by the landlord, and
  - (b) ends on the day falling—
    - (i) in a case where subsection (5) applies, 7 days after the period begins, or
    - (ii) in any other case, 28 days after the period begins.
- (5) This subsection applies where—
  - (a) the tenancy was entered into before the coming into force of this Part, and
  - (b) the let property was occupied by the tenant under the tenancy at any time before the coming into force of this Part.
- (6) In this section—

“student” has the same meaning as in paragraph 5 of schedule 1 of the 2016 Act,

“student residential tenancy” means a tenancy—

  - (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
  - (b) to which sub-paragraph (2) or (3) of paragraph 5 of schedule 1 (tenancies which cannot be private residential tenancies) of the 2016 Act applies,

“tenancy” includes sub-tenancy,

“tenant” includes sub-tenant.
  - (7) In a case where two or more persons jointly are the landlord under a tenancy, references in this section to the landlord are to any of those persons.
  - (8) In a case where two or more persons jointly are the tenant under a tenancy, references in this section to the tenant are to all of those persons (except in subsection (5)).
  - (9) In a case where two or more persons jointly are the tenant under the tenancy, the reference in subsection (5) to the tenant is to any of those persons.>

#### **Pam Duncan-Glancy**

**541** After section 38, insert—

## THIS IS NOT THE MARSHALLED LIST

*<Power to enable tenants to terminate student residential tenancies*

### **Power to enable tenants to terminate student residential tenancies**

- (1) The Scottish Ministers may, by regulations, make such provision as they consider necessary to provide for a student residential tenancy to be terminated by a tenant in the same manner as a private residential tenancy may be terminated by a tenant under Part 5 of the 2016 Act.
- (2) In this Part, “student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

### **Pam Duncan-Glancy**

**474** After section 51, insert—

*<Purpose-built Student Accommodation Charter*

### **Purpose-built Student Accommodation Charter**

- (1) The Scottish Ministers must, within twelve months of the coming into force of this section, publish a document to be known as the Purpose-built Student Accommodation Charter (“the Charter”).
- (2) The Charter must set out a summary of—
  - (a) the purpose of purpose-built student accommodation,
  - (b) the rights and responsibilities of landlords and tenants under a student residential tenancy,
  - (c) the processes for dispute resolution between landlords and tenants under a student residential tenancy.
- (3) The Charter may also include standards and outcomes which landlords should aim to achieve when performing housing activities in relation to a student residential tenancy.
- (4) In preparing the Charter, the Scottish Ministers—
  - (a) must consult—
    - (i) higher education institutions,
    - (ii) local authorities,
    - (iii) persons who appear to them to represent the interests of residents who are not students, and
    - (iv) student associations,
  - (b) may consult any other person they consider appropriate.
- (5) Nothing in the Charter is to—
  - (a) give rise to any new rights,
  - (b) impose any new responsibilities, or
  - (c) alter (in any way) an existing right or responsibility.
- (6) The Charter is to be published in such form and manner as the Scottish Ministers consider appropriate and laid before the Scottish Parliament.

## THIS IS NOT THE MARSHALLED LIST

- (7) In this Part “student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

### **Pam Duncan-Glancy**

475 After section 51, insert—

#### *<Purpose-built student accommodation strategy*

##### **Purpose-built student accommodation strategy**

- (1) The Scottish Ministers must, as soon as reasonably practicable, prepare a purpose-built student accommodation strategy.
- (2) The purpose built student accommodation strategy must set out—
  - (a) the Scottish Ministers’ objectives with regards to purpose-built student accommodation,
  - (b) the Scottish Ministers’ plans for meeting those objectives (including priorities for action),
  - (c) arrangements for monitoring progress towards meeting the objectives.
- (3) The purpose-built student accommodation strategy may include—
  - (a) the Scottish Ministers’ aims for the ratio of student residential tenancies to other types of tenancy in any given area of a local authority,
  - (b) the Scottish Ministers’ view on the role of purpose-built student accommodation within the available housing stock in any given area of a local authority,
  - (c) any planned future changes to regulation of student residential tenancies, including a timetable for implementation,
  - (d) the Scottish Ministers’ approach to engaging with landlords and tenants of student residential tenancies in decision making,
  - (e) an assessment of whether data collected on student residential tenancies is adequate to support decision making,
  - (f) any planned future changes to data collection, including the landlord registration system,
  - (g) such other information as the Scottish Ministers consider appropriate.
- (4) In preparing the purpose-built student accommodation strategy, the Scottish Ministers—
  - (a) must consult—
    - (i) higher education institutions,
    - (ii) local authorities,
    - (iii) persons who appear to them to represent the interests of residents who are not students, and
    - (iv) students’ associations,
  - (b) may consult any other person they consider appropriate.
- (5) The strategy prepared under subsection (1) must be published and laid before the Scottish Parliament.>

## THIS IS NOT THE MARSHALLED LIST

**Ross Greer**

**548** After section 51, insert—

*<Student residential tenancies*

### **Development of model terms and conditions**

- (1) The Scottish Ministers must, no later than 18 months after Royal Assent, publish a model terms and conditions for student residential tenancies.
- (2) The model terms and conditions mentioned in subsection (1) must include provisions on—
  - (a) the rent payable, including—
    - (i) the affordability of the rent payable, including with reference to available financial support for students,
    - (ii) that the rent payable cannot be increased more than once in any period of 12 months,
    - (iii) that the landlord must provide the tenant with a minimum of 3 months' notice before any rent increase takes effect,
  - (b) tenancy deposits, including—
    - (i) that deposits cannot be an amount exceeding the monthly rent payable under the tenancy,
    - (ii) that where a person is required, as a condition of the grant of a tenancy, to provide a guarantor in relation to the observance or performance of the tenant's obligations under the tenancy, the landlord must not require that the guarantor is resident in Scotland,
  - (c) ending the tenancy, including—
    - (i) ending the tenancy before the tenancy commences,
    - (ii) the notice period for ending the tenancy,
    - (iii) the rights of the tenant,
  - (d) the rights and responsibilities of the tenant and landlord in relation to the maintenance and repair of the property, including—
    - (i) rights of access to the property for maintenance and repair,
    - (ii) that the landlord must provide a minimum notice of 24 hours before the property is accessed for maintenance and repair,
  - (e) the provision of information from the landlord to the tenant on matters including—
    - (i) complaints and redress,
    - (ii) financial and debt advice,
    - (iii) financial support,
    - (iv) other support, including pastoral support,
  - (f) arrangements for—
    - (i) communication between the tenant and landlord,
    - (ii) data sharing,
    - (iii) insurance,

## THIS IS NOT THE MARSHALLED LIST

- (iv) the provision of receipts for the payment of rent.
- (3) The model terms and conditions mentioned in subsection (1) may include provisions on any other matters the Scottish Ministers consider appropriate.
- (4) In developing the model terms and conditions mentioned in subsection (1), the Scottish Ministers must consult any persons they consider appropriate.
- (5) The Scottish Ministers may, by regulations, make provision as they consider appropriate to require landlords of student residential tenancies to comply with any terms and conditions set out in the model terms and conditions.
- (6) In this Part, “student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

### Ross Greer

549 After section 51, insert—

#### *<Student residential tenancies*

##### **Development of model complaints procedure**

- (1) The Scottish Ministers must, no later than 18 months after Royal Assent, publish a model complaints procedure for student residential tenancies.
- (2) The model complaints procedure mentioned in subsection (1) must include a procedure by which a tenant under a student residential tenancy may make complaints (or other representations) in relation to the landlord.
- (3) The model complaints procedure mentioned in subsection (1) may include—
  - (a) different provisions for different types of landlord,
  - (b) provisions on any other matters the Scottish Ministers consider appropriate,
- (4) In developing the model complaints procedure mentioned in subsection (1), the Scottish Ministers must consult any persons it considers appropriate.
- (5) The Scottish Ministers may, by regulations, make provision to require landlords of student residential tenancies to comply with the model complaints procedure.>

### Edward Mountain

441 In section 52, page 61, line 17, after <(4)> insert <or sections (*Landlord’s power to increase rent*)(2)(b), (*Tenant’s right to refer increase to rent officer*)(3) and (*Duty to make information available*)(2)>

### Graham Simpson

75 In section 52, page 61, line 18, after <18(1)> insert <, or (*Power to subject student residential tenancies to rent controls*)(1)>

### Pam Duncan-Glancy

556 In section 52, page 61, line 18, after <18(1)> insert <, or (*Pre-tenancy requirements: student funding*)(1)>

## THIS IS NOT THE MARSHALLED LIST

### **Ross Greer**

- 559** In section 52, page 61, line 18, after <18(1)> insert <, or *(Development of model terms and conditions)*(5)>

### **Ross Greer**

- 560** In section 52, page 61, line 18, after <18(1)> insert <, or *(Development of model complaints procedure)*(5)>

### **Removal of Part 1**

#### **Meghan Gallacher**

- 85** Leave out section 1

#### **Meghan Gallacher**

- 86** Leave out section 2

#### **Meghan Gallacher**

- 87** Leave out section 3

#### **Meghan Gallacher**

- 88** Leave out section 4

#### **Meghan Gallacher**

- 89** Leave out section 5

#### **Meghan Gallacher**

- 91** Leave out section 6

#### **Meghan Gallacher**

- 92** Leave out section 7

#### **Meghan Gallacher**

- 93** Leave out section 8

#### **Meghan Gallacher**

- 98** Leave out section 9

#### **Meghan Gallacher**

- 99** Leave out section 10



**THIS IS NOT THE MARSHALLED LIST**

**Meghan Gallacher**

**100** Leave out section 11

**Meghan Gallacher**

**101** Leave out section 12

**Meghan Gallacher**

**Supported by: Paul McLennan**

**107** Leave out section 13

**Meghan Gallacher**

**108** Leave out section 14

**Meghan Gallacher**

**110** Leave out section 15

**Meghan Gallacher**

**111** Leave out section 16

**Meghan Gallacher**

**112** Leave out section 17

**Meghan Gallacher**

**113** Leave out section 18

**Meghan Gallacher**

**114** Leave out section 19

**Meghan Gallacher**

**115** Leave out section 20

**Meghan Gallacher**

**116** Leave out section 21

**Meghan Gallacher**

**117** Leave out section 22

**Meghan Gallacher**

**118** Leave out section 23

# THIS IS NOT THE MARSHALLED LIST

## Taxes and local government finance

### **Ross Greer**

519 In section 2, page 2, line 24, at end insert—

<( ) if so, whether or not it recommends to the Scottish Ministers that paragraph 4A of schedule 2A of the Land and Buildings Transaction Tax (Scotland) Act 2013 should apply to the proposed rent control area, and>

### **Graham Simpson**

74 After section 51, insert—

*<Council tax*

#### **Council tax: persons disregarded for purposes of discount**

- (1) The Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003 is modified as follows.
- (2) In article 6, paragraph 3(b), for “completed it” substitute “graduated from it”.>

### **Ross Greer**

191 After section 51, insert—

*<Council tax*

#### **Variation of council tax for unoccupied dwellings**

- (1) The Local Government in Scotland Act 2003 is modified as follows.
- (2) In section 33, subsection (1A) is repealed.>

### **Ross Greer**

192 After section 51, insert—

*<Council tax*

#### **Variation of council tax for unoccupied dwellings**

- (1) The Local Government in Scotland Act 2003 is modified by subsection (2).
- 5 (2) In section 33—
  - (a) subsection (1A) is repealed,
  - (b) in subsection (4), paragraph (a) is repealed.
- (3) The Scottish Ministers must within 1 year of Royal Assent lay draft regulations under section 33(1)(b) of the Local Government in Scotland Act 2003 which—
  - 10 (a) confer on local authorities powers to provide for the calculation of the amount of a variation to increase the amount of council tax payable within their respective areas, and
  - (b) do not place a limit on the amount of any such variation that can be provided for by local authorities.>

## THIS IS NOT THE MARSHALLED LIST

**Ross Greer**

**192A** As an amendment to amendment 192, line 7, at end insert—

<(c) after subsection (2A), insert—

“(2B) Regulations under subsection (1) must provide that—

- (a) where there is a variation to increase the amount of council tax payable, and
- (b) the owner of the dwelling is not ordinarily resident in Scotland, an additional variation to further increase the amount of council tax payable, as determined by the local authority, may be applied.”.>

**Ross Greer**

**462** After section 51, insert—

*<Council tax*

### **Council tax: valuation bands**

- (1) The Local Government Finance Act 1992 is modified as follows.
- (2) In section 74 (different amounts for dwellings in different valuation bands), in subsection (3)(b), after “bands” insert “, which may include a different number of valuation bands,”.>

**Ross Greer**

**463** After section 51, insert—

*<Council tax*

### **Council tax revaluation**

- (1) The Scottish Ministers must in respect of each revaluation date make an order under section 74(3)(b) of the Local Government Finance Act 1992 providing that, as regards financial years beginning on or after such date as is specified in the order, valuation bands so specified shall be substituted for those for the time being effective for the purposes of subsection (2) of that section.
- (2) An order under subsection (1) must—
  - (a) require local assessors to compile, and then maintain, new valuation lists for the financial years specified in the order,
  - (b) specify a date no later than—
    - (i) in relation to the first revaluation date, 1 April 2029,
    - (ii) in relation to each subsequent revaluation date, a date no later than 5 years after the end of the previous revaluation date.
- (3) Prior to new valuation lists coming into force by virtue of an order made under subsection (1), the Scottish Ministers may by regulations provide for such transitional measures as they consider appropriate, including in relation to the payment of council tax by low and fixed income households.
- (4) For the purposes of this section, the revaluation date is—
  - (a) in relation to the first revaluation date, 1 April 2029, and

## THIS IS NOT THE MARSHALLED LIST

- (b) in relation to each subsequent revaluation date, the day falling 5 years after the previous revaluation date.>

**Ross Greer**

**464** After section 51, insert—

*<Council tax*

### **Council tax revaluation**

- (1) The Scottish Ministers must make an order under section 74(3)(b) of the Local Government Finance Act 1992 providing that, as regards financial years beginning on or after such date as is specified in the order, valuation bands so specified shall be substituted for those for the time being effective for the purposes of subsection (2) of that section.
- (2) An order under subsection (1) must—
  - (a) require local assessors to compile, and then maintain, new valuation lists for the financial years specified in the order,
  - (b) specify a date no later than 1 April 2029.
- (3) At the same time as making an order under subsection (1), the Scottish Ministers must make an order under section 88(3)(b) of the Local Government Finance Act 1992 that specifies a date no later than 1 April 2027 for the purposes of section 86(2) of that Act.
- (4) Prior to new valuation lists coming into force by virtue of an order made under subsection (1), the Scottish Ministers must by regulations provide for such transitional measures as they consider appropriate, including in relation to the payment of council tax by low and fixed income households.>

**Ross Greer**

**542** After section 51, insert—

*<Council tax*

### **Review of council tax arrears: scale and impact**

- (1) The Scottish Ministers must, no later than six months after Royal Assent, undertake a review of the scale and impact of council tax arrears.
- (2) On completing the review, the Scottish Ministers must—
  - (a) lay a report on the review before the Scottish Parliament,
  - (b) publish the report in such manner as they consider appropriate.
- (3) The report under subsection (2) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.>

**Ross Greer**

**543** After section 51, insert—

## THIS IS NOT THE MARSHALLED LIST

### <Council tax

#### **Review of council tax arrears: joint and several liability**

- (1) The Scottish Ministers must, no later than six months after Royal Assent, undertake a review of the impact of joint and several liability for council tax arrears on those who have experienced, or are experiencing, domestic abuse.
- (2) On completing the review, the Scottish Ministers must—
  - (a) lay a report on the review before the Scottish Parliament,
  - (b) publish the report in such manner as they consider appropriate.
- (3) The report under subsection (2) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.
- (4) In this section, “domestic abuse” means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act).>

#### **Meghan Gallacher**

**132** After section 51, insert—

### <Land and buildings transaction tax

#### **Additional amount: transactions relating to third homes etc.**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In schedule 2A (additional amount: transactions relating to second homes etc.)—
  - (a) in paragraph 2, sub-paragraph (1)(c), for “one dwelling” substitute “two dwellings”,
  - (b) the italic heading immediately preceding paragraph 2 becomes “Transactions relating to third homes etc.”,
  - (c) the title becomes “Additional Amount: Transactions relating to third homes etc.”.>

#### **Rachael Hamilton**

**224** After section 51, insert—

### <Land and buildings transaction tax

#### **Additional amount: transactions relating to second homes etc.**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 25, subsection (3), paragraph (za) is repealed.
- (3) In section 26, subsection (4), paragraph (za) is repealed.
- (4) Section 26A is repealed.
- (5) In section 68—
  - (a) in subsection (2), paragraph (ja) is repealed,
  - (b) in subsection (5), paragraph (b) is repealed.
- (6) Schedule 2A is repealed.
- (7) In schedule 4A, paragraph 1, sub-paragraph (1)(e) is repealed.

## THIS IS NOT THE MARSHALLED LIST

- (8) In schedule 5—
- (a) in paragraph 10, the words “other than one to which schedule 2A applies” are repealed,
  - (b) paragraph 10A is repealed,
  - (c) in paragraph 13, the words from “Step 4” to end are repealed.>

### Rachael Hamilton

225 After section 51, insert—

*<Land and buildings transaction tax*

#### **Renovating a dwelling to make it into a habitable state: relief from Additional Dwelling Supplement**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In schedule 2A, after paragraph 9C insert—

*“Relief for renovating a dwelling to make it into a habitable state*

- 9D A chargeable transaction to which this schedule applies by virtue of paragraph 2 is exempt from the additional amount if the dwelling is not habitable and the buyer is intending to commence work within 12 months of the purchase to make it into a habitable state by renovation.”.>

### Ariane Burgess

255 After section 51, insert—

*<Land and buildings transaction tax*

#### **Housing co-operatives: relief from Additional Dwelling Supplement**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In schedule 2A, after paragraph 9C insert—

*“Relief for housing co-operatives*

- 9D(1) A chargeable transaction to which this schedule applies by virtue of paragraph 2 is exempt from the additional amount if the buyer is a qualifying housing co-operative.
- (2) An entity is a qualifying housing co-operative for the purposes of sub-paragraph (1) on any day if on that day—
    - (a) it is a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, and
    - (b) the rules of the co-operative comply with sub-paragraph (3).
  - (3) The rules of the co-operative must—
    - (a) restrict voting membership to persons who are tenants, or prospective tenants, of the co-operative,
    - (b) preclude the granting or assignment of tenancies to persons other than voting members,
    - (c) prevent voting members from transferring any of their shares,

## THIS IS NOT THE MARSHALLED LIST

- (d) prevent voting members from receiving any more than the nominal value of their shares on a return of share capital,
- (e) confer on voting members equal voting rights.
- (4) For the purposes of sub-paragraph (3)(a), a prospective tenant is an individual who—
  - (a) has been allocated a property within the co-operative, and
  - (b) will take up residence at that property within the next 12 calendar months of being accepted into membership.”.>

### Ross Greer

465 After section 51, insert—

*<Land and buildings transaction tax*

#### **Open-ended investment companies**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 46 (open-ended investment companies), in subsection (1), for “may” substitute “must”.>

### Ross Greer

466 After section 51, insert—

*<Land and buildings transaction tax*

#### **Visiting forces and international military headquarters reliefs**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 27 (reliefs), the words “schedule 16A (visiting forces and international military headquarters reliefs),” are repealed.
- (3) Schedule 16A (visiting forces and international military headquarters reliefs) is repealed.>

### Ross Greer

467 After section 51, insert—

*<Land and buildings transaction tax*

#### **Residential property holding companies**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 47 (residential property holding companies), in subsection (1), for “may” substitute “must”.>

### Ross Greer

468 After section 51, insert—

*<Land and buildings transaction tax*

#### **Capacity: relief or exemption from Additional Dwelling Supplement**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.

## THIS IS NOT THE MARSHALLED LIST

- (2) In section 68 (subordinate legislation), in subsection (2)(j), after “paragraph 19(3)” insert “, (3ZA)”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.), paragraph 19, after sub-paragraph (3) insert—
  - “(3ZA) The Scottish Ministers must by regulations modify this schedule so as to make provision to add a relief or exemption from the additional amount, where—
    - (a) a person (person A) acquires ownership of a dwelling,
    - (b) the dwelling will be the only or main residence of another person (person B), and
    - (c) person B is not capable of assuming the responsibilities of home ownership.
  - (3ZB) Regulations under sub-paragraph (3ZA) may include a presumption of the relief or exemption from the additional amount applying where person B is entitled to receive disability assistance given by Scottish Ministers under section 24 of the Social Security (Scotland) Act 2018.”.>

### Ross Greer

469 After section 51, insert—

#### *<Land and buildings transaction tax*

##### **Additional amount: power to increase the amount on additional dwellings**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In schedule 2A (additional amount: transactions relating to second homes etc.), paragraph 19, after sub-paragraph (1) insert—
  - “(1A) An order under sub-paragraph (1) may provide for different percentage figures for different purposes, including different numbers of dwellings owned by the buyer.”.>

### Ariane Burgess

492 After section 51, insert—

#### *<Land and buildings transaction tax*

##### **Exempt transactions: housing co-operatives**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In schedule 1 (exempt transactions), after paragraph 2 insert—
  - “*Acquisitions by housing co-operatives*
  - 2A(1) A land transaction under which the buyer is a qualifying housing co-operative is an exempt transaction.
  - (2) An entity is a qualifying housing co-operative for the purposes of sub-paragraph (1) on any day if on that day—
    - (a) it is a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, and



## THIS IS NOT THE MARSHALLED LIST

- (b) the rules of the co-operative comply with sub-paragraph (3).
- (3) The rules of the co-operative must—
  - (a) restrict voting membership to persons who are tenants, or prospective tenants, of the co-operative,
  - (b) preclude the granting or assignment of tenancies to persons other than voting members,
  - (c) prevent voting members from transferring any of their shares,
  - (d) prevent voting members from receiving any more than the nominal value of their shares on a return of share capital,
  - (e) confer on voting members equal voting rights.
- (4) For the purposes of sub-paragraph (3)(a), a prospective tenant is an individual who—
  - (a) has been allocated a property within the co-operative, and
  - (b) will take up residence at that property within the next 12 calendar months of being accepted into membership.”.>

**Ross Greer**

**493** After section 51, insert—

*<Land and buildings transaction tax*

### **Additional amount surcharge: companies**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—

“(jza) paragraph 4A(3) or (4) of schedule 2A,”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
  - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
  - (b) after paragraph 4 insert—

*“Additional amount surcharge: companies*

4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.

(2) Where—

- (a) this schedule applies to a chargeable transaction,
- (b) the transaction is a residential property transaction,
- (c) the buyer is a—
  - (i) company (within the meaning of section 1 of the Companies Act 2006),
  - (ii) partnership where one or more of the partners is a company, or

## THIS IS NOT THE MARSHALLED LIST

- (iii) collective investment scheme (within the meaning given by section 235 of the Financial Services and Markets Act 2000), and
- (d) the Scottish Ministers have not prescribed in regulations under sub-paragraph (4) that this paragraph does not apply to the transaction,  
  
the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (3).
- (3) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).
- (4) The Scottish Ministers may, by regulations, specify transactions to which this paragraph does not apply.
- (5) Regulations under sub-paragraphs (3) and (4) may make different provision for different purposes or areas.”.>

**Ross Greer**

**544** After section 51, insert—

### *<Land and buildings transaction tax*

#### **Additional amount surcharge: rent control areas**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—  
  
“(jza) paragraph 4A(3) or (4) of schedule 2A.”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
  - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
  - (b) after paragraph 4 insert—  
  
*“Additional amount surcharge: rent control areas*  
  
4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.
- (2) Where—
  - (a) this schedule applies to a chargeable transaction,
  - (b) the transaction is a residential property transaction,
  - (c) the dwelling is in a rent control area designated by Scottish Ministers under section 9 of the Housing (Scotland) Act 2025, and
  - (d) the Scottish Ministers have not prescribed in regulations under sub-paragraph (4) that this paragraph does not apply to the rent control area in which the dwelling is situated,

## THIS IS NOT THE MARSHALLED LIST

the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (3).

- (3) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).
- (4) The Scottish Ministers may, by regulations, set out the rent control areas designated under section 9 of the Housing (Scotland) Act 2025 which this paragraph does not apply to.
- (5) Where the Scottish Ministers make regulations under sub-paragraph (4), the Scottish Ministers must publish the reasons for doing so.
- (6) Regulations under sub-paragraphs (3) and (4) may make different provision for different purposes or areas.”.>

**Ross Greer**

**545** After section 51, insert—

*<Land and buildings transaction tax*

### **Additional amount surcharge: National Parks**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—

“(jza) paragraph 4A(2) or (5) of schedule 2A.”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
  - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
  - (b) after paragraph 4 insert—

*“Additional amount surcharge: National Parks*

- 4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.
- (2) The Scottish Ministers may, by regulations set out the National Parks designated under section 6 of the National Parks (Scotland) Act 2000 which this paragraph applies to.
- (3) In making regulations under sub-paragraph (2), the Scottish Ministers must have regard to the views of the relevant National Park authorities.
- (4) Where—
  - (a) this schedule applies to a chargeable transaction,
  - (b) the transaction is a residential property transaction,
  - (c) the dwelling is in an area of a National Park designated by Scottish Ministers under section 6 of the National Parks (Scotland) Act 2000, and
  - (d) the Scottish Ministers have prescribed in regulations under sub-paragraph (1) that this paragraph applies to the area of the National Park in which the dwelling is situated,

## THIS IS NOT THE MARSHALLED LIST

the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (4).

- (5) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).
- (6) Regulations under sub-paragraphs (2) and (5) may make different provision for different purposes or areas.”.>

**Ross Greer**

**546** After section 51, insert—

*<Land and buildings transaction tax*

### **Additional amount surcharge: buyers not ordinarily resident in Scotland**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—

“(jza) paragraph 4A(3) of schedule 2A.”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
  - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
  - (b) after paragraph 4 insert—

*“Additional amount surcharge: buyers not ordinarily resident in Scotland*

4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.

- (2) Where—
  - (a) this schedule applies to a chargeable transaction,
  - (b) the transaction is a residential property transaction,
  - (c) the buyer is not ordinarily resident in Scotland, and
  - (d) the buyer does not intend to use the dwelling as their only or main residence,

the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (3).

- (3) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).”.>

**Ross Greer**

**547** After section 51, insert—

*<Land and buildings transaction tax*

### **Transactions of £1 million or more**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 24 (tax rates and tax bands), after subsection (2) insert—

## THIS IS NOT THE MARSHALLED LIST

“(2A) The tax bands above the nil rate tax band mentioned in subsection (2)(c) and specified in an order under subsection (1) must include a tax band for properties for which the chargeable consideration is £1,000,000 or more.

(2B) The Scottish Ministers must make an order under subsection (1) for the 2026-27 financial year.”.>

**Ross Greer**

**193** After section 51, insert—

*<The Housing Revenue Account*

### **Transfer of funds into the Housing Revenue Account**

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In schedule 15 (the housing revenue account), in paragraph 2(1)(h), for “except” substitute “including”.>

**Ross Greer**

**194** After section 51, insert—

*<The Housing Revenue Account*

### **Transfer of funds into the Housing Revenue Account**

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In schedule 15 (the housing revenue account), in paragraph 2(5) the words “, with the consent of the Secretary of State,” are repealed.>

**Ross Greer**

**459** After section 51, insert—

*<Non-domestic rates: short-term let property*

### **Non-domestic rates: short-term let property**

- (1) The Local Government etc. (Scotland) Act 1994 is modified as follows.
- (2) In section 153, after subsection (3A) insert—
  - “(3B) Regulations under this section must provide that in respect of any lands and heritages mentioned in subsection (3C), the non-domestic rate for the financial year to which the regulations relate—
    - (a) shall be levied at a higher rate in the form of a supplement to be prescribed in the regulations, and
    - (b) shall not in any circumstances be remitted or reduced.
  - (3C) The lands and heritages are lands and heritages—
    - (b) let as self-catering holiday accommodation, or
    - (d) otherwise let on a short-term basis, and
    - (e) which are suitable for providing housing to a person on a temporary or permanent basis.”.>

## THIS IS NOT THE MARSHALLED LIST

**Ross Greer**

**460** After section 51, insert—

*<Non-domestic rates: short-term let property>*

### **Non-domestic rates: short-term let property**

- (1) The Local Government etc. (Scotland) Act 1994 is modified as follows.
- (2) In section 153, after subsection (3A) insert—
  - “(3B) Regulations under this section must provide that in respect of any lands and heritages mentioned in subsection (3C), the non-domestic rate for the financial year to which the regulations relate shall be levied at a higher rate in the form of a supplement to be prescribed in the regulations.
  - (3C) The lands and heritages are lands and heritages—
    - (a) let as self-catering holiday accommodation, or
    - (b) otherwise let on a short-term basis, and
    - (c) which are suitable for providing housing to a person on a temporary or permanent basis.”.>

**Ross Greer**

**461** After section 51, insert—

*<Non-domestic rates: short-term let property>*

### **Non-domestic rates: short-term let property**

- (1) The Local Government etc. (Scotland) Act 1994 is modified as follows.
- (2) In section 53, after subsection (3A)—
  - “(3B) Regulations under this section must provide that in respect of any lands and heritages mentioned in subsection (3C), the non-domestic rate for the financial year to which the regulations relate shall not in any circumstances be remitted or reduced.
  - (3C) The lands and heritages are lands and heritages—
    - (a) let as self-catering holiday accommodation, or
    - (b) otherwise let on a short-term basis, and
    - (c) which are suitable for providing housing to a person on a temporary or permanent basis.”.>

**Ross Greer**

**550** After section 51, insert—

*<Infrastructure levy>*

### **Infrastructure levy: housing developments**

- (1) The Planning (Scotland) Act 2019 is modified as follows.

## THIS IS NOT THE MARSHALLED LIST

(2) In section 58 (lapsing of power to provide for levy)—

- (a) in subsection (1), after “exercisable” insert “in relation to developments other than housing developments”,
- (b) subsection (2) is repealed.>

### **Ross Greer**

478 In section 52, page 61, line 18, after <18(1)> insert <, or (*Council tax revaluation*)(3)>

### **Ross Greer**

197 In section 56, page 62, line 6, at beginning, insert <Section (*Variation of council tax for unoccupied dwellings*) and>

### **Ross Greer**

198 In section 56, page 62, line 6, leave out <comes> and insert <come>

### **Rent control areas: amount of rent cap**

#### **Paul McLennan**

281 In section 9, page 6, line 28, leave out subsection (3)

#### **Katy Clark**

412 In section 9, page 6, line 35, after <factors,> insert—  
<( ) the quality, state of repair, or energy efficiency of the property,>

#### **Edward Mountain**

147 In section 9, page 6, line 36, at end insert—  
<( ) Regulations under subsection (1) must provide that the amount specified must be calculated with reference to the quality, state of repair, and energy efficiency of a property.>

#### **Paul McLennan**

282 In section 9, page 6, line 37, leave out <a period of 5 years from> and insert <the period of 5 years beginning with>

#### **Paul McLennan**

283 In section 9, page 7, line 1, leave out subsection (5)

#### **Rachael Hamilton**

207 In section 9, page 7, line 3, at end insert—  
<( ) In this Part, “rent payable” means the amount that is payable in rent, excluding any charges for water, sewage, gas, or electricity which are directly payable to the landlord under the tenancy agreement.>

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

**284** In section 10, page 7, leave out lines 14 to 17

**Paul McLennan**

**285** In section 10, page 7, line 26, leave out from <and> to end of line 28

**Paul McLennan**

**286** In section 10, page 7, line 34, leave out subsection (4)

**Paul McLennan**

**287** In section 11, page 8, line 2, leave out from <operation> to end of line 3 and insert <designation and size of each rent control area designated by existing regulations under section 9(1).>

**Paul McLennan**

**288** In section 11, page 8, line 4, leave out from first <a> to <proportionate> in line 6 and insert <it is no longer necessary or proportionate to designate all or part of a rent control area as such>

**Paul McLennan**

**289** In section 11, page 8, line 8, leave out <vary or revoke the regulations as they consider appropriate> and insert <—

( ) revoke the existing regulations, or

( ) vary the existing regulations to reduce the size of the rent control area as they consider appropriate>

5

**Maggie Chapman**

**289A** As an amendment to amendment 289, line 4, after <reduce> insert <or increase>

**Paul McLennan**

**290** In section 12, page 8, line 10, leave out from <amend> to end of line 12 and insert <reduce the size of a rent control area designated by regulations under section 9(1).>

**Maggie Chapman**

**290A** As an amendment to amendment 290, line 1, after <reduce> insert <or increase>

**Paul McLennan**

**291** In section 12, page 8, line 14, leave out from <amendment> to end of line 18 and insert <variation, the Scottish Ministers must—

( ) consult—

(i) the local authority within whose area the rent control area is situated,

(ii) persons who appear to them to represent the interests of tenants and landlords under relevant tenancies of properties in the rent control area, and



## THIS IS NOT THE MARSHALLED LIST

- ( ) allow a period of not less than 8 weeks for any representations to be made in response to the consultation.>

**Paul McLennan**

- 292** In section 12, page 8, line 19, leave out subsection (3)

**Paul McLennan**

- 293** In section 12, page 8, line 30, leave out from <regulations> to <area> in line 32 and insert <size of the rent control area should be reduced>

**Maggie Chapman**

- 293A** As an amendment to amendment 293, line 2, after <reduced> insert <or increased>

**Paul McLennan**

- 294** In section 14, page 9, line 18, leave out <of a specified property>

**Paul McLennan**

- 295** In section 14, page 9, line 18, after <tenancy> insert <of a specified property in a rent control area>

**Paul McLennan**

- 296** In section 14, page 9, line 20, leave out from <an> to end of line 22 and insert <more than the permitted rate,>

**Paul McLennan**

- 297** In section 14, page 9, line 23, leave out from <an> to end of line 25 and insert <more than the permitted rate.>

**Paul McLennan**

- 298** In section 14, page 9, line 26, leave out <, “a specified property”> and insert <—  
“permitted rate” has the meaning given by section 43CA of the 2016 Act,  
“specified property”>

**Paul McLennan**

- 299** In section 14, page 9, line 26, after second <property> insert <—  
( ) that is not an exempt property (within the meaning given by regulations under section 17C(1) of the 2016 Act), and  
( ) that is>

**Paul McLennan**

- 300** In section 14, page 9, line 27, leave out <that subsection> and insert <subsection (1)>

## THIS IS NOT THE MARSHALLED LIST

### Paul McLennan

**301** In section 14, page 10, line 3, at end insert—

<( ) In this section, references to increases in the rent payable under a private residential tenancy include references to—

- (a) setting the initial rent under the tenancy (within the meaning of section 43E of the 2016 Act), and
- (b) increasing the rent payable under the tenancy following a rent-increase notice (within the meaning of section 43J(1) of the 2016 Act).>

### Paul McLennan

**302** In section 14, page 10, line 8, at end insert—

<( ) The requirement to consult under subsection (5)(a) may be met by consultation carried out before this section comes into force.>

### Paul McLennan

**327** In section 18, page 12, line 32, leave out <On or in anticipation of the expiry> and insert <In connection with the expiry or revocation>

### Paul McLennan

**332** In section 19, page 14, line 33, at end insert—

#### <43CA Meaning of “permitted rate”

(1) In this Part, the “permitted rate” means the lower of—

- (a) CPI% plus one percentage point (but see subsection (3)), and
- (b) 6%.

(2) In this section—

“consumer prices index” means—

- (a) the all items consumer prices index published by the Statistics Board, or
- (b) if that index is not published for a month, any substituted index or figures published by the Board,

“CPI%” means the percentage increase or decrease (rounded to the nearest 0.1%) in the consumer prices index, calculated by reference only to—

- (a) the latest index, and
- (b) the index published for the month which was 12 months before that to which the latest index relates,

“the latest index”—

- (a) in a case of setting the initial rent under the current tenancy, means the last index published before the day on which the tenancy starts,
- (b) in a case of a rent-increase notice, means the last index published before the day on which the notice is given to the tenant.

## THIS IS NOT THE MARSHALLED LIST

- (3) If the total percentage determined under subsection (1)(a) is less than 0%, it is to be treated instead as if it were 0%.

### **43CB Meaning of “permitted rate”: further provision**

- 25 (1) The Scottish Ministers may by regulations modify section 43CA to substitute a different economic index for the one for the time being mentioned there.
- (2) The Scottish Ministers may by regulations modify section 43CA to—
- 30 (a) substitute a different percentage point for the one for the time being specified in subsection (1)(a) of that section,
- (b) substitute a different percentage for the one for the time being specified in subsection (1)(b) of that section.
- 35 (3) The Scottish Ministers may make regulations under subsection (2) only if they consider that the modification is necessary to ensure that restrictions imposed by this Part on the rent payable under private residential tenancies of properties in a rent control area (other than exempt properties) are—
- (a) necessary and proportionate for the purpose of protecting the social and economic interests of tenants in the area, and
- (b) a necessary and proportionate control of landlords’ use of their property in the area.
- 40 (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) or (2) before the Scottish Parliament, the Scottish Ministers—
- (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
- (b) may consult any other person they consider appropriate.>

### **Maggie Chapman**

- 332A** As an amendment to amendment 332, line 4, leave out <plus one percentage (but see subsection (3)), and> and insert—

- <(aa) ASHE%,  
(ab) AWE%,>

### **Maggie Chapman**

- 332B** As an amendment to amendment 332, line 5, after <6%> insert <, or

- (c) in specified circumstances, a percentage set by regulations under section 43CB(2A)>

### **Maggie Chapman**

- 332C** As an amendment to amendment 332, line 6, at end insert—

<“annual survey of hours and earnings” means—

- (a) measures of median weekly earnings using data from the Annual Survey of Hours and Earnings and published by the Statistics Board, or

## THIS IS NOT THE MARSHALLED LIST

- (b) if that figure is not published for a year, any substituted index or figures published by the Board,

“ASHE%” means the percentage increase or decrease (rounded to the nearest 0.1%) in the median weekly earnings reported in the annual survey of hours and earnings, calculated by reference only to—

- (a) the latest figures, and
- (b) the figures published for the year before that to which the latest figures relates,

“average weekly earnings” means—

- (a) the estimate of growth in earnings for employees before tax and other deductions published by the Statistics Board, or
- (b) if that figure is not published for a month, any substituted index or figures published by the Board,

“AWE%” means the percentage increase or decrease (rounded to the nearest 0.1%) in the average weekly earnings, calculated by reference only to—

- (a) the latest figures, and
- (b) the figures published for the month which was 12 months before that to which the latest figures relates,>

### **Maggie Chapman**

**332D** As an amendment to amendment 332, line 19, after <index> insert <or figure>

### **Maggie Chapman**

**332E** As an amendment to amendment 332, line 20, after <index> insert <or figure>

### **Maggie Chapman**

**332F** As an amendment to amendment 332, line 21, at end insert—

<“specified circumstances” means circumstances specified in regulations under section 43CB(2A).>

### **Maggie Chapman**

**332G** As an amendment to amendment 332, leave out lines 30 and 31

### **Maggie Chapman**

**332H** As an amendment to amendment 332, line 31, at end insert—

<(2A) The Scottish Ministers may by regulations specify—

- (a) a percentage lower than that specified in section 43CA(1)(a) or (b), and
- (b) circumstances in which that percentage is to apply.

(2B) A percentage specified under subsection (2A) may be less than 0%.>

## THIS IS NOT THE MARSHALLED LIST

**Ben Macpherson**

**Supported by: Graham Simpson, Edward Mountain**

47 In section 19, page 14, line 37, at end insert—

<“broad rental market area” has the same meaning as in the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997,>

**Paul McLennan**

333 In section 19, page 15, leave out lines 3 to 6

**Rachael Hamilton**

215 In section 19, page 15, line 10, at end insert—

<“rent payable”, in relation to a tenancy, means the amount that is payable in rent, excluding any charges for water, sewage, gas, or electricity which are directly payable to the landlord under the tenancy agreement.>

**Ben Macpherson**

**Supported by: Graham Simpson, Edward Mountain**

48 In section 19, page 15, line 10, at end insert—

<(1A) The Scottish Ministers may by regulations define “open market rent” for the purposes of this Part.>

**Paul McLennan**

334 In section 19, page 15, line 25, leave out <amount for the area in which the property is situated> and insert <rate>

**Ben Macpherson**

**Supported by: Graham Simpson, Edward Mountain**

49 In section 19, page 15, line 25, at end insert—

<(4) If there was not a relevant rent increase during the period of 24 months before the start of the current tenancy, the initial rent under the current tenancy may be increased but to a figure no more than the open market rent for the relevant category of dwelling in a broad rental market area.>

**Graham Simpson**

61 In section 19, page 15, line 25, at end insert—

**<43EA Notice to be given by landlord to set initial rent at open market rent**

(1) If the final rent under the immediately preceding tenancy was more than 10% lower than the open market rent for the relevant category of dwelling in a broad rental market area, the initial rent under the current tenancy may be increased but to a figure no more than the open market rent.

(2) Where subsection (1) applies, the landlord must give the tenant a notice (“an initial rent notice”).

## THIS IS NOT THE MARSHALLED LIST

(3) The initial rent notice must—

10

(a) specify—

(i) the date on which there was last a relevant rent increase,

(ii) the final rent under the immediately preceding tenancy,

(iii) that the final rent under the immediately preceding tenancy was more than 10% lower than the open market rent,

15

(iv) that the initial rent is more than the final rent under the immediately preceding tenancy but no more than the open market rent.

(b) fulfil any other requirements prescribed by the Scottish Ministers in regulations.>

**Daniel Johnson**

**61A** As an amendment to amendment 61, line 3, leave out <more> and insert <no less>

**Daniel Johnson**

**61B** As an amendment to amendment 61, line 13, leave out <more> and insert <no less>

**Graham Simpson**

**62** In section 19, page 15, line 25, at end insert—

**<43EB Tenant's right to refer setting of initial rent to rent officer**

(1) This section applies where the conditions in subsection (2) are met.

(2) The conditions are that—

(a) the tenant considers that the rent payable under the current tenancy is more than the final rent under the immediately preceding tenancy as increased by the permitted amount for the area in which the property is situated,

(b) the tenant has not received a notice under section 43EA.

(3) The tenant may apply to the First-tier Tribunal at any time for determination of whether that the rent should be reduced to an amount no more than the final rent under the immediately preceding tenancy as increased by the permitted amount for the area in which the property is situated.>

**Graham Simpson**

**63** In section 19, page 15, line 25, at end insert—

**<43EC Tenant's right to refer initial rent notice to rent officer**

(1) If a tenant who has received an initial rent notice considers that the final rent under the immediately preceding tenancy was no more than 10% lower than the open market rent, the tenant must notify the landlord in writing of the tenant's view before the end of the day falling 21 days after the tenant receives the notice.

5

(2) The tenant may make a referral to a rent officer for the area in which the let property is situated seeking a decision under section 43ED in relation to the initial rent notice if, before the end of the day falling 21 days after the landlord receives notification

## THIS IS NOT THE MARSHALLED LIST

- 10 from the tenant under subsection (1), the landlord and the tenant have not agreed to a modification of the initial rent notice.
- (3) A referral to a rent officer under subsection (2) must be—
- (a) in the prescribed form,
- (b) accompanied by the prescribed fee (if any),
- 15 (c) intimated by the tenant to the landlord in the prescribed manner, and
- (d) made before the end of the day falling 42 days after the landlord receives notice from the tenant under subsection (1).
- (4) In subsection (3), “prescribed” means prescribed by the Scottish Ministers in regulations.>

**Daniel Johnson**

- 63A** As an amendment to amendment 63, line 4, leave out <no more> and insert <less>

**Graham Simpson**

- 64** In section 19, page 15, line 25, at end insert—

**<43ED Rent officer’s power to set initial rent**

- (1) Where a rent officer receives a referral under section 43EC(2), the rent officer is to decide whether the final rent under the immediately preceding tenancy specified in accordance with section 43EA(3)(a)(ii) in the initial rent notice was more than 10% lower than the open market rent.
- 5
- (2) If the rent officer decides under subsection (1) that the final rent under the immediately preceding tenancy specified in the initial rent notice was more than 10% lower than the open market rent, the rent officer must make an order stating that from the beginning of the tenancy the rent payable under the tenancy is the rent specified in the initial rent notice.
- 10
- (3) If the rent officer decides under subsection (1) that the final rent under the immediately preceding tenancy specified in the initial rent notice was no more than 10% lower than the open market rent, the rent officer must make an order stating that from the beginning of the tenancy the rent payable under the current tenancy is the rent determined by the rent officer.
- 15
- (4) The rent determined by the rent officer under subsection (3) must not be more than the final rent under the immediately preceding tenancy as increased by the permitted amount for the area in which the property is situated.>

**Daniel Johnson**

- 64A** As an amendment to amendment 64, line 5, leave out <more> and insert <no less>

**Daniel Johnson**

- 64B** As an amendment to amendment 64, line 8, leave out <more> and insert <no less>

**Daniel Johnson**

- 64C** As an amendment to amendment 64, line 13, leave out <no more> and insert <less>

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

- 335** In section 19, page 16, line 33, leave out <amount for the area in which the let property is situated> and insert <rate>

**Graham Simpson**

- 65** In section 19, page 16, line 34, after <situated> insert <, unless an application has been approved under section 43U>

**Paul McLennan**

- 336** In section 19, page 17, line 26, leave out from <of> to end of line 27 and insert <if the permitted rate is 0%.>

**Paul McLennan**

- 337** In section 19, page 17, line 33, leave out <amount for the area in which the let property is situated> and insert <rate>

**Paul McLennan**

- 338** In section 19, page 18, line 5, leave out <amount for the area in which the let property is situated> and insert <rate>

**Paul McLennan**

- 339** In section 19, page 18, line 12, leave out <amount for the area is zero (or equivalent to zero)> and insert <rate is 0%>

**Paul McLennan**

- 340** In section 19, page 18, line 17, leave out <amount for the area in which the let property is situated> and insert <rate>

**Paul McLennan**

- 341** In section 19, page 18, line 31, leave out <amount for the area in which the let property is situated> and insert <rate>

**Paul McLennan**

- 342** In section 19, page 18, line 35, leave out <amount for the area in which the let property is situated> and insert <rate>

**Paul McLennan**

- 343** In section 19, page 19, line 1, leave out <amount for the area in which the let property is situated> and insert <rate>

**Paul McLennan**

- 344** In section 19, page 19, line 3, leave out <amount for the area is zero (or equivalent to zero)> and insert <rate is 0%>



## THIS IS NOT THE MARSHALLED LIST

### **Paul McLennan**

- 345** In section 19, page 19, line 8, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 346** In section 19, page 20, line 17, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 347** In section 19, page 20, line 21, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 348** In section 19, page 20, line 27, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 349** In section 19, page 20, line 32, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 350** In section 19, page 22, line 17, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 351** In section 19, page 22, line 35, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 352** In section 19, page 22, line 38, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Paul McLennan**

- 353** In section 19, page 24, line 23, leave out <amount for the area in which the let property is situated> and insert <rate>

### **Graham Simpson**

- 66** In section 19, page 25, line 1, at end insert—

# THIS IS NOT THE MARSHALLED LIST

## <CHAPTER 3

### RENT VARIATION INSTIGATED BY LANDLORD'S APPLICATION

#### **43U Application for rent increase where significant costs are incurred**

- (1) Where a landlord has incurred significant costs related to the maintenance, improvement, or regulatory compliance of a let property, the landlord may apply to the rent officer to increase the rent payable under a current tenancy by more than the permitted amount for the area in which the let property is situated.
- (2) An application under subsection (1) must—
  - (a) provide—
    - (i) evidence of the costs associated with the maintenance, improvement, or regulatory compliance of the property, and
    - (ii) the reasons for, and necessity of, undertaking the work which incurred the costs,
  - (b) fulfil any other requirements prescribed by the Scottish Ministers in regulations.”.>

**Graham Simpson**

**67** In section 19, page 25, line 1, at end insert—

#### **<43V Decision by rent officer on application for rent increase**

- (1) Where a rent officer receives an application under section 43U, the rent officer is to decide whether the costs incurred by landlord related to the maintenance, improvement, or regulatory compliance of the property were—
  - (a) necessary, and
  - (b) significant.
- (2) If the rent officer decides under subsection (1) that the landlord has incurred necessary and significant costs, the rent officer must make an order stating that from the effective date the rent payable under the current tenancy is the rent determined by the rent officer.
- (3) The rent determined by the rent officer under subsection (2) may be calculated with reference to the nature and extent of costs incurred but must not be more than 20% above the current rent.
- (4) Where a decision is made by the rent officer under subsection (2), the landlord must notify the tenant of the approved rent increase no later than 60 days before the increase takes effect.”.>

**Graham Simpson**

**68** In section 19, page 25, line 1, at end insert—

#### **<43W Right of tenant to appeal rent increase**

- (1) A tenant may apply to the First-tier Tribunal within 30 days of receiving the notice mentioned in section 43V(4) for determination of whether—
  - (a) the costs incurred by landlord related to the maintenance, improvement, or regulatory compliance of the property were not significant and necessary,

## THIS IS NOT THE MARSHALLED LIST

- (b) the rent increase was not set in accordance with section 43V(3).
- (2) A tenant may make an application under subsection (1) only if—
  - (a) the tenant has notified the landlord in writing before the end of the day falling 21 days after the tenant receives the notice as to why the tenant considers that the circumstances mentioned in paragraph (a) or (b) (as the case may be) of subsection (1) are met, and
  - (b) before the end of the day falling 21 days after the landlord receives notification from the tenant under paragraph (a), the landlord and tenant have not agreed to a modification of the notice mentioned in section 43V(4).”.>

**Paul McLennan**

**393** In section 52, page 61, line 18, leave out <13(1),>

**Paul McLennan**

**398** In the schedule, page 64, leave out lines 7 to 16

**Paul McLennan**

**401** In the schedule, page 65, line 5, after <17A(5),> insert <17C(1),>

**Paul McLennan**

**402** In the schedule, page 65, line 6, after <43B(4),> insert <43CB(1) or (2),>

**Maggie Chapman**

**410** In the schedule, page 65, line 6, after <43B(4),> insert <43CB(2A),>

**Graham Simpson**

**77** In the schedule, page 65, line 6, after <43B(4),> insert <43D(1A),>

**Ben Macpherson**

**Supported by: Edward Mountain**

**50** In the schedule, page 65, line 10, after <insert “,> insert <43D(1A),>

**Graham Simpson**

**78** In the schedule, page 65, line 10, after <insert “,> insert <43EA(3)(b),>

**Graham Simpson**

**79** In the schedule, page 65, line 10, after <insert “,> insert <43EC(3),>

**Graham Simpson**

**80** In the schedule, page 65, line 10, after <43Q(4)(a),> insert <43U(2)(b),>

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

- 406** In the schedule, page 65, line 28, leave out from <for> to end of line 30 and insert <within the meaning given by regulations under section 17C(1),>

### **Emergency, special and transitional rent control provisions**

**Maggie Chapman**

- 148** In section 9, page 6, line 37, after <effect> insert <—  
( )>

**Maggie Chapman**

- 149** In section 9, page 6, line 39, at end insert—  
<( ) for the period during which regulations under section (*Power to make temporary emergency national rent cap*) are in force.>

**Maggie Chapman**

- 158** After section 18, insert—

#### **<CHAPTER**

#### **EMERGENCY RENT CAP**

##### **Power to make temporary emergency national rent cap**

- (1) The Scottish Ministers may by regulations designate the whole of Scotland as a rent control area (a “national rent control area”) if they are satisfied that restricting the rate of increase in rent payable under each residential tenancy—
  - (a) is necessary and proportionate for the purpose of addressing the social and economic circumstances in Scotland,
  - (b) is a necessary and proportionate control of landlords’ use of their property in Scotland, and
  - (c) no alternative approaches would address the social and economic circumstances identified.
- (2) Regulations under subsection (1) must provide that the rent payable under a residential tenancy in Scotland may not be increased by more than the amount specified in the regulations which may include—
  - (a) a specified percentage (which may be 0%),
  - (b) an amount falling within a specified range,
  - (c) an amount calculated with reference to—
    - (i) one or more specified factors, or
    - (ii) other specified criteria (including a formula).
- (3) Any regulations under subsection (1) cease to have effect on the expiry of a period specified in the regulations (unless they are revoked before the expiry of that period).

## THIS IS NOT THE MARSHALLED LIST

- (4) The Scottish Ministers may by regulations provide that, instead of expiring at the time they would otherwise expire, regulations under subsection (1) will expire at the end of a period specified in the regulations made under this subsection.
- (5) The effect of regulations under subsection (1) is that for any period during which regulations under subsection (1) are in force, any regulations made under section 9(1) for the time being in force cease to have effect.
- (6) In this Chapter—
  - “rent control measure” means a restriction on the amount by which the rent payable under a residential tenancy of a property in Scotland may be increased as mentioned in subsection (2),
  - “residential tenancy” means—
    - (a) a private residential tenancy under the 2016 Act,
    - (b) a student residential tenancy,
    - (c) an assured tenancy under the Housing (Scotland) Act 1988,
    - (d) a Scottish secure tenancy under the Housing (Scotland) Act 2001,
    - (e) a protected and statutory tenancy under the Rent (Scotland) Act 1984.
- (7) Subject to section (*Procedure for regulations under section (Power to make temporary emergency national rent cap)*), regulations under this section are subject to the affirmative procedure.>

### Maggie Chapman

159 After section 18, insert—

#### <Duty to keep emergency rent cap under review

- (1) The Scottish Ministers must keep under review the operation of any regulations under section (*Power to make temporary emergency national rent cap*).
- (2) Where the Scottish Ministers consider that the rent control measure as provided for in regulations under section (*Power to make temporary emergency national rent cap*)(1) is no longer necessary or proportionate, the Scottish Ministers must as soon as practicable lay a Scottish statutory instrument containing regulations under section (*Power to make temporary emergency national rent cap*)(1) before the Scottish Parliament to vary or revoke the regulations as they consider appropriate.>

### Maggie Chapman

160 After section 18, insert—

#### <Procedure for regulations under section (*Power to make temporary emergency national rent cap*).

- (1) For the purposes of regulations under section (*Power to make temporary emergency national rent cap*)—
  - (a) section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply to the regulations,
  - (b) the Scottish statutory instrument containing the regulations under section (*Power to make temporary emergency national rent cap*)(1) must be laid before the Scottish Parliament as soon as practicable after they are made, and

## THIS IS NOT THE MARSHALLED LIST

- (c) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the Scottish statutory instrument containing them is approved by a resolution of the Parliament.
- (2) In calculating the period of 28 days mentioned in subsection (1)(c), no account is to be taken of any time during which the Scottish Parliament is—
  - (a) in recess for more than 4 days, or
  - (b) dissolved.
- (3) Regulations ceasing to have effect by virtue of subsection (1)(c) neither—
  - (a) affects anything previously done under the regulations before they ceased to have effect, nor
  - (b) prevents new regulations being made.
- (4) When laying a draft of a Scottish statutory instrument containing regulations under section (*Power to make temporary emergency national rent cap*) before the Scottish Parliament, the Scottish Ministers must also lay before the Parliament a statement setting out—
  - (a) the reasons why they consider that the regulations should be made,
  - (b) the evidence which has informed the Scottish Ministers' decision that such regulations are necessary and proportionate,
  - (c) the level of the rent control measure to be introduced,
  - (d) the steps the Scottish Ministers are planning to take to ensure that tenants and landlords affected by regulations under subsection (1) receive appropriate information, advice and support for the period during which the regulations remain in force.>

**Maggie Chapman**

**424** After section 18, insert—

### <CHAPTER

#### SPECIAL RENT CONTROL AREAS

##### **Assessment of need for a special rent control area**

- (1) If, in carrying out an assessment under section 1, a local authority determines that the application of a rent control area with the permitted rate, as determined by section 43CA of the 2016 Act, would result in substantial harm to—
  - (a) tenants or prospective tenants in the area of the local authority, or
  - (b) the social or economic conditions of the area of the local authority,the local authority may recommend in its report under section 2 that the Scottish Ministers designate all or any part of the area of the local authority as a special rent control area and a recommended permitted rate under section (*Power to designate special rent control area*).
- (2) The Scottish Ministers may, by regulations, provide for—
  - (a) the form in which a recommendation must be made,
  - (b) information that must be included by a local authority as part of a recommendation that a special rent control area be designated,

## THIS IS NOT THE MARSHALLED LIST

- (c) anonymisation of—
  - (i) information included with the report,
  - (ii) documents to be submitted with the report,
- (d) matters to be considered by local authorities in deciding whether to recommend the designation of an area as a special rent control area,
- (e) the identification of an area to which a recommendation applies, with reference to a plan,
- (f) criteria that must be met for a special rent control area to be designated.>

### Maggie Chapman

425 After section 18, insert—

#### <Power to designate special rent control area

- (1) Having considered a valid report from a local authority recommending the designation of a special rent control area, the Scottish Ministers must—
  - (a) lay a statement before the Scottish Parliament with the local authority's recommendation,
  - (b) subject to subsection (2), by regulations designate the recommended area as a special rent control area.
- (2) The Scottish Parliament may, within two weeks of a statement being laid under subsection (1)(a), by resolution agree that, notwithstanding the recommendation of the local authority, no regulations should be made under subsection (1)(b).
- (3) Regulations under subsection (1) designating an area as a special rent control area must specify the permitted rate for the special rent control area.
- (4) The specified permitted rate in a special rent control area—
  - (a) must be lower than the default permitted rate for a rent control area designated by regulations under section 9(1),
  - (b) may be 0% (in which case rents may not be increased),
  - (c) may be a negative percentage (in which case rents must be decreased).
- (5) Any regulations under subsection (1) cease to have effect on the expiry of a period of 1 year from the day on which the regulations come into force (unless they are revoked before the expiry of that period).
- (6) With the exception of sections 43CA and 43CB, Part 4A of the 2016 Act (inserted by section 19) applies to special rent control areas as it does to rent control areas.
- (7) For the purposes of this section—
  - “default permitted rate” has the meaning given in section 43CA of the 2016 Act,
  - “valid report” means a report meeting any requirements specified in regulations under section (*Assessment of need for a special rent control area*)(2).>

### Maggie Chapman

186 After section 23, insert—

# THIS IS NOT THE MARSHALLED LIST

## <PART

### RENT CONTROL: TRANSITIONAL PROVISION

#### **Rent control: transitional provision**

- (1) Schedule (*Rent control: transitional provision*) makes transitional rent control provision.
- (2) This section expires on the day before the day on which provision in Part 1 of this Act comes into force.>

#### **Maggie Chapman**

- 185** In section 52, page 61, line 18, after <18(1)> insert <, or (*Power to make temporary emergency national rent cap*)(1)>

#### **Maggie Chapman**

- 426** In section 52, page 61, line 18, after <18(1)> insert <, or (*Assessment of need for a special rent control area*)(2) or (*Power to designate special rent control area*)(1)(b)>

#### **Maggie Chapman**

- 199** Before the schedule, insert—

## <SCHEDULE

### *Introduced by section (*Rent control: transitional provision*)*

### RENT CONTROL: TRANSITIONAL PROVISION

#### *Private tenancies*

- 1 (1) The Private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.
- (2) Where a referral to a rent officer under section 24(1) of the 2016 Act is prompted by a rent-increase notice given to a tenant on or after 1 April 2024, the 2016 Act applies in relation to the referral or to any subsequent appeal to the First-tier Tribunal, in accordance with the following modifications.
- (3) Section 25 (rent officer's power to set rent) has effect as if, in subsection (1), for “32” there were substituted “31A”.
- (4) Section 29 (First-tier Tribunal's power to set rent) has effect as if, in subsection (1), for “32” there were substituted “31A”.
- (5) The 2016 Act has effect as if after section 31 there were inserted—

#### **“31A Determination of rent payable**

- (1) Where an order maker is to determine the rent payable under section 25(1) or (as the case may be) 29(1), the determination is to be made on the basis that the rent payable is the lowest of—
  - (a) the proposed rent,
  - (b) the open market rent,
  - (c) where the market difference is more than 6%, the permitted rent.
- (2) The permitted rent is—
  - (a) where the market difference is less than 24%, the calculated amount,



## THIS IS NOT THE MARSHALLED LIST

- (b) where the market difference is 24% or more, 12% more than the current rent.
- (3) The calculated amount is the amount (to the nearest £1) determined using the formula—

$$\text{Amount } (\pounds) = C \times \left( 106 \% + \frac{D \% - 6 \%}{3} \right)$$

where—

C is the current rent,

D% is the market difference expressed as a percentage.

- (4) In this section—

“the proposed rent” means the rent specified in accordance with section 22(2)(a)(i) in the rent-increase notice which prompted the referral,

“the current rent” means the rent payable under the tenancy immediately before the date on which the rent would have been increased in accordance with section 22(4) had a referral to the rent officer not been made,

“the market difference” means the percentage figure (to the nearest two decimal places) determined using the formula—

The market difference expressed as a percentage

$$(D \%) = \left[ \left( \frac{M - C}{C} \right) \times 100 \right] \%$$

where—

C is the current rent,

M is the open market rent,

“the open market rent” means the rent determined in accordance with section 32.

- (5) Section 32 (determination of open market rent) has effect as if in subsection (1) for “rent under” to “29(1)” there were substituted “open market rent for the purpose of section 31A”.
- (6) Section 34 (duty to make information available) has effect as if in subsection (1)—
- (a) after “about—” there were inserted—
- “(za) what rents they have determined to be payable in accordance with section 31A,”
- (b) for paragraph (b) there were substituted—
- “(b) the open market rents they have determined in accordance with section 32.”

## THIS IS NOT THE MARSHALLED LIST

### *Statutory assured tenancies*

- 2 (1) Where a referral to the First-tier Tribunal under section 24(3)(a) of the 1988 Act is prompted by a notice served under subsection (1) of that section on or after 1 April 2024, the 1988 Act applies in relation to the referral in accordance with the following amendments.
- (2) Section 25 (determination of rent by the First-tier Tribunal) has effect as if—
- (a) in subsection (1), for “at which” to the end of the subsection there were substituted “under the tenancy (being an increase to the current rent) in accordance with section 25ZB”,
  - (b) subsections (2) to (4) were repealed.
- (3) The 1988 Act applies as if after section 25ZA there were inserted—

#### **“25ZB Determination of rent payable**

- (1) Where the First-tier Tribunal is to determine the rent under the tenancy under section 25(1), the determination is to be made on the basis that the rent is the lowest of—
- (a) the proposed rent,
  - (b) the open market rent,
  - (c) where the market difference is more than 6%, the permitted rent.
- (2) The permitted rent is—
- (a) where the market difference is less than 24%, the calculated amount,
  - (b) where the market difference is 24% or more, 12% more than the current rent.
- (3) The calculated amount is the amount (to the nearest £1) determined using the formula—

$$\text{Amount } (\pounds) = C \times \left( 106 \% + \frac{D \% - 6 \%}{3} \right)$$

where—

C is the current rent,

D% is the market difference expressed as a percentage.

- (4) In this section—

“the proposed rent” means the rent specified in accordance with section 24(1) in the rent-increase notice which prompted the referral,

“the current rent” means the rent payable under the tenancy immediately before the date on which the rent would have been increased in accordance with section 24(3) had a referral to the rent officer not been made,

“the market difference” means the percentage figure (to the nearest two decimal places) determined using the formula—

## THIS IS NOT THE MARSHALLED LIST

The market difference expressed as a percentage

$$(D \%) = \left[ \left( \frac{M - C}{C} \right) \times 100 \right] \%$$

where—

C is the current rent,

M is the open market rent,

“the open market rent” means the rent determined in accordance with section 32.

### **25ZC Determination of open market rent**

- (1) Where the First-tier Tribunal is to determine the open market rent for the purpose of section 25ZB, the determination is to be made on the basis that it is the rent at which, subject to subsections (2) and (3), the First-tier Tribunal considers that the house might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy—
  - (a) which begins at the beginning of the period to which the new rent specified in the relevant notice relates,
  - (b) the terms of which (other than those relating to rent) are the same as those of the tenancy to which the relevant notice relates, and
  - (c) in respect of which the same notices, if any, have been given under any of Grounds 1 to 5 of schedule 5, as have been given (or have effect as if given) in relation to the tenancy to which the relevant notice relates.
- (2) In determining the open market rent under subsection (1), the First-tier Tribunal is to disregard any effect on the rent attributable to—
  - (a) the granting of a tenancy to a sitting tenant,
  - (b) an improvement carried out by the tenant or a predecessor in title of the tenant unless the improvement was carried out in pursuance of the terms of the tenancy,
  - (c) a failure by the tenant to comply with any terms of the tenancy.
- (3) Where any rates in respect of the house concerned are borne by the landlord or a superior landlord, the First-tier Tribunal is to make its determination as if the rates were not so borne.
- (4) In this section—

“rent” includes any sums payable by the tenant to the landlord on account of the use of furniture or for services or in respect of council tax, whether or not those sums are separate from the sums payable for the occupation of the house concerned or are payable under separate agreements,

## THIS IS NOT THE MARSHALLED LIST

“relevant notice” means the notice under subsection (1) of section 24 that prompted the referral to the First-tier Tribunal under subsection (3)(a) of that section.

- (5) This section applies in relation to a short assured tenancy as if, in subsection (1), the reference to an assured tenancy were a reference to a short assured tenancy.”.

- (4) Section 32 (short assured tenancies) has effect as if subsection (5) were repealed.>

### **Maggie Chapman**

- 196 In section 56, page 62, line 6, at beginning insert <Section (*Rent control: transitional provision*) and>

### **Exempt properties**

### **Meghan Gallacher**

- 102 In section 13, page 9, line 3, leave out <may> and insert <must>

### **Edward Mountain**

- 150 In section 13, page 9, line 3, leave out <may> and insert <must, within six months of this section coming into force,>.

### **Rachael Hamilton**

- 208 In section 13, page 9, line 10, at end insert—  
<( ) a description of the property according to any changes which have been made to the property.>

### **Rachael Hamilton**

- 209 In section 13, page 9, line 10, at end insert—  
<( ) the rent payable in relation to the property, including where it is equivalent to the average rent payable under a Scottish secure tenancy for the relevant category of dwelling in a broad rental market area.>

### **Rachael Hamilton**

- 210 In section 13, page 9, line 10, at end insert—  
<( ) any conditions applicable which limit the rent that can be charged in relation to a property.>

### **Meghan Gallacher**

- 103 In section 13, page 9, line 10, at end insert—  
<( ) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for which the landlord is a registered social landlord or a subsidiary of a registered social landlord.>

## THIS IS NOT THE MARSHALLED LIST

### **Meghan Gallacher**

**104** In section 13, page 9, line 10, at end insert—

- <( ) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for the duration of any works being undertaken by the landlord to eliminate or mitigate risks to human life that are (directly or indirectly) created or exacerbated by—
- (a) the external wall cladding system,
  - (b) reinforced autoclaved aerated concrete, or
  - (c) any other building material.>

### **Meghan Gallacher**

**105** In section 13, page 9, line 10, at end insert—

- <( ) Regulations under subsection (1) must include in the definition of an exempt property any property subject to the Energy Performance of Buildings (Scotland) Regulations 2008 under a relevant tenancy for which the landlord is, for the time being, taking action to improve the energy performance indicator for the property from less than C to C or above.>

### **Meghan Gallacher**

**134** In section 13, page 9, line 10, at end insert—

- <( ) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for which the landlord has no more than two other let properties.>

### **Edward Mountain**

**151** In section 13, page 9, line 10, at end insert—

- <( ) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for which the landlord is the Secretary of State for Defence.>

### **Edward Mountain**

**152** In section 13, page 9, line 10, at end insert—

- <( ) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for which the tenant is an employee of the landlord.>

### **Rachael Hamilton**

**211** In section 13, page 9, line 10, at end insert—

- <(2A) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy which is a build-to-rent property.>

### **Mark Griffin**

**411** In section 13, page 9, line 10, at end insert—

## THIS IS NOT THE MARSHALLED LIST

- <( ) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy which is owned or managed by—
- (a) Highland Housing Alliance (registered number SC279579),
  - (b) Lar Housing Trust, a registered Scottish charity with the charity number SC044825, or
  - (c) Thriving Investments Limited (registered number 09571845).>

### **Rachael Hamilton**

**212** In section 13, page 9, line 15, at end insert—

- <( ) In this section, “broad rental market area” has the same meaning as in the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.>

### **Rachael Hamilton**

**213** In section 13, page 9, line 15, at end insert—

- <( ) In this section, “build-to-rent property” means purpose-built residential housing with—
- (a) long-term institutional ownership and professional management, and
  - (b) self-contained individual units which are separately let under a relevant tenancy.
- ( ) Subsection (2A) applies for the first 2 years after the build-to-rent property has completed its construction.>

### **Mark Griffin**

**416** In section 13, page 9, line 15, at end insert—

- <( ) In this section, “build-to-rent property” means purpose-built residential housing which—
- (a) is professionally managed by a single entity with a structured management framework,
  - (b) has self-contained individual units which are separately let under a relevant tenancy, and
  - (c) may be situated on the same site, or a different site, to any other build-to-rent properties owned by the owner.>

### **Meghan Gallacher**

**106** In section 13, page 9, line 15, at end insert—

- <( ) In this section—
- “registered social landlord” means a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010,
- “subsidiary” has the same meaning as in the Companies Act 2006 (c.46) or, as the case may be, the Cooperative and Community Benefit Societies Act 2014.>

### **Paul McLennan**

**329** In section 19, page 13, line 15, at end insert—

## THIS IS NOT THE MARSHALLED LIST

<( ) The title of Part 4 (rent) becomes “Rent: properties not in a rent control area (or properties that are exempt properties)”.

5 ( ) After the title of Chapter 1 of Part 4 but before the italic heading (“Restrictions on rent increases”) insert—

### *“Application of this Part*

#### **17B Application of this Part**

(1) This Part applies in relation to a private residential tenancy of a property that—

10

(a) is not in a rent control area, or

(b) is in a rent control area but is an exempt property.

(2) In this Part, “exempt property” has the meaning given by regulations under section 17C(1).

#### **17C Meaning of “exempt property”**

15

(1) For the purpose of this Part and Part 4A, the Scottish Ministers may by regulations define what is an exempt property.

(2) Regulations under subsection (1) may define a property as an exempt property by reference to such matters (or a combination of matters) as the Scottish Ministers consider appropriate including, in particular—

20

(a) a description of the circumstances relating to the landlord of the property,

(b) a description of the circumstances relating to the tenant of the property,

(c) a description of the property according to its type.

25

(3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—

(a) must consult persons who appear to them to represent the interests of tenants and landlords, and

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

30

(4) The requirement to consult under subsection (3)(a) may be met by consultation carried out before this section takes effect.”.>

#### **Willie Rennie**

**329A** As an amendment to amendment 329, line 15, for <may> substitute <must>

#### **Willie Rennie**

**329B** As an amendment to amendment 329, line 24, at end insert—

<(2A) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for which the landlord is a registered social landlord or a subsidiary of a registered social landlord.>

## THIS IS NOT THE MARSHALLED LIST

### Willie Rennie

**329C** As an amendment to amendment 329, line 24, at end insert—

- <(2A) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy which is a build-to-rent property.>

### Willie Rennie

**329D** As an amendment to amendment 329, line 24, at end insert—

- <(2A) Regulations under subsection (1) must include in the definition of an exempt property any property under a relevant tenancy for which the rent payable is less than half the open market rent for the relevant category of dwelling in a broad rental market area.>

### Maggie Chapman

**329E** As an amendment to amendment 329, line 24, at end insert—

- <(2A) Regulations under subsection (1) must provide that a property may be an exempt property only if it charges—
  - (a) the local housing allowance rate, or
  - (b) a rate lower than the local housing allowance rate,for the area in which the property is situated.>

### Maggie Chapman

**329F** As an amendment to amendment 329, line 24, at end insert—

- <(2A) Regulations under subsection (1) must provide that a property may be an exempt property only if it charges—
  - (a) the social housing rate, or
  - (b) a rate lower than the social housing rate,for the area in which the property is situated.>

### Maggie Chapman

**329J** As an amendment to amendment 329, line 24, at end insert—

- <(2A) Regulations under subsection (1) must not include in the definition of an exempt property any property under a relevant tenancy for which the landlord is a registered social landlord or a subsidiary of a registered social landlord.>

### Meghan Gallacher

**329K** As an amendment to amendment 329, line 24, at end insert—

- <(2A) Regulations under subsection (1)—
  - (a) must include in the definition of an exempt property any property under a relevant tenancy for which the landlord works with a charity which has as its purpose, or among its purposes, the prevention of homelessness,



## THIS IS NOT THE MARSHALLED LIST

- (b) may include a list of organisations which the Scottish Ministers consider to be charities which have as their purpose, or among their purposes, the prevention of homelessness for the purposes of subsection (2A)(a).>

**Willie Rennie**

**329G** As an amendment to amendment 329, line 31, at end insert—

<(5) In this section—

“registered social landlord” means a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010,

“subsidiary” has the same meaning as in the Companies Act 2006 (c.46) or, as the case may be, the Cooperative and Community Benefit Societies Act 2014.”.>

**Willie Rennie**

**329H** As an amendment to amendment 329, line 31, at end insert—

<(5) In this section, “build-to-rent property” means purpose-built residential housing with—

(a) long-term institutional ownership and professional management, and

(b) self-contained individual units which are separately let under a relevant tenancy.

(6) For the purposes of subsection (2A), a built-to-rent property must have completed its construction after this section comes into force.”.>

**Willie Rennie**

**329I** As an amendment to amendment 329, line 31, at end insert—

<(5) The Scottish Ministers may define “open market rent” for the purposes of the regulations under subsection (1).

(6) In this section, “broad rental market area” has the same meaning as in the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.”.>

**Meghan Gallacher**

**329L** As an amendment to amendment 329, line 31, at end insert—

<(5) In this section, “charity” means a charity within the meaning of the Charities and Trustee Investment (Scotland) Act 2005.”.>

**Paul McLennan**

**330** In section 19, page 13, line 18, leave out <excluded> and insert <exempt>

**Paul McLennan**

**331** In section 19, page 13, line 26, leave out from <for> to end of line 27 and insert—

<(2) In this Part, “exempt property” has the meaning given by regulations under section 17C(1).>

## THIS IS NOT THE MARSHALLED LIST

### **Rent control areas: collection and use of information**

#### **Paul McLennan**

**303** In section 15, page 10, line 11, leave out subsection (1) and insert—

- <(1) A local authority may request the information mentioned in subsection (2), in relation to any house for which information is included in a person's entry in the authority's landlord register, from—
- (a) the person whose entry in the register includes information in relation to the house, or
  - (b) any other person acting as landlord under a tenancy or occupancy arrangement granted by that person to which the house (or part of it) is subject.>

#### **Emma Roddick**

**3** In section 15, page 10, line 11, leave out from <local> to <the> and insert <person who is entered in a local>

#### **Maggie Chapman**

**448** In section 15, page 10, line 11, leave out <may> and insert <must>

#### **Emma Roddick**

**4** In section 15, page 10, line 12, after <register> insert <must provide to the authority>

#### **Emma Roddick**

**5** In section 15, page 10, line 13, after <register> insert <—

- <( ) within 28 days of being entered in the authority's landlord register,  
( ) thereafter at such frequency as the authority may determine>

#### **Paul McLennan**

**304** In section 15, page 10, line 13, at end insert—

- <(1A) The Scottish Ministers may request the information mentioned in subsection (2), in relation to any house for which information is included in a person's entry in the landlord register of any local authority, from—
- (a) the person whose entry in the register includes information in relation to the house, or
  - (b) any other person acting as landlord under a tenancy or occupancy arrangement granted by that person to which the house (or part of it) is subject.>

#### **Paul McLennan**

**305** In section 15, page 10, line 14, leave out from <subsection> to <subsection> in line 15 and insert <subsections (1) and (1A), in relation to any house (or part of the house) mentioned in either of those subsections>

## THIS IS NOT THE MARSHALLED LIST

### Paul McLennan

- 306** In section 15, page 10, line 17, leave out <agreement to which the house> and insert <arrangement to which the house (or part of it)>

### Paul McLennan

- 307** In section 15, page 10, line 19, leave out <of rent payable under any> and insert <and frequency of rent payable under any relevant>

### Paul McLennan

- 308** In section 15, page 10, line 19, after <house> insert <(or part of it)>

### Paul McLennan

- 309** In section 15, page 10, line 19, at end insert—  
    <( ) whether the rent payable includes payment of any costs associated with the house and, if it does, the amount of each such cost and the matter to which it relates,>

### Paul McLennan

- 310** In section 15, page 10, leave out lines 20 and 21 and insert—  
    <( ) in relation to the most recent increase in the rent payable under any relevant tenancy to which the house (or part of it) is subject—  
        (i) the date of the rent increase, and  
        (ii) the amount and frequency of the rent payable under the tenancy immediately before the rent increase took effect,>

### Paul McLennan

- 311** In section 15, page 10, line 22, leave out from <including> to end of line 23 and insert <(or where the tenancy or occupancy arrangement relates to part of the house, the size of that part of the house) including—  
    ( ) the number of each of the following rooms in the house (or part of it)—  
        (A) bedrooms,  
        (B) public rooms,  
        (C) kitchens,  
        (D) bathrooms,  
        (E) other rooms,  
    ( ) the number of storeys in the house (or part of it), and  
    ( ) the floor area of the house (or part of it),>

### Edward Mountain

- 153** In section 15, page 10, line 22, after second <house,> insert <the number of bathrooms in the house, and>

## THIS IS NOT THE MARSHALLED LIST

### Edward Mountain

- 154 In section 15, page 10, line 23, leave out <and the floor area of the house>

### Paul McLennan

- 312 In section 15, page 10, line 23, at end insert—

<( ) whether the house (or part of it) is fully furnished, partially furnished or unfurnished by the landlord and, if it is partially furnished, a brief description of the furnishings provided by the landlord,>

### Paul McLennan

- 313 In section 15, page 10, line 25, at end insert—

<( ) whether the house (or part of it) is subject to a tenancy or occupancy arrangement granted by a person other than the person entered in the relevant landlord register and, if it is, the name and address of, and other contact information for, the person acting as landlord under the tenancy or occupancy arrangement.>

### Edward Mountain

- 155 In section 15, page 10, line 25, at end insert—

<( ) the quality, state of repair, and energy efficiency of the house.>

### Paul McLennan

- 314 In section 15, page 10, line 25, at end insert—

<(2A) A local authority or the Scottish Ministers may not exercise the power under subsection (1) or (1A) (as the case may be) more than once in a 12 month period in respect of the same person in relation to the same information about the same house (or the same part of a house that is subject to more than one tenancy or occupancy arrangement).>

### Emma Roddick

- 6 In section 15, page 10, line 26, leave out subsections (3) to (5)

### Paul McLennan

- 315 In section 15, page 10, line 26, leave out from <may> to end of line 28 and insert <or the Scottish Ministers may request the information mentioned in subsection (2) in relation to a house mentioned in subsection (1) or (1A) (as the case may be) from a person with a right to use the house (or part of it) under a tenancy or occupancy arrangement.>

### Paul McLennan

- 316 In section 15, page 10, line 29, leave out <for the purpose of—> and insert <—

(a) for the purpose of—

(i)>

## THIS IS NOT THE MARSHALLED LIST

### **Maggie Chapman**

**449** In section 15, page 10, line 33, at end insert—

<( ) providing data to an order maker for the purposes of determining the open market rent under section 32 of the 2016 Act.>

### **Paul McLennan**

**317** In section 15, page 10, line 33, at end insert—

<( ) subject to subsection (2A) and any guidance under subsection (5), at such times and intervals as it considers appropriate.>

### **Paul McLennan**

**318** In section 15, page 10, line 33, at end insert—

<( ) The power conferred by subsection (1A) or (3) may be exercised by the Scottish Ministers—

- (a) for the purpose of or in connection with—
  - (i) enabling or assisting the exercise of any of their functions under this Chapter,
  - (ii) assisting a local authority in the exercise of any of its functions under this Chapter,
- (b) subject to subsection (2A), at such times and intervals as the Scottish Ministers consider appropriate.>

### **Maggie Chapman**

**450** In section 15, page 10, line 33, at end insert—

<( ) The power conferred by subsection (1) or (3) must be exercised by a local authority for the purpose of providing data to an order maker for the purposes of determining the open market rent under section 32 of the 2016 Act.>

### **Edward Mountain**

**156** In section 15, page 10, line 36, at end insert—

<( ) The information mentioned in subsection (2) must be entered by a local authority in the authority's landlord register.>

### **Edward Mountain**

**157** In section 15, page 10, line 36, at end insert—

<( ) A local authority must not charge a person who is entered in the authority's landlord register any fees in accordance with entering information mentioned in subsection (2).>

### **Carol Mochan**

**481** In section 15, page 10, line 36, at end insert—

<(5A) Where a local authority issues a request under subsection (1), the local authority must provide the tenant with a copy of the information provided by the landlord in response to the request.>

## THIS IS NOT THE MARSHALLED LIST

- (5B) If the tenant considers the information provided by the landlord in response to a request under subsection (1) to be false in a material way, the tenant may—
- (a) provide some or all of the information mentioned in subsection (2) to the local authority,
  - (b) request that the local authority gives a notice under section 17(1).
- (5C) Where a tenant provides information under subsection (5B)(a), the local authority may request from the tenant evidence of the accuracy of that information.>

### **Paul McLennan**

- 319** In section 15, page 11, line 2, at end insert—
- <“occupancy arrangement” has the meaning given by section 101(1) of that Act,  
“relevant tenancy” has the meaning given by section 1(5) of that Act,  
“tenancy” includes a sub-tenancy.>

### **Carol Mochan**

- 482** In section 15, page 11, line 3, leave out <or remove>

### **Emma Roddick**

- 7** In section 15, page 11, line 4, leave out from <may> to end of line 6 and insert <must be provided to a local authority under subsection (1).>

### **Paul McLennan**

- 320** In section 15, page 11, line 4, after <authority> insert <or by them>

### **Paul McLennan**

- 321** In section 15, page 11, line 5, after <(1)> insert <or (1A) (as the case may be)>

### **Paul McLennan**

- 322** In section 15, page 11, line 6, at end insert—
- <(7A) The Scottish Ministers may by regulations modify this section so as to add or remove descriptions of persons from whom information may be sought by local authorities or the Scottish Ministers under subsection (1) or (1A) (as the case may be).>

### **Meghan Gallacher**

- 109** In section 15, page 11, line 6, at end insert—
- <( ) The Scottish Ministers must provide for the information gathered by local authorities under subsection (1) to be published in a single data system.>

### **Emma Roddick**

- 8** After section 15, insert—

## THIS IS NOT THE MARSHALLED LIST

### <Further information that may be sought by local authority

- (1) A local authority may request information that is not mentioned in section 15(2) from a person who is entered in the landlord's register in relation to any house that is entered in the person's entry in the register.
- (2) A local authority may request information in relation to a house from a person with a right to use the house as a dwelling by virtue of a lease.
- (3) In making a request under subsection (1) or (2), a local authority must have regard to any guidance given by the Scottish Ministers about the form, content and frequency of any such request.>

### Paul McLennan

323 After section 15, insert—

### <Information sharing and cooperation between local authorities and the Scottish Ministers

- (1) A local authority may share any information obtained by it under any provision of this Chapter with—
  - (a) the Scottish Ministers for the purpose of or in connection with—
    - (i) assisting the Scottish Ministers in the exercise of any of their functions under this Chapter, or
    - (ii) enabling or assisting the local authority in the exercise of any of its own functions under this Chapter, or
  - (b) another local authority for the purpose of or in connection with—
    - (i) assisting the other local authority in the exercise of any of its functions under this Chapter, or
    - (ii) enabling or assisting the local authority in the exercise of any of its own functions under this Chapter.
- (2) The Scottish Ministers may share any information obtained by them under any provision of this Chapter with a local authority for the purpose of or in connection with—
  - (a) assisting the local authority in the exercise of any of its functions under this Chapter, or
  - (b) enabling or assisting the Scottish Ministers in the exercise of any of their own functions under this Chapter.
- (3) In this section, references to sharing information obtained by a person under any provision of this Chapter include references to sharing information so obtained that has been collated, analysed or otherwise processed by (or on behalf of) the person.
- (4) In exercising their powers under section 15(1) or (1A), local authorities and the Scottish Ministers must cooperate with each other to seek to ensure that so far as possible they collectively do not make a request more than once in a 12 month period for the same information from the same person about the same house (or the same part of a house for which there is more than one tenancy or occupancy arrangement).>

## THIS IS NOT THE MARSHALLED LIST

### **Emma Roddick**

- 9 In section 16, page 11, line 8, leave out from <local> to <request,> in line 10 and insert <landlord fails to provide all of the information mentioned in section 15(2) within 28 days of being entered in the authority's landlord register,>

### **Carol Mochan**

- 483 In section 16, page 11, line 10, leave out <may> and insert <must>

### **Emma Roddick**

- 10 In section 16, page 11, line 22, leave out <requested under section 15(1)> and insert <mentioned under section 15(2)>

### **Emma Roddick**

- 11 In section 16, page 11, line 24, leave out subsection (3)

### **Emma Roddick**

- 12 In section 16, page 11, line 27, leave out from <following> to <15(1)> in line 28

### **Emma Roddick**

- 13 In section 16, page 11, line 31, leave out <requested by the local authority> and insert <mentioned in section 15(2)>

### **Emma Roddick**

- 14 In section 16, page 11, line 34, leave out <requested by the local authority> and insert <mentioned in section 15(2)>

### **Maggie Chapman**

- 237 In section 16, page 11, line 36, leave out <£1,000> and insert <£10,000>

### **Emma Roddick**

- 15 In section 16, page 11, line 38, leave out <requested by the local authority under section 15(1)> and insert <mentioned in section 15(2)>

### **Carol Mochan**

- 484 In section 16, page 11, line 39, at end insert—  
    <( ) If the landlord does not provide the local authority with the information sought within 28 days of an order being made under subsection (6), the First-tier Tribunal must make another order under subsection (5).>

### **Paul McLennan**

- 324 Leave out section 16 and insert—



## THIS IS NOT THE MARSHALLED LIST

### <16A Information holder's failure to provide information sought

(1) This section applies if—

- (a) a requester issues a request for information to a person ("the information holder") under section 15(1) or (1A) (as the case may be), and
- (b) the information holder fails to provide all of the information within the period of 28 days beginning with the day on which the information holder received the request (in this section, the information that has not been so provided by the information holder is referred to as "the outstanding information").

(2) The requester may give notice in writing to the information holder of its intention to apply to the First-tier Tribunal for an order under subsection (6) unless the requester is satisfied that the information holder has provided all of the outstanding information to the relevant person during the relevant period.

(3) The requester may apply to the First-tier Tribunal for an order under subsection (6) only if it has given notice under subsection (2) to the information holder and either—

(a) the period of 28 days beginning with the day on which the information holder received the notice has ended and the information holder has not notified the requester in writing that the information holder has provided all of the outstanding information to the relevant person during the relevant period, or

(b) the information holder has notified the requester in writing within that 28 day period that the information holder has provided all of the outstanding information to the relevant person during the relevant period and the requester, having carried out a review and considered any written representations made by or on behalf of the information holder, is satisfied—

(i) on the conclusion of the review, that the information holder—

(A) has failed to provide it with any of the outstanding information, and

(B) has not provided this information to the relevant person during the relevant period, and

(ii) that the information holder does not have a reasonable excuse for the failure.

(4) But the requester may not apply to the First-tier Tribunal for an order under subsection (6) after the end of the period of 12 months beginning with the day on which the information holder received the request from the requester under section 15(1) or (1A).

(5) Where an application is made by the requester under subsection (3), the First-tier Tribunal may make an order under subsection (6) if—

(a) at the time the First-tier Tribunal receives the application, the information holder—

(i) has failed to provide the requester with any of the outstanding information, and

(ii) has not provided this information to the relevant person during the relevant period, and

(b) the First-tier Tribunal is satisfied that the information holder does not have a reasonable excuse for the failure.

(6) An order under this subsection is one requiring the information holder to pay the requester an amount not exceeding £1,000.

## THIS IS NOT THE MARSHALLED LIST

- 45 (7) In making an order under subsection (6), the First-tier Tribunal may, if it considers it to be appropriate, also order the information holder to provide any of the outstanding information to the requester.
- (8) In giving notice under subsection (2), a local authority must have regard to any guidance given by the Scottish Ministers about the form and content of such notices.
- (9) In this section—
- 50 “relevant period”, in relation to the request made by the requester, means the period of 12 months ending with the day on which the information holder received the request,
- “relevant person”—
- (a) where the requester is a local authority, means the Scottish Ministers,
- 55 (b) where the requester is the Scottish Ministers, means the local authority for the area in which the house that is the subject of the requester’s request is situated,
- “requester” means—
- (a) in the case of a request under section 15(1), the local authority that made the request,
- 60 (b) in the case of a request under section 15(1A), the Scottish Ministers.>

### **Maggie Chapman**

**324A** As an amendment to amendment 324, line 43, leave out <£1,000> and insert <£10,000>

### **Emma Roddick**

**16** In section 17, page 12, line 2, leave out from <local> to <request> in line 3 and insert <landlord provided information to a local authority under section 15(1)>

### **Carol Mochan**

**485** In section 17, page 12, line 5, leave out <may> and insert <must>

### **Emma Roddick**

**17** In section 17, page 12, line 16, leave out <in response to its request under section 15(1)> and insert <mentioned in section 15(2)>

### **Emma Roddick**

**18** In section 17, page 12, line 18, leave out subsection (3)

### **Emma Roddick**

**19** In section 17, page 12, line 21, leave out <following a request for information made to a landlord under section 15(1)>

### **Emma Roddick**

**20** In section 17, page 12, line 23, leave out <, in purporting to comply with the request,>

## THIS IS NOT THE MARSHALLED LIST

### Emma Roddick

- 137 In section 17, page 12, line 27, leave out <£1,000> and insert <£10,000>

### Carol Mochan

- 486 In section 17, page 12, line 27, at end insert—

<(5A) In making an order under subsection (5), the First-tier Tribunal may, if it considers it to be appropriate, order the landlord to provide any information requested by the local authority under section 15(1).

(5B) If the landlord does not provide the local authority with information which it considers not to be false in a material way within 28 days of an order being made under subsection (5A), the First-tier Tribunal must make another order under subsection (5).>

### Paul McLennan

- 325 Leave out section 17 and insert—

#### <Information holder's provision of false information

- (1) This section applies if—

5 (a) a requester issues a request for information to a person (“the information holder”) under section 15(1) or (1A) (as the case may be), and

(b) the information holder provided information in response to the request which the requester considers must have been known by the information holder to be false in a material way.

- 10 (2) The requester may give notice in writing to the information holder of its intention to apply to the First-tier Tribunal for an order under subsection (6).

- (3) The requester may apply to the First-tier Tribunal for an order under subsection (6) only if it has given notice under subsection (2) to the information holder and either—

15 (a) the period of 28 days beginning with the day on which the information holder received the notice has ended and the information holder has not made a request in writing to the requester during that period that the requester carry out a review of its intention to apply to the First-tier Tribunal, or

20 (b) the information holder made a request in writing for such a review by the requester within that period and the requester, having carried out the review and considered any written representations made by or on behalf of the information holder, is satisfied that the information holder provided information in response to its request under section 15(1) or (1A) that the information holder must have known to be false in a material way.

- 25 (4) But a requester may not apply to the First-tier Tribunal for an order under subsection (6) after the end of the period of 12 months beginning with the day on which the information holder received the request from the requester under section 15(1) or (1A).

- 30 (5) Where an application is made by a requester under subsection (3) following a request for information made to an information holder under section 15(1) or (1A), the First-tier Tribunal may make an order under subsection (6) if it is satisfied that the information holder, in purporting to comply with the request, provided information to the requester that the information holder must have known to be false in a material way.

## THIS IS NOT THE MARSHALLED LIST

- (6) An order under this subsection is one requiring the information holder to pay the requester an amount not exceeding £1,000.
- (7) In giving notice under subsection (2), a local authority must have regard to any guidance given by the Scottish Ministers about the form and content of such notices.
- 35 (8) In this section, “requester” has the meaning given by section 16A.>

### Maggie Chapman

**325A** As an amendment to amendment 325, line 32, leave out <£1,000> and insert <£10,000>

### Paul McLennan

**326** After section 17, insert—

#### **<Scottish Ministers’ request for landlord information from local authorities**

- (1) The Scottish Ministers may request from a local authority—
  - (a) the name and address of, and other contact information for, each person who is entered in the authority’s landlord register (“a registered person”),
  - (b) the name and address of, and other contact information for, any other person who is included in a registered person’s entry in the authority’s landlord register,
  - (c) the address of each house that is entered in each registered person’s entry in the authority’s landlord register, and
  - (d) the name, address and letting agent registration number (if any) of a letting agent of a registered person.
- (2) The Scottish Ministers may exercise the power under subsection (1) for the purpose of or in connection with—
  - (a) enabling or assisting the exercise of any of their functions under this Chapter,
  - (b) assisting a local authority in the exercise of any of its functions under this Chapter.
- (3) A local authority must provide the information requested by the Scottish Ministers under subsection (1) by no later than the end of the period of 28 days beginning with the day on which the local authority received the request.
- (4) In subsection (1)—
  - “house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,
  - “landlord register”, in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act,
  - “letting agent”, in relation to a registered person, means a person who is specified in the registered person’s entry in the landlord register of a local authority as acting for the registered person in relation to a lease or occupancy arrangement to which a house included in that entry is subject,
  - “letting agent registration number”, in relation to a letting agent, means the number allocated to the letting agent under section 36(1) of the Housing (Scotland) Act 2014.>

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

**328** After section 18, insert—

*<Scottish Ministers: information and research*

### **Scottish Ministers: information and research**

- (1) The Scottish Ministers may, for the purpose of or in connection with the matters mentioned in subsection (2)—
  - (a) conduct research and inquiries,
  - (b) publish statistics or other information in connection with the information obtained by them under any provision of this Chapter,
  - (c) encourage or assist other persons to do any of the things mentioned in paragraphs (a) and (b).
- (2) The matters are—
  - (a) enabling or assisting the exercise of any of their functions under this Chapter,
  - (b) assisting the exercise of any of the functions of a local authority under this Chapter.>

**Paul McLennan**

**394** In section 52, page 61, line 18, after <15(7)> insert <or (7A)>

### **Rent controls outwith rent control areas**

**Rachael Hamilton**

**214** In section 19, page 13, line 15, at end insert—

<( ) In section 22, after subsection (2)(a)(ii) insert—

“(iii) the reasons for the rent payable under the tenancy being increased, and”.>

**Mark Griffin**

**500** In section 21, page 26, line 24, after <regulations> insert <,or where subsection (2A) applies>

**Mark Griffin**

**501** In section 21, page 26, line 26, at end insert—

<(c) after subsection (2) insert—

“(2A) This subsection applies to a private residential tenancy of any property—

- (a) for which the landlord is a registered social landlord or a subsidiary of a registered social landlord, or
- (b) which is owned or managed by—
  - (i) Highland Housing Alliance (registered number SC279579),
  - (ii) Lar Housing Trust, a registered Scottish charity with the charity number SC044825, or

## THIS IS NOT THE MARSHALLED LIST

(iii) Thriving Investments Limited (registered number 09571845).

(2B) In this section—

“registered social landlord” means a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010,

“subsidiary” has the same meaning as in the Companies Act 2006 (c.46) or, as the case may be, the Cooperative and Community Benefit Societies Act 2014.”.>

**Maggie Chapman**

**229** After section 21, insert—

### **<Restriction on setting of initial rent by landlord**

- (1) The 2016 Act is modified as follows.
- (2) After section 19 (frequency with which rent may be increased), insert—

#### **“Restriction on setting of initial rent by landlord**

- (1) This section applies to a private residential tenancy (in this section, a “current tenancy”) where the property let (or to be let) was previously let.
- (2) If there was a relevant rent increase during the period of 12 months before the start of the current tenancy, the initial rent under the current tenancy may not be more than the final rent under the immediately preceding tenancy.
- (3) For the purposes of this section, references to—
  - (a) a property previously let,
  - (b) the immediately preceding tenancy,
  - (c) a relevant rent increase,
  - (d) final rent,
  - (e) initial rent,are to be construed in accordance with Part 4A.”.>

**Maggie Chapman**

**258** After section 23, insert—

### *<Rent increases: minimum standards*

#### **Private residential tenancies: minimum standards required for rent increase**

- (1) The 2016 Act is modified as follows.
- (2) After section 19 (frequency with which rent may be increased), insert—

#### **“19A Minimum standards required for rent increase**

- (1) The rent payable under a private residential tenancy may not be increased unless the let property meets minimum standards specified by the Scottish Ministers in regulations.
- (2) Specified minimum standards may in particular relate to—
  - (a) energy efficiency,

## THIS IS NOT THE MARSHALLED LIST

(b) quality,  
of the let property.”.>

**Maggie Chapman**

**451** After section 23, insert—

### <CHAPTER

#### OPEN MARKET RENT

##### *Open market rent*

##### **Determination of open market rent**

- (1) The 2016 Act is modified as follows.
- (2) In section 32 (determination of open market rent), after subsection (2), insert—
  - “(2A) In determining the open market rent of the property under subsection (1), the order maker must have regard to relevant data on levels of rent payable under tenancies as provided by the local authority in which the property is located.”.>

**Maggie Chapman**

**266** In the schedule, page 65, line 5, after <19(1)(a)> insert <, 19A(1)>

### **Rent control areas: changes to between tenancy rent controls**

**Willie Rennie**

**Supported by: Meghan Gallacher**

**29** In section 19, page 13, line 29, leave out from beginning to end of line 33 on page 14

**Willie Rennie**

**Supported by: Meghan Gallacher**

**30** In section 19, page 14, line 38, leave out from beginning to end of line 2 on page 15

**Willie Rennie**

**Supported by: Meghan Gallacher**

**31** In section 19, page 15, leave out lines 7 to 25

**Willie Rennie**

**32** In section 19, page 15, line 13, after <to> insert <—  
(a)>

**Willie Rennie**

**33** In section 19, page 15, line 14, at end insert—  
<(b) the extent to which the let property has been decorated or renovated since the point at which the previous tenancy ended.>

## THIS IS NOT THE MARSHALLED LIST

**Rachael Hamilton**

- 216 In section 19, page 15, line 17, after <applies> insert <—  
(a)>

**Rachael Hamilton**

- 217 In section 19, page 15, line 18, after <let> insert <,  
(b) except in such circumstances as may be prescribed by the Scottish Ministers  
in regulations>

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 34 In section 19, page 15, line 32, leave out from beginning to end of line 1 on page 16

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 35 In section 19, page 16, line 6, leave out <(1)(a)(ii) or (b)(ii)> and insert <(1)(b)(ii)>

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 36 In section 19, page 17, leave out line 7

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 37 In section 19, page 21, line 6, leave out from beginning to end of line 11 on page 23

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 38 In section 19, page 23, leave out line 19

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 39 In section 19, page 23, line 23, leave out from <or,> to <date”)> on line 25

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 40 In section 19, page 24, leave out lines 16 and 17

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 41 In section 19, page 24, line 18, leave out from second <section> to <or (b)> on line 19 and insert  
<or section 43P(2) or (3)>



## THIS IS NOT THE MARSHALLED LIST

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 42 In section 19, page 24, leave out lines 35 and 36

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 43 In section 19, page 25, leave out line 1

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 44 In section 20, page 25, line 17, leave out from beginning to <previously,> in line 24

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 45 In section 20, page 25, line 28, leave out from beginning to end of line 5 on page 26

**Willie Rennie**

**Supported by: Meghan Gallacher**

- 46 In section 20, page 26, leave out lines 9 and 10

**Rachael Hamilton**

- 227 In the schedule, page 65, line 6, after <43B(4),> insert <43E(1)(b),>

### **Rent increase procedure**

**Rachael Hamilton**

- 218 In section 19, page 16, line 2, leave out from <except> to the end of line 4

**Rachael Hamilton**

- 219 In section 19, page 16, line 5, at end insert—

<except in such circumstances as may be prescribed by the Scottish Ministers in regulations, including any circumstances Scottish Ministers consider to be an emergency.>

**Rachael Hamilton**

- 220 In section 19, page 17, line 1, at end insert—

<(iii) the reasons for the rent payable under the tenancy being increased, and>

**Emma Roddick**

- 138 In section 19, page 18, line 7, leave out <21> and insert <42>

## THIS IS NOT THE MARSHALLED LIST

### **Maggie Chapman**

- 161** In section 19, page 18, line 7, leave out <21 days> and insert <1 year>

### **Maggie Chapman**

- 201** In section 19, page 18, line 23, leave out <42 days> and insert <1 year>

### **Maggie Chapman**

- 494** In section 19, page 18, line 37, leave out <specified in the rent-increase notice> and insert <determined by the rent officer>

### **Maggie Chapman**

- 495** In section 19, page 19, line 7, leave out <(3)(b) must> and insert <(2) or (3)(b)—  
(a) may>

### **Maggie Chapman**

- 496** In section 19, page 19, line 9, at end insert—  
<(b) but must not be an amount higher than—  
(i) the rent specified in the rent-increase notice, or  
(ii) the rent payable under the current tenancy as increased by the permitted amount for the area in which the let property is situated, and  
(c) must take into account the quality, state of repair, and energy efficiency of the property.>

### **Emma Roddick**

- 139** In section 19, page 19, line 9, at end insert—  
<(4A) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted amount for the area in which the let property is situated, the rent officer must make an order requiring the landlord to pay the tenant the amount specified in subsection (4B).  
(4B) The amount is the difference between—  
(a) the rent specified in the rent-increase notice, and  
(b) the permitted amount for the area in which the let property is situated, multiplied by three.>

### **Maggie Chapman**

- 238** In section 19, page 19, line 9, at end insert—  
<(4A) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted amount for the area in which the let property is situated,

## THIS IS NOT THE MARSHALLED LIST

the rent officer must make an order requiring the landlord to pay the tenant an amount not exceeding £10,000.>

### **Maggie Chapman**

- 497 In section 19, page 20, line 23, leave out <specified in the rent-increase notice> and insert <determined by the rent officer>

### **Maggie Chapman**

- 498 In section 19, page 20, line 31, leave out <(3) must> and insert <(2) or (3)—  
(a) may>

### **Maggie Chapman**

- 499 In section 19, page 20, line 33, at end insert—  
<(b) but must not be an amount higher than—  
(i) the rent specified in the rent-increase notice, or  
(ii) the rent payable under the current tenancy as increased by the permitted amount for the area in which the let property is situated, and  
(c) must take into account the quality, state of repair, and energy efficiency of the property.>

### **Emma Roddick**

- 140 In section 19, page 20, line 33, at end insert—  
<(4A) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted amount for the area in which the let property is situated, the rent officer must make an order requiring the landlord to pay the tenant the amount specified in subsection (4B).  
(4B) The amount is the difference between—  
(a) the rent specified in the rent-increase notice, and  
(b) the permitted amount for the area in which the let property is situated, multiplied by three.>

### **Maggie Chapman**

- 239 In section 19, page 20, line 33, at end insert—  
<(4A) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted amount for the area in which the let property is situated, the rent officer must make an order requiring the landlord to pay the tenant an amount not exceeding £10,000.>

### **Maggie Chapman**

- 162 In section 19, page 21, line 20, leave out <21 days> and insert <1 year>

## THIS IS NOT THE MARSHALLED LIST

### **Maggie Chapman**

- 202** In section 19, page 21, line 38, leave out <42 days> and insert <1 year>

### **Maggie Chapman**

- 240** In section 19, page 22, line 35, at end insert—
- <(4A) If the Tribunal makes a determination under subsection (2)(a) or (4)(a), the Tribunal must make an order requiring the landlord to pay the tenant an amount not exceeding £10,000.>

### **Paul McLennan**

- 399** In the schedule, page 64, line 17, after <officer> insert <—
- ( )>

### **Paul McLennan**

- 400** In the schedule, page 64, line 17, at end insert—
- <( ) in subsection (3)(d), for “21” substitute “30”.>

### **Rachael Hamilton**

- 228** In the schedule, page 65, line 6, leave out <43G(1)(b)(i)> and insert <43G(1)>

## **Repairs and standards**

### **Maggie Chapman**

- 257** In section 19, page 16, line 10, at end insert—
- <43GA Minimum standards required for rent increase**
- (1) The rent payable under a current tenancy may not be increased unless the let property meets minimum standards specified by the Scottish Ministers in regulations.
- (2) Specified minimum standards may in particular relate to—
- (a) energy efficiency,
- (b) quality,
- of the let property.>

### **Ariane Burgess**

- 442** After section 28, insert—

#### **<PART**

#### **STANDARDS OF LET PROPERTY**

#### **Lettable standard**

- (1) The Housing (Scotland) Act 1987 is modified as follows.

## THIS IS NOT THE MARSHALLED LIST

(2) After section 84A insert—

### “PART IIIA

#### STANDARDS OF LET PROPERTY

##### **84B Lettable standard**

- (1) The Scottish Ministers must by regulations make provision about the minimum standards that all residential let properties must meet (“the Lettable Standard”).
- (2) Regulations under subsection (1) must in particular set standards about—
  - (a) the cleanliness and habitable state of let property,
  - (b) compliance with relevant health and safety regulations, including in relation to—
    - (i) gas,
    - (ii) electrical appliances,
    - (iii) fire safety,
    - (iv) water safety,
  - (c) compliance with all other relevant legislative requirements, including energy efficiency,
  - (d) the needs of incoming tenants.
- (3) The minimum standards set in regulations under subsection (1) must not be of a lower standard than standards set in other legislation relating to residential let properties.
- (4) Regulations under subsection (1) may make provision about—
  - (a) guidance to be prepared by the Scottish Ministers on the Lettable Standard,
  - (b) publicising information about the Lettable Standard to landlords and tenants,
  - (c) compliance with the Lettable Standard,
  - (d) enforcement of the Lettable Standard.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult—
  - (a) organisations representing the interests of landlords,
  - (b) organisations representing the interests of tenants,
  - (c) such other persons as they consider appropriate.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.”.>

**Paul McLennan**

**231** After section 38, insert—

## THIS IS NOT THE MARSHALLED LIST

*<Social landlords: qualifying repairs*

### **Social landlords: qualifying repairs**

(1) The Housing (Scotland) Act 2001 is modified as follows.

(2) In section 27 (repairs)—

(a) in subsection (2), for “make regulations for” substitute “by regulations make provision for or in connection with”,

(b) in subsection (3)—

(i) for the opening words substitute “Regulations under subsection (2) may, in particular, make provision for or in connection with—”,

(ii) after paragraph (a) insert—

“(aa) the period within which an inspection of the house is to take place to determine whether a qualifying repair is required,

(ab) the period within which a qualifying repair is to be commenced,”

(iii) the word “and” immediately following paragraph (b) is repealed,

(iv) after paragraph (c) insert—

“(d) compensation payable in relation to a failure to comply with a requirement imposed by the regulations,

(e) any review or appeal in relation to a failure to comply with a requirement imposed by the regulations.”.>

### **Graham Simpson**

**231A** As an amendment to amendment 231, line 9, leave out <may> and insert <must>

### **Graham Simpson**

**231B** As an amendment to amendment 231, line 14, at end insert—

<(ac) the requirement for inspection and approval of any repairs to address issues related to damp or mould,”.>

### **Graham Simpson**

**443** After section 38, insert—

#### **<Qualifying repairs: timescales for regulations**

The Scottish Ministers must lay a draft of a Scottish statutory instrument containing regulations under section 27 of the Housing (Scotland) Act 2001 (as modified by section (*Social landlords: qualifying repairs*)) within 6 months of section (*Social landlords: qualifying repairs*) coming into force.>

### **Mark Griffin**

**221** After section 38, insert—

## THIS IS NOT THE MARSHALLED LIST

### *<Remedy of hazards*

#### **Scottish secure tenancies etc.: duty to remedy hazards in let dwellings**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 27—
  - (a) after subsection (1) insert—

“(1A) The Scottish Ministers must make regulations for entitling a tenant under a Scottish secure tenancy to have repairs carried out to the house which is the subject of the tenancy where there are prescribed hazards which—

    - (a) affect the house, or
    - (b) may affect the house within a period specified in regulations.”,
  - (b) in subsection (3), after “regulations” insert “under subsection (2)”,
  - (c) after subsection (3) insert—

“(4) In this Act, “prescribed hazards” means any matter or circumstance amounting to a hazard for the time being prescribed by the Scottish Ministers in regulations.”.
- (3) In schedule 4—
  - (a) after paragraph 1(a) insert—

“(aa) ensure that there are no prescribed hazards which—

    - (i) affect the house, or
    - (ii) may affect the house within a period specified in regulations under section 27(1A)(b).”.
    - (b) in paragraph 2(a), for “duty in paragraph 1(a)” substitute “duties in paragraphs (1)(a) and (1)(aa).”.>

#### **Mark Griffin**

**222** After section 38, insert—

#### **<Repairing standard: duty to remedy hazards in let dwellings**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 13—
  - (a) after subsection (1)(k) insert—

“(l) there are no prescribed hazards which—

    - (i) affect the house, or
    - (ii) may affect the house within a period specified by the Scottish Ministers in regulations.”,
    - (b) in subsection 7, for “(k)” substitute “(l)”,
    - (c) after subsection (7) insert—

“(8) In this section, “prescribed hazards” means any matter or circumstance amounting to a hazard for the time being prescribed by the Scottish Ministers in regulations.”.>

## THIS IS NOT THE MARSHALLED LIST

### Graham Simpson

444 After section 38, insert—

#### <Repairs: private landlords

- 5
- (1) The Scottish Ministers must by regulations ensure that private landlords are under equivalent obligations as social landlords in relation to the requirement to address issues of damp or mould in a let property.
  - (2) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
    - (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
    - 10 (b) may consult any other person they consider appropriate.>

### Emma Roddick

444A As an amendment to amendment 444, line 5, at end insert—

- <( ) Regulations under subsection (1) must provide for a process to require a landlord, where they have failed to comply with their obligations under those regulations, to make a compensatory payment to the tenant.>

### Daniel Johnson

249 After section 38, insert—

#### <Repairing standard

##### **Right of tenant to withhold rent in event of failure to remedy serious repairs**

- (1) The Housing (Scotland) Act 2006 is modified by subsection (2).
- (2) In section 24 (determination by First-tier Tribunal), after subsection (5) insert—

“(5A) Where the First-tier Tribunal determines that the landlord has failed to comply with the duty imposed by section 14(1)(b), the tenant may withhold payment of the rent payable to the landlord under the tenancy until the date on which the work required by the repairing standard enforcement order is completed.”.
- (3) The 2016 Act is modified by subsection (4).
- (4) In schedule 3 (eviction grounds), paragraph 12, after sub-paragraph (1) insert—

“(1A) Where the tenant has withheld payment of the rent payable to the landlord under section 24(5A) of the Housing (Scotland) Act 2006, the ground named by sub-paragraph (1) does not apply.”.>

### Ariane Burgess

385 After section 38, insert—

#### <Repairing standard

##### **Right of tenant to withhold rent in event of failure to remedy serious repairs**

- (1) The Housing (Scotland) Act 2006 is modified by subsections (2) and (3).



## THIS IS NOT THE MARSHALLED LIST

- (2) In section 14, subsection (4), after “is” insert “commenced within 30 days or”.
- (3) After section 14, insert—

**“14A Right of tenant to withhold rent in event of failure to remedy serious repairs**

- (1) Where a tenant has notified the landlord under section 14(3)(a) that work requires to be carried out for the purposes of meeting the repairing standard and the work has not commenced within 30 days of the tenant notifying the landlord, the tenant may withhold payment of the rent payable to the landlord under the tenancy.
  - (2) Where rent is withheld under subsection (1), the landlord may apply to the First-tier Tribunal for a determination of whether the withheld rent should be paid to the landlord.
  - (3) The First-tier Tribunal may determine that the rent withheld under subsection (1) should be repaid to the landlord if the landlord demonstrates that the work required to be carried out for the purposes of meeting the repairing standard is completed within a reasonable time of the landlord being notified by the tenant, or otherwise becoming aware, that the work is required.”.
- (4) The 2016 Act is modified by subsection (5).
  - (5) In schedule 3 (eviction grounds), paragraph 12, after sub-paragraph (1) insert—

“(1A) Where the tenant has withheld payment of the rent payable to the landlord under section 14A(1) of the Housing (Scotland) Act 2006, the ground named by sub-paragraph (1) does not apply for the purposes of that withheld payment.”.>

**Ariane Burgess**

**489** After section 38, insert—

*<Landlord repairs: First-tier Tribunal*

**Landlord repairs: First-tier Tribunal**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In schedule 2 (the First-tier Tribunal: procedure etc), after paragraph 4 insert—

“*Duty to consult competent person*

4A(1) The First-tier Tribunal may, where the application relates to the standard of repair mentioned in section 13(1)(a) or (h), in particular whether the property is substantially free from rising or penetrating damp, consult an independent competent person.

(2) The Scottish Ministers may by regulations make further provision about the type of expertise that an independent competent person must have for the purposes of sub-paragraph (1).”.>

**Ariane Burgess**

**538** After section 38, insert—

## THIS IS NOT THE MARSHALLED LIST

### *<Housing standards: local authority inspections*

#### **Housing standards: local authority inspections**

- (1) A local authority may make arrangements to inspect the house entered in a person's entry in the authority's landlord register who—
  - (a) has been entered in the authority's register for a period of 3 years, and
  - (b) is renewing the person's application to be entered in the authority's register.
- (2) Where the house is currently let to a tenant, the local authority may enter the house only with the consent of the tenant.
- (3) Where the authority is satisfied that the house of the person does not meet the tolerable standard within the meaning of section 86 of the Housing (Scotland) Act 1987 (or future equivalent standard), the authority may require the person to pay an amount not exceeding £10,000.
- (4) The Scottish Ministers must by regulations make provision for a process by which a person fined under subsection (3) may appeal.
- (5) In this section—

“house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,

“landlord register” in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act.>

**Ariane Burgess**

**539** After section 38, insert—

### *<Housing standards: local authority inspections*

#### **Housing standards: local authority inspections: further provision**

- (1) A local authority may at any time carry out an inspection of a house entered in a person's entry in the authority's landlord register.
- (2) Where the house is currently let to a tenant, the local authority may enter the house only with the consent of the tenant.
- (3) Where the authority is satisfied that the house of the person does not meet the tolerable standard within the meaning of section 86 of the Housing (Scotland) Act 1987 (or future equivalent standard), the authority may require the person to pay an amount not exceeding £10,000.
- (4) The Scottish Ministers must by regulations make provision for a process by which a person fined under subsection (3) may appeal.
- (5) In this section—

“house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,

“landlord register” in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act.>

**Ariane Burgess**

**254** After section 47, insert—

## THIS IS NOT THE MARSHALLED LIST

### *<Accommodation for agricultural workers*

#### **Officers to inspect accommodation**

- (1) The Scottish Ministers may delegate to such public body as they consider appropriate the function of providing officers under the Agricultural Wages (Scotland) Act 1949 with the ability to—
  - (a) after giving reasonable notice, inspect any or all accommodation provided for workers to ensure it is fit for human habitation, and
  - (b) if not satisfied the accommodation is fit for human habitation, to notify the relevant local authority in order that they may serve, as the case may be, a notice under the Housing (Scotland) Act 1987 or the Housing (Scotland) Act 2006.
- (2) The functions delegated under subsection (1) may also provide the officer with the ability to—
  - (a) inspect that the accommodation—
    - (i) meets the Scottish tolerable standard (under the meaning of section 86 of the Housing (Scotland) Act 1987),
    - (ii) has satisfactory facilities for the washing and cleaning of laundry,
  - (b) review the form of agreement between the tenant and landlord, review what has been charged as part of the accommodation and how those charges will be taken as deductions from payslips,
  - (c) provide for a translator to accompany them on an inspection.
- (3) Without prejudice to the generality of subsection (2)—
  - (a) water, heating and power should be included in any accommodation charge with the option for the landlord to set a limit on services such as washing,
  - (b) any inspection reports must include—
    - (i) photographic documentation of the inspection,
    - (ii) interviews with workers selected at random by the inspector,
    - (iii) where an inspection has failed, a list of actions to address the reasons for failure and a time frame in which these actions must be concluded by,
  - (c) an inspection must only be passed if no actions are required as a result of the inspection,
  - (d) an inspection must be failed where there is a serious and immediate threat to health and safety.>

**Paul Sweeney**

**477** After section 51, insert—

### *<Purchase of poor quality housing*

#### **Local authorities: purchase of poor quality let property**

- (1) The Scottish Ministers must, by regulations, provide for a process by which a tenant may apply to a local authority to request the purchase of the let property by the local authority under section 9 of the Housing (Scotland) Act 1987.

## THIS IS NOT THE MARSHALLED LIST

- (2) Regulations under subsection (1) must provide—
- (a) that the request must relate to a let property that has failed to meet either—
    - (i) the tolerable standard as set out in section 86 of the Housing (Scotland) Act 1987, or
    - (ii) the repairing standard as set out in section 13 of the Housing (Scotland) Act 2006,for a continuous period of one year,
  - (b) that the local authority must transfer the purchased property to a registered social landlord,
  - (c) for the registered social landlord that has received the property to pay the local authority the amount that the local authority paid for the property, over a reasonable period of time,
  - (d) that the Scottish Ministers may authorise a local authority to purchase the property compulsorily.>

### Daniel Johnson

**490** After section 51, insert—

*<Access to tenements: utility companies*

#### **Access to tenements: utility companies**

- (1) The Tenements (Scotland) Act 2004 is modified as follows.
- (2) After section 17 (access for maintenance and other purposes) insert—

#### **“17A Access by utility companies**

An owner or occupier of a property in a tenement building must take steps (including, where necessary, notifying other owners and occupiers) to ensure that utility companies have access to any common part of the tenement building for the purposes of maintenance, repair or installation work.”.>

### Meghan Gallacher

**516** After section 51, insert—

*<Combustible cladding*

#### **Extension of ban on combustible cladding**

- (1) The Building (Scotland) Regulations 2004 are modified as follows.
- (2) In regulation 8 (fitness and durability of materials and workmanship), sub-regulation (6), in the definition of “relevant building”—
  - (a) paragraph (a) is repealed,
  - (b) the words from “a building” in the opening words to the end of the definition become paragraph (a),
  - (c) after that paragraph (as so numbered), there is inserted—

“(b) a dwelling.”.>

## THIS IS NOT THE MARSHALLED LIST

**Jamie Halcro Johnston**

**552** After section 51, insert—

*<Direct emission heating systems: residential housing*

### **Direct emission heating systems: residential housing**

- (1) When the Scottish Ministers consider the regulation of direct emission heating systems, there must be a presumption in favour of enabling direct emission heating systems which provide secondary heating to be installed in any dwelling in—
  - (a) a remote or rural area,
  - (b) an island,
  - (c) any other circumstances the Scottish Ministers consider appropriate,
- (2) The Scottish Ministers may by regulations define “remote or rural area” for the purposes of subsection (1).
- (3) In this section—

“dwelling” includes a new build home under construction,

“new build home” has the same meaning as in section 138 of the Building Safety Act 2022,

“secondary heating” has the same meaning as in paragraph 6.11 of schedule 5 of the Building (Scotland) Regulations 2004.>

**Pam Duncan-Glancy**

**470** After section 51, insert—

*<Accessibility of housing*

### **Accessible homes standard**

- (1) The Scottish Ministers must, no later than 2 years after this section comes into force, publish an accessible homes standard.
- (2) The accessible homes standard mentioned in subsection (1) must include building and design standards which a new build home must meet in relation to its—
  - (a) accessibility, and
  - (b) adaptability.
- (3) In developing the accessible homes standard mentioned in subsection (1), the Scottish Ministers must—
  - (a) take into account the need for the standard to apply across different housing tenures,
  - (b) take into account existing guidance, including guidance produced under section (*Guidance on the design of housing for varying needs*) in relation to accessible homes,
  - (c) consult any persons they consider appropriate.
- (4) In this section, “new build home” has the same meaning as in section 138 of the Building Safety Act 2022.>

## THIS IS NOT THE MARSHALLED LIST

**Pam Duncan-Glancy**

**471** After section 51, insert—

### **<Review of accessible homes standard**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—
  - (a) undertake a review of the accessible homes standard, and
  - (b) prepare a report on that review.
- (2) In carrying out a review under subsection (1), the Scottish Ministers must consult with—
  - (a) persons who appear to them to represent the interests of disabled people, and
  - (b) any other persons they consider appropriate.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the report is prepared—
  - (a) publish the report,
  - (b) lay it before the Scottish Parliament.
- (4) The report under subsection (2) must, in particular, consider what, if any, modifications the Scottish Ministers plan to make to the accessible homes standard.
- (5) In this section, “the review period” means—
  - (a) the period of 2 years beginning with the day after the first accessible homes standard is published after section (*Accessible homes standard*) comes into force, and
  - (b) each subsequent period of 2 years.>

**Pam Duncan-Glancy**

**472** After section 51, insert—

### *<Accessibility of housing*

#### **Guidance on the design of housing for varying needs**

- (1) The Scottish Ministers must, no later than 2 years after this section comes into force, publish guidance on the design of housing for varying needs.
- (2) The guidance mentioned in subsection (1) may include design standards for dwellings which are to be built or adapted specifically for people with a particular accessibility need.
- (3) In developing the guidance mentioned in subsection (1), the Scottish Ministers must consult any persons they consider appropriate.>

**Pam Duncan-Glancy**

**473** After section 51, insert—

### **<Review of guidance on the design of housing for varying needs**

- (1) The Scottish Ministers—
  - (a) must keep the guidance on the design of housing for varying needs under review, and
  - (b) may revise it as they consider appropriate.

## THIS IS NOT THE MARSHALLED LIST

- (2) If the Scottish Ministers have not revised and republished the guidance on the design of housing for varying needs within the period of 2 years beginning with the day on which it was last published, they must revise it.
- (3) Section (*Guidance on the design of housing for varying needs*)(3) applies in relation to revising the guidance on the design of housing for varying needs as it applies in relation to preparing the first guidance after that section comes into force.>

### **Pam Duncan-Glancy**

**551** After section 51, insert—

*<Accessibility of housing*

#### **Adaptations to housing**

- (1) The Scottish Ministers must by regulations provide for a scheme to provide adaptations to housing to improve accessibility.
- (2) The scheme referred to in subsection (1) must—
  - (a) apply irrespective of housing tenure,
  - (b) integrate adaptations into planned repair, maintenance, and upgrade programmes,
  - (c) include a mechanism for evaluating the adaptations made for the purposes of informing future strategy and resource allocation,
  - (d) ensure that the evaluation referred to in paragraph (c) involves engagement with relevant advocacy organisations.>

### **Jamie Halcro Johnston**

**555** In section 52, page 61, line 17, after <(4)> insert <or (*Secondary heating systems: residential housing*)(2)>

### **Graham Simpson**

**446** In section 52, page 61, line 18, after <18(1)> insert <, or (*Repairs: private landlords*)(1)>

### **Ariane Burgess**

**557** In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing standards: local authority inspections*)(1)>

### **Ariane Burgess**

**558** In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing standards: local authority inspections: further provision*)(1)>

### **Paul Sweeney**

**479** In section 52, page 61, line 18, after <18(1)> insert <, or (*Local authorities: purchase of poor quality let property*)(1)>

### **Pam Duncan-Glancy**

**561** In section 52, page 61, line 18, after <18(1)> insert <, or (*Adaptations to housing*)(1)>

## THIS IS NOT THE MARSHALLED LIST

### **Maggie Chapman**

- 267 In the schedule, page 65, line 6, after <43G(1)(b)(i),> insert <43GA(1),>

### **Information to tenants**

#### **Paul McLennan**

- 354 In section 20, page 25, line 10, leave out <“(the advertised property”) in a rent control area> and insert <that is not an exempt property in a rent control area (“the advertised property”)>

#### **Paul McLennan**

- 355 In section 20, page 25, leave out lines 19 and 20 and insert—
- <(ia) whether there was a relevant rent increase during the period of 12 months before the date on which the advertisement of the advertised property is published,
  - (ib) if there was such an increase, the date on which the most recent increase took effect,>

#### **Paul McLennan**

- 356 In section 20, page 25, line 22, after <tenancy> insert <(but see also subsection (2A))>

#### **Paul McLennan**

- 357 In section 20, page 25, line 27, at end insert—
- <(2A) The information about the rent that the prospective landlord proposes to be payable under the tenancy (which must be included in the advertisement under subsection (2)(a)(iii)) must also mention that this proposed rent may change according to any variation in the consumer prices index before the start of any tenancy (in accordance with section 43E).>

#### **Paul McLennan**

- 358 In section 20, page 25, line 36, leave out <advertisement of the advertised property> and insert <date on which the advertisement of the advertised property is published>

#### **Paul McLennan**

- 359 In section 20, page 26, line 14, at end insert—
- <“assured tenancy” means an assured tenancy under the Housing (Scotland) Act 1988,
  - “consumer prices index” means—
    - (a) the all items consumer prices index published by the Statistics Board, or
    - (b) if that index is not published for a month, any substituted index or figures published by the Board,
  - “exempt property” has the meaning given by regulations under section 17C(1),



## THIS IS NOT THE MARSHALLED LIST

“relevant rent increase”, in relation to the advertised property, means—

- (a) an increase in the amount payable in rent under a private residential tenancy or an assured tenancy of a property that is the same or substantially the same as the advertised property (“a relevant tenancy”),
- (b) a setting of the amount payable in rent at the start of a relevant tenancy (“tenancy A”) if—
  - (i) that amount exceeded the amount payable in rent at the end of the relevant tenancy immediately preceding tenancy A (“tenancy B”),
  - (ii) tenancy B ended no more than 12 months before the start of tenancy A, and
  - (iii) tenancy A was not the first private residential tenancy or assured tenancy of the property granted by the landlord under the tenancy following the landlord’s purchase of the property with vacant possession.”.>

**Paul McLennan**

**360** In section 20, page 26, line 14, at end insert—

- <(7) For the purpose of this section, whether property let (or to be let) under a tenancy is the same or substantially the same as property let under an earlier tenancy is to be determined with reference to a comparison between the description of each property in the terms applying to each tenancy.”.>

**Paul McLennan**

**361** Move section 20 to before section 19

**Mark Griffin**

**422** After section 40, insert—

### *<Provision of inventory*

#### **Provision of inventory**

- (1) The 2016 Act is modified as follows.
- (2) After section 11 (duty to provide specified information) insert—

#### **“11A Duty to provide inventory**

- (1) A landlord under a private residential tenancy must, before the day on which the private residential tenancy commences, provide the person who is to be tenant with an inventory of any property on the let property belonging to the landlord.
- (2) The landlord and tenant must agree the inventory provided under subsection (1) before the day on which the private residential tenancy commences.”.>

**Daniel Johnson**

**247** After section 40, insert—

## THIS IS NOT THE MARSHALLED LIST

*<Landlord's duties to provide information to tenant*

### **Private residential tenancies: duty to provide information about rent payable under previous tenancies**

- (1) The 2016 Act is modified as follows.
- (2) After section 10 (duty to provide written terms of tenancy), insert—

#### **“10A Duty to provide information about rent payable under previous tenancies**

- (1) The landlord must provide the tenant with information on the rent payable for the property under any previous tenancy for each month of the period of 36 months ending on the day on which the tenancy commences.
- (2) The information under subsection (1) must be provided before the day on which the tenancy commences.”>

### **Maggie Chapman**

- 273** After section 40, insert—

*<Landlord's duties to provide information to tenant*

### **Private residential tenancies: duty to provide information**

- (1) The 2016 Act is modified as follows.
- (2) After section 10 (duty to provide written terms of tenancy) insert—

#### **“10A Duty to provide information to tenant**

- (1) The landlord must provide the tenant with information on—
  - (a) the impact of the provisions of Part 1 of the Housing (Scotland) Act 2025 on the rent payable under the tenancy,
  - (b) the ability to join a tenants' union, and
  - (c) the Private Rented Sector Charter.
- (2) The information under subsection (1) must be provided before the day on which the tenancy commences.”>

### **Daniel Johnson**

- 248** After section 40, insert—

*<Landlord's duties to provide information to tenant*

### **Scottish secure tenancies: duty to provide information about rent payable under previous tenancies**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 23 (tenant's right to written tenancy agreement and information), after subsection (6) insert—
  - “(7) The landlord must provide the tenant with information on the rent payable for the property under any previous tenancy for each month of the period of 36 months ending on the day on which the tenancy was created.

## THIS IS NOT THE MARSHALLED LIST

- (8) The information under subsection (7) must be provided before the creation of a Scottish secure tenancy.”.>

### **Maggie Chapman**

**274** After section 40, insert—

*<Landlord’s duties to provide information to tenant*

#### **Scottish secure tenancies: duty to provide information**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 23 (tenant’s right to written tenancy agreement and information), after subsection (6) insert—
  - “(7) The landlord must provide the tenant with information on the ability to join a tenants’ union.
  - (8) The information under subsection (7) must be provided before the creation of a Scottish secure tenancy.”.>

### **Reviews and reports**

#### **Graham Simpson**

**70** After section 23, insert—

#### **<CHAPTER**

#### **REVIEW OF RENT CONTROL PROVISIONS**

#### **Review and reporting requirement**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—
  - (a) undertake a review of the operation and effectiveness of Part 1 of the Act, and in particular, its impact on—
    - (i) the rental market,
    - (ii) housing affordability,
  - (b) prepare a report on that review.
- (2) In undertaking the review under subsection (1)(a), the Scottish Ministers must consult such persons as they consider appropriate.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the report is prepared—
  - (a) publish the report,
  - (b) lay it before the Scottish Parliament.
- (4) The report under subsection (1) must, in particular, consider what modifications Scottish Ministers plan to make to the Act in order to ensure that it delivers an effective rent control framework.
- (5) In this section, “the review period” means—
  - (a) the period of 5 years beginning with the day after Royal Assent, and

## THIS IS NOT THE MARSHALLED LIST

- (b) each subsequent period of 5 years.>

### Graham Simpson

71 After section 23, insert—

#### <Power to modify the Act

- (1) On publishing the report under section (*Review and reporting requirement*)(3), the Scottish Ministers may, by regulations, make any provision they consider appropriate for the purposes of delivering an effective rent control framework.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).>

### Graham Simpson

72 After section 23, insert—

#### <Power to modify the Act: pre-laying procedure

- (1) This section applies where the Scottish Ministers propose to lay before the Scottish Parliament a draft of a statutory instrument containing regulations under section (*Power to modify the Act*).
- (2) The Scottish Ministers must, before doing so, lay before the Parliament—
  - (a) a copy of the proposed regulations, and
  - (b) a statement setting out their reasons for proposing to make those regulations.
- (3) The Scottish Ministers must, when laying such a copy, specify a period (the “representation period”) during which representations on the proposed regulations may be made to them.
- (4) The representation period must be at least 90 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.
- (5) The Scottish Ministers must, as soon as reasonably practicable after laying a copy of the proposed regulations, publicise them in such manner as they consider appropriate.
- (6) The Scottish Ministers must, before laying the proposed regulations before the Parliament, have regard to—
  - (a) any representations on the proposed regulations made to them;
  - (b) any resolution relating to those regulations passed by the Parliament; and
  - (c) any report relating to those regulations published by any committee of the Parliament for the time being appointed by virtue of standing orders,before the expiry of the representation period.
- (7) The Scottish Ministers must, when laying such proposed regulations, lay a statement setting out—
  - (a) details of any representations, resolutions or reports mentioned in subsection (6), and
  - (b) the changes (if any) they have made to the proposed regulations in response to such representations, resolutions or reports and the reasons for those changes.
- (8) In this section, “proposed regulations” means a draft of a statutory instrument to which subsection (1) applies.>

## THIS IS NOT THE MARSHALLED LIST

**Rachael Hamilton**

**226** After section 51, insert—

### <PART

#### IMPACT ASSESSMENT

##### **Rural impact assessment**

- (1) The Scottish Ministers must, no later than 12 months after Royal Assent, conduct an impact assessment of the provisions of this Act on rural and island communities.
- (2) On completing the impact assessment, the Scottish Ministers must—
  - (a) lay a report on the impact assessment before the Scottish Parliament,
  - (b) publish the report in such manner as they consider appropriate.
- (3) The report under subsection (2) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of conducting the impact assessment.>

**Graham Simpson**

**76** In section 52, page 61, line 18, after <18(1)> insert <, or (*Power to modify the Act*)(1)>

### **Dealing with evictions**

**Meghan Gallacher**

**119** Before section 24, insert—

#### *<Restriction on applying for an eviction order*

##### **Restriction on applying for an eviction order: terminal illness**

- (1) The 2016 Act is modified as follows.
- (2) Before section 54 insert—

##### **“53A Restriction on applying for an eviction order: terminal illness**

- (1) A landlord may not make an application to the First-tier Tribunal for an eviction order against a tenant if—
  - (a) the tenant, or
  - (b) a member of the tenant’s household,has a terminal illness.
- (2) For the purposes of subsection (1), an individual has a terminal illness if the Scottish Ministers have determined under section 37 of the Social Security (Scotland) Act 2018 that the individual is entitled to be given disability assistance on the basis of the individual having a terminal illness.”.>

**Meghan Gallacher**

**120** Before section 24, insert—

## THIS IS NOT THE MARSHALLED LIST

*<Restriction on applying for an eviction order*

### **Restriction on applying for an eviction order: terminal illness**

- (1) The 2016 Act is modified as follows.
- (2) Before section 54 insert—

#### **“53A Restriction on applying for an eviction order: terminal illness**

- (1) A landlord may not make an application to the First-tier Tribunal for an eviction order against a tenant if—
  - (a) the tenant, or
  - (b) a member of the tenant’s household,has a terminal illness.
- (2) For the purposes of subsection (1), an individual is to be regarded as having a terminal illness if, having had regard to the guidance mentioned in subsection (3), it is the clinical judgement of an appropriate healthcare professional that the individual has a progressive disease that can reasonably be expected to cause the individual's death.
- (3) The guidance referred to in subsection (2) is guidance prepared under paragraph 1(3) of schedule 5 of the Social Security (Scotland) Act 2018.
- (4) For the purposes of subsection (2), “appropriate healthcare professional” has the meaning specified in regulations made under paragraph 1(2D) of schedule 5 of the Social Security (Scotland) Act 2018.”>

#### **Meghan Gallacher**

- 122** In section 24, page 28, line 14, after <having> insert <—  
(A)>

#### **Meghan Gallacher**

- 123** In section 24, page 28, line 14, after <disability,> insert <or  
(B) a terminal illness,>

#### **Fulton MacGregor**

- 491** In section 24, page 28, line 19, after <disability,> insert—  
<(iv) have another detrimental effect on the landlord where the landlord is not a natural person,>

#### **Meghan Gallacher**

- 124** In section 24, page 28, line 23, at end insert—  
<(3A) For the purposes of subsection (2)(a)(iii)(B), an individual is to be regarded as having a terminal illness if, having had regard to the guidance mentioned in subsection (3B), it is the clinical judgement of an appropriate healthcare professional that the individual has a progressive disease that can reasonably be expected to cause the individual's death.

## THIS IS NOT THE MARSHALLED LIST

(3B) The guidance referred to in subsection (3A) is guidance prepared under paragraph 1(3) of schedule 5 of the Social Security (Scotland) Act 2018.

(3C) For the purposes of subsection (3A), “appropriate healthcare professional” has the meaning specified in regulations made under paragraph 1(2D) of schedule 5 of the Social Security (Scotland) Act 2018.>

**Meghan Gallacher**

**125** In section 24, page 28, line 23, at end insert—

<(3A) For the purposes of subsection (2)(a)(iii)(B), an individual has a terminal illness if the Scottish Ministers have determined under section 37 of the Social Security (Scotland) Act 2018 that the individual is entitled to be given disability assistance on the basis of the individual having a terminal illness.>

**Edward Mountain**

**163** In section 24, page 28, line 26, at end insert—

<(4A) Notwithstanding the duty mentioned in subsection (1), the day on which a tenancy is to end specified by the Tribunal in an eviction order must be no later than the period of 3 months beginning with the day after the application is issued by the landlord.>

**Willie Rennie**

**452** In section 24, page 28, line 29, at end insert—

<(za) that the let property is required for use in connection with the purposes of a religion,>

**Meghan Gallacher**

**487** In section 24, page 28, line 29, at end insert—

<(za) where the landlord is the Church of Scotland, that the let property is required for use in connection with the purposes of a religion,>

**Meghan Gallacher**

**126** In section 25, page 29, line 15, after <having> insert <—

( )>

**Meghan Gallacher**

**127** In section 25, page 29, line 15, after <disability,> insert <or

( ) a terminal illness,>

**Meghan Gallacher**

**128** In section 25, page 29, line 19, at end insert—

<(3A) For the purposes of subsection (2), an individual is to be regarded as having a terminal illness if, having had regard to the guidance mentioned in subsection (3B), it is the

## THIS IS NOT THE MARSHALLED LIST

clinical judgement of an appropriate healthcare professional that the individual has a progressive disease that can reasonably be expected to cause the individual's death.

(3B) The guidance referred to in subsection (3A) is guidance prepared under paragraph 1(3) of schedule 5 of the Social Security (Scotland) Act 2018.

(3C) For the purposes of subsection (3A), “appropriate health professional” has the meaning specified in regulations made under paragraph 1(2D) of schedule 5 of the Social Security (Scotland) Act 2018.>

### **Meghan Gallacher**

**129** In section 25, page 29, line 19, at end insert—

<(3A) For the purposes of subsection (2), an individual has a terminal illness if the Scottish Ministers have determined under section 37 of the Social Security (Scotland) Act 2018 that the individual is entitled to be given disability assistance on the basis of the individual having a terminal illness.>

### **Edward Mountain**

**164** In section 25, page 29, line 22, at end insert—

<(4A) Notwithstanding the duty mentioned in subsection (1), the date for recovery of possession of a house appointed by the court must be no later than the period of 3 months beginning with the day after proceedings are raised by the landlord.>

### **Edward Mountain**

**165** In section 25, page 30, line 10, at end insert—

<(4A) Notwithstanding the duty mentioned in subsection (1), the date for recovery of possession of a house appointed by the court must be no later than the period of 3 months beginning with the day after proceedings are raised by the landlord.>

### **Edward Mountain**

**166** In section 26, page 31, line 5, at end insert—

<(4A) Notwithstanding the duty mentioned in subsection (1), the date of possession of a house specified by the Tribunal must be no later than the period of 3 months beginning with the day after proceedings are raised by the landlord.>

### **Edward Mountain**

**167** In section 27, page 32, line 3, at end insert—

<(4A) Notwithstanding the duty mentioned in subsection (1), the date of possession of a dwelling-house specified by the Tribunal must be no later than the period of 3 months beginning with the day after proceedings are raised by the landlord.>

### **Maggie Chapman**

**187** After section 27, insert—



## THIS IS NOT THE MARSHALLED LIST

### <Eviction: notice periods

#### **Eviction: notice periods**

- (1) The 2016 Act is modified as follows.
- (2) In section 54 (restriction on applying during the notice period), in subsection (2)(b) for sub-paragraphs (i) and (ii), substitute—
  - “(i) 12 months after it begins if subsection (2A) applies,
  - (ii) 4 months after it begins if subsection (2A) does not apply.”.
- (3) After subsection (2), insert—

“(2A) This subsection applies if the eviction ground relied upon is that named in paragraph 1, 1A or 2 of schedule 3.”.
- (4) Subsection (3) is repealed.
- (5) After subsection (4), insert—

“(4A) In subsection (2), the reference to a period of 12 or 4 months is to a period which ends in the month which falls 12 or 4 months, as the case may be, after the month in which it began, either—

  - (a) on the same day of the month as it began, or
  - (b) if the month in which the period ends has no such day, on the final day of that month.”.>

#### **Maggie Chapman**

- 188** After section 27, insert—

### <Protection against eviction

#### **Protection against eviction: winter**

- (1) Schedule (*Protection against eviction: winter*) contains modifications to the law in relation to evictions.
- (2) The modifications in schedule (*Protection against eviction: winter*) apply each year between 1 November and 31 March.>

#### **Emma Roddick**

- 250** After section 27, insert—

### <Eviction order: intention to sell

#### **Eviction order: intention to sell**

- (1) The 2016 Act is modified as follows.
- (2) In schedule 3 (eviction grounds), in paragraph 1—
  - (a) in sub-paragraph (2)—
    - (i) in paragraph (b), the words “for market value” are repealed,
    - (ii) the “and” following paragraph (b) is repealed,
    - (iii) after paragraph (b) insert—

## THIS IS NOT THE MARSHALLED LIST

“(ba) intends to offer to sell the property in the first instance to—

- (i) the local authority within whose area the property is situated, and
- (ii) landlords on the register of social landlords kept under section 20 of the Housing (Scotland) Act 2010, and”,

(b) after sub-paragraph (3) insert—

“(4) The Scottish Ministers may by regulations make further provision about the process and evidence required for the purposes of sub-paragraph (2)(ba).

(5) Regulations under sub-paragraph (4) are subject to the negative procedure.”.>

### Maggie Chapman

251 After section 27, insert—

*<First-tier Tribunal’s power to require payment of removal costs*

#### **First-tier Tribunal’s power to require payment of removal costs**

(1) The 2016 Act is modified as follows.

(2) After section 53 insert—

#### **“53A First-tier Tribunal’s power to require payment of removal costs**

(1) This section applies where, on application by a landlord, the First-tier Tribunal finds that one or more of the following eviction grounds in schedule 3 applies in relation to a private residential tenancy—

- (a) that the landlord intends to sell the property,
- (b) that the landlord intends to live in the property,
- (c) that a family member intends to live in the property.

(2) The Tribunal may state in the eviction order—

- (a) that the landlord must pay to the tenant on a day specified in the order a specified amount for the tenant’s removal costs which must be equal to 2 months’ rent, or
- (b) that the tenant may withhold payment of the rent payable to the landlord under the tenancy beginning with the day that is two months before the day on which the tenant must leave the property for the purposes of the tenant’s removal costs.

(3) The Scottish Ministers may by regulations specify the evidence that the tenant must provide for the purposes of subsection (2).

(4) Regulations under subsection (3) are subject to the negative procedure.”.>

### Paul McLennan

362 In section 28, page 33, line 5, leave out <months’ rent> and insert <times the relevant sum>

### Paul McLennan

363 In section 28, page 33, line 6, leave out <months’ rent> and insert <times the relevant sum>

**THIS IS NOT THE MARSHALLED LIST**

**Paul McLennan**

- 364** In section 28, page 33, line 11, leave out <months’ rent> and insert <times the relevant sum>

**Paul McLennan**

- 365** In section 28, page 33, line 17, leave out <months’ rent> and insert <times the relevant sum>

**Paul McLennan**

- 366** In section 28, page 33, line 21, after <section> insert <—  
“relevant sum”, in relation to the premises in question, means—  
(a) the amount of one month’s rent, or  
(b) £840 if that is a higher amount,>

**Paul McLennan**

- 367** In section 28, page 33, line 22, after <amount> insert <(if any)>

**Paul McLennan**

- 368** In section 28, page 33, line 28, at end insert—  
<(5) The Scottish Ministers may by regulations modify the definition of “relevant sum” in subsection (4) so as to substitute a different amount for the one for the time being specified in paragraph (b) of the definition.  
(6) Regulations under subsection (4A) are subject to the affirmative procedure.”.>

**Paul McLennan**

- 369** After section 28, insert—

*<Payments for wrongful termination*

**Payments for wrongful termination**

- (1) The 2016 Act is modified as follows.
- (2) In section 59 (wrongful-termination order)—
  - (a) in subsection (1), for “not exceeding six months’ rent” substitute “determined by the First-tier Tribunal in accordance with subsections (1A) and (1B)”,
  - (b) after subsection (1) insert—

“(1A) The amount that the First-tier Tribunal may determine as payable is to be an amount that is—  
(a) not less than 3 times the relevant sum, and  
(b) not more than 36 times the relevant sum,  
taking into account the manner of the wrongful termination and the impact that it has had on the person who made the application for the wrongful-termination order.
- (1B) But the First-tier Tribunal may reduce the amount that would otherwise be payable under subsection (1A), including to an amount lower than 3 times the relevant

## THIS IS NOT THE MARSHALLED LIST

sum, if it considers it appropriate to do so having regard to all the circumstances of the case.”,

(c) in subsection (3)(b), for “six months’ rent” substitute “36 times the relevant sum”,

(d) in subsection (4), for “subsections (1) and (3)(b),” substitute “this section—

“relevant sum” means—

(a) the amount of one month’s rent payable under the tenancy, or

(b) £840 if that is a higher amount,”

(e) after subsection (4) insert—

“(5) The Scottish Ministers may by regulations modify the definition of “relevant sum” in subsection (4) so as to substitute a different amount for the one for the time being specified in paragraph (b) of the definition.”.>

### Mark Griffin

**268** After section 28, insert—

#### *<Eviction grounds*

##### **Review of eviction grounds**

- (1) The Scottish Ministers must conduct a review of schedule 3 (eviction grounds) of the 2016 Act.
- (2) The review must be completed within the period of 12 months beginning with the day after Royal Assent.
- (3) On completing the review, the Scottish Ministers must publish and lay a report before the Scottish Parliament.
- (4) The report under subsection (3) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.>

### Mark Griffin

**269** After section 28, insert—

#### *<Eviction grounds*

##### **Review of eviction grounds**

- (1) The Scottish Ministers must conduct a review of—
  - (a) schedule 2 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies) of the Rent (Scotland) Act 1984,
  - (b) schedule 5 (grounds for possession of houses let on assured tenancies) of the Housing (Scotland) Act 1988,
  - (c) schedule 2 (Scottish secure tenancy: grounds for recovery of possession of house) of the Housing (Scotland) Act 2001, and
  - (d) schedule 3 (eviction grounds) of the 2016 Act.
- (2) The review must be completed within the period of 12 months beginning with the day after Royal Assent.

## THIS IS NOT THE MARSHALLED LIST

- (3) On completing the review, the Scottish Ministers must publish and lay a report before the Scottish Parliament.
- (4) The report under subsection (3) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.>

**Emma Roddick**

**141** After section 28, insert—

*<Wrongful termination by eviction order: landlord to sell property*

### **Wrongful termination by eviction order**

- (1) The Private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.
- (2) In section 57 (wrongful termination by eviction order), in subsection (3)—
  - (a) the words from “if” to the end of the subsection become paragraph (a),
  - (b) after second “tenancy”, insert “, or
  - (b) where—
    - (i) the only ground established for the eviction order was the eviction ground that the landlord intended to sell the let property,
    - (ii) the landlord has not sold the property within one year of the tenant ceasing to occupy it, and
    - (iii) there is evidence tending to show that the landlord received an offer to sell the property at market value which was not accepted.”.>

**Katy Clark**

**409** After section 28, insert—

*<The offence of wrongful termination*

### **Wrongful termination offence**

- (1) The 2016 Act is modified as follows.
- (2) After section 60, insert—

#### **“60A Wrongful termination offence**

- (1) It is an offence to—
  - (a) mislead the First-tier Tribunal into issuing an eviction order in relation to a tenancy,
  - (b) mislead a tenant into ceasing to occupy a let property.
- (2) It is a defence for a person charged with the offence under this section to show that the person did not intentionally mislead the Tribunal or, as the case may be, the tenant.

## THIS IS NOT THE MARSHALLED LIST

- (3) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both, and
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (4) Nothing in this section shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.”.>

**Mark Griffin**

**502** After section 28, insert—

*<Restrictions on issuing of eviction order*

### **Restrictions on issuing of eviction order**

- (1) The 2016 Act is modified as follows.
- (2) In section 51 (First-tier Tribunal’s power to issue an eviction order), after subsection (2) insert—
  - “(2A) Where a landlord has, within the previous 12 months, received a grant under the ECO4 scheme to make improvements to the energy efficiency of the let property, the Tribunal must not grant an eviction order where the Tribunal is satisfied that the only grounds established for the eviction order are one or more of the following eviction grounds—
    - (a) that the landlord intends to sell the let property,
    - (b) that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property,
    - (c) that the landlord intends to live in the let property,
    - (d) that a member of the landlord’s family intends to live in the let property,
    - (e) that the landlord intends to use the let property for a purpose other than housing.”.>

**Katy Clark**

**413** After section 28, insert—

*<Damages for wrongful termination*

### **Wrongful-termination order: damages**

- (1) The 2016 Act is modified as follows.
- (2) In section 59 (wrongful-termination order)—
  - (a) in subsection (1), for “six months’ rent” substitute “36 months’ rent, taking into account the manner of the wrongful termination and the impact that it has had on the former residential occupier”,
  - (b) in subsection (3)(b), for “six months” substitute “36 months”.”.>

## THIS IS NOT THE MARSHALLED LIST

**Katy Clark**

**414** After section 28, insert—

*<Restrictions on property sale following granting of eviction order*

### **Wrongful-termination order: property sale restrictions**

- (1) The 2016 Act is modified as follows.
- (2) In section 57 (wrongful termination by eviction order), after subsection (3) insert—
  - “(3A) Where an eviction order is granted under paragraph 1 or paragraph 4 of schedule 3, the Tribunal may make a wrongful-termination order if it finds that the landlord has let, or attempted to let, the property within 12 months of the eviction order being granted.”.
- (3) In schedule 3 (eviction grounds)—
  - (a) in paragraph 1, after sub-paragraph (3), insert—
    - “(4) If an eviction order is granted under sub-paragraph (1), the landlord must not let, or attempt to let, the property within 12 months of the eviction order being granted.”,
  - (b) in paragraph 4, after sub-paragraph (4) insert—
    - “(5) If an eviction order is granted under sub-paragraph (1), the landlord must not let, or attempt to let, the property within 12 months of the eviction order being granted.”.>

**Maggie Chapman**

**200** Before the schedule, insert—

### **<SCHEDULE**

*Introduced by section (Protection against eviction: winter)*

#### **PROTECTION AGAINST EVICTION: WINTER**

##### *Eviction from residential properties: restrictions on enforcement*

- 1 (1) Where a decree for removing is granted in proceedings raised after this paragraph comes into force, no person may—
  - (a) serve a charge for removing in respect of the decree,
  - (b) execute the decree.
- (2) Where a decree of removing is or was granted in proceedings raised before this paragraph comes into force in relation to an eviction notice served on or after 1 November in any year or, in proceedings raised on or after that date in any year without the need for an eviction notice, no person may—
  - (a) if a charge for removing has not been served in respect of the decree, serve any such charge,
  - (b) if the decree has not been executed, execute the decree.

## THIS IS NOT THE MARSHALLED LIST

- (3) In a case where the decree for removing relates to a student residential tenancy, sub-paragraphs (1) and (2) do not apply where the decree is or was granted in respect of circumstances which are the same as those described in either of the following paragraphs—
  - (a) paragraph 2 (criminal behaviour),
  - (b) paragraph 3 (anti-social behaviour).
- (4) In any other case, sub-paragraphs (1) and (2) do not apply where the decree for removing is or was granted on the basis of the application of—
  - (a) any of the following paragraphs of schedule 3 of the 2016 Act—
    - (i) paragraph 1A (intent to sell property to alleviate financial hardship),
    - (ii) paragraph 2 (property to be sold by lender),
    - (iii) paragraph 4A (intent to live in property to alleviate financial hardship),
    - (iv) paragraph 8 (not an employee),
    - (v) paragraph 10 (tenant not occupying let property),
    - (vi) paragraph 12A (substantial rent arrears),
    - (vii) paragraph 13 (criminal behaviour),
    - (viii) paragraph 14 (anti-social behaviour),
    - (ix) paragraph 15 (association with person who has relevant conviction or engaged in relevant anti-social behaviour),
  - (b) any of the following paragraphs of schedule 2 of the 2001 Act—
    - (i) paragraph 1 (rent arrears) but only so far as it relates to rent lawfully due from the tenant which has not been paid and the amount of such rent specified in the decree is equal to or greater than £2,250,
    - (ii) paragraph 2 (conviction for certain offences),
    - (iii) paragraph 5 (tenant absent or not occupying house),
    - (iv) paragraph 7 (anti-social behaviour or harassment),
    - (v) paragraph 8 (nuisance, annoyance or harassment),
    - (vi) paragraph 10 (demolition of, or substantial work on, the property),
    - (vii) paragraph 14 (islands council as education authority),
  - (c) any of the following Grounds in schedule 5 of the 1988 Act—
    - (i) Ground 1A (intent to live in house to alleviate financial hardship),
    - (ii) Ground 2 (house to be sold by lender),
    - (iii) Ground 8A (substantial rent arrears),
    - (iv) Ground 15 (conviction for certain offences, acting in an anti-social manner or pursuing a course of anti-social conduct),
    - (v) Ground 17 (employment with landlord ceases), or
  - (d) any of the following Cases in, or paragraphs of, schedule 2 of the Housing (Scotland) Act 1984—
    - (i) Case 1A (substantial rent arrears),



## THIS IS NOT THE MARSHALLED LIST

- (ii) Case 2 (nuisance, annoyance or conviction for using or allowing dwelling-house to be used for immoral or illegal purposes),
  - (iii) Case 7 (employment with landlord ceases),
  - (iv) Case 8A (intent to live in house to alleviate financial hardship),
  - (v) paragraph (c)(vi) in Case 11 (owner-occupier's house to be sold by lender),
  - (vi) paragraph (c)(iv) in Case 12 (owner's house to be sold by lender).
- (5) In a case where sub-paragraph (1) or (2) has effect in relation to—
  - (a) an eviction order issued under section 51 of the 2016 Act after this paragraph comes into force, that section has effect in relation to the order as if for subsection (4) there were substituted—
    - “(4) Despite any provision by the Tribunal in the order, the tenancy in question is terminated only if the landlord recovers possession of the let property in pursuance of the order.”,
  - (b) an order for recovery of possession made under section 16 of the 2001 Act after this paragraph comes into force, that section has effect in relation to the order as if—
    - (i) in subsection (5), paragraph (a) were repealed,
    - (ii) after that subsection there were inserted—
      - “(5ZA) Despite any provision by the court in the order, the tenancy in question is terminated only if the landlord recovers possession of the house in pursuance of the order.”,
    - (iii) in subsection (5A), paragraphs (a) and (b) were repealed,
    - (iv) in subsection (6), the words “and subsection (5)(a) does not apply in such a case” were repealed,
  - (c) an order for recovery of possession made under section 36 of the 2001 Act after this paragraph comes into force, that section has effect in relation to the order as if—
    - (i) in subsection (6), paragraph (a) were repealed, and
    - (ii) after that subsection there were inserted—
      - “(6ZA) Despite any provision by the court in the order, the tenancy in question is terminated only if the landlord recovers possession of the house in pursuance of the order.”.
- (6) Any period during which sub-paragraph (1) or (2) has effect in relation to an order mentioned in paragraph (c) of section 16(5A) of the 2001 Act (powers of court in possession proceedings) is to be disregarded for the purposes of calculating the period mentioned in that paragraph.
- (7) The Scottish Ministers may by regulations modify this paragraph to add, amend or remove circumstances in which sub-paragraph (1) or (2) does not apply.
- (8) Regulations under sub-paragraph (8) are subject to the affirmative procedure.
- (9) In this paragraph—
  - “the 1984 Act” means the Rent (Scotland) Act 1984,
  - “the 1988 Act” means the Housing (Scotland) Act 1988,
  - “the 2001 Act” means the Housing (Scotland) Act 2001,

## THIS IS NOT THE MARSHALLED LIST

“the 2007 Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007,

“the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,

“charge for removing” means a charge to remove under section 216(1) (service of charge before removing) of the 2007 Act in respect of a decree for removing,

“decree for removing” means—

- (a) a decree of removing and warrant of ejection obtained in an action of removing in respect of—
  - (i) a protected tenancy (including a short tenancy) or a statutory tenancy under the 1984 Act, or
  - (ii) a student residential tenancy,
- (b) a decree obtained by virtue of a summary application for removing under section 38 of the Sheriff Courts (Scotland) Act 1907 in respect of a student residential tenancy,
- (c) a decree for recovery of possession of heritable property obtained by virtue of a summary cause under section 35(1)(c) of the Sheriff Courts (Scotland) Act 1971 in respect of—
  - (i) a Scottish secure tenancy or a short Scottish secure tenancy under the 2001 Act, or
  - (ii) a student residential tenancy,
- (d) an order for possession (within the meaning of section 55(1) of the 1988 Act) in respect of an assured tenancy (including a short assured tenancy) under the 1988 Act, or
- (e) an eviction order issued under section 51 of the 2016 Act,

“eviction notice” means—

- (a) in the case of a short tenancy under the 1984 Act, a notice under section 14(2) of that Act,
- (b) in the case of an assured tenancy (including a short assured tenancy) under the 1988 Act, a notice under section 19 of that Act,
- (c) in the case of a short assured tenancy under the 1988 Act, a notice under section 33(1)(d) of that Act,
- (d) in the case of a Scottish secure tenancy or a short Scottish secure tenancy under the 2001 Act, a notice under section 14(2) of that Act,
- (e) in the case of a short Scottish secure tenancy under the 2001 Act, a notice under section 36(2) of that Act,
- (f) in the case of a private residential tenancy under the 2016 Act, a notice under section 50 or 61 of that Act,
- (g) in the case of a student residential tenancy a notice to quit (however expressed) which must, whether under the tenancy or otherwise, be served on the tenant before the tenancy can be terminated by the landlord,

“student” has the same meaning as in paragraph 5 of schedule 1 of the 2016 Act,

## THIS IS NOT THE MARSHALLED LIST

“student residential tenancy” means a tenancy—

- (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
- (b) to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies) of the 2016 Act applies.

### *Student residential tenancies: criminal behaviour*

- 2 (1) For the purpose of paragraph 1(3)(a), the circumstances are as follows.
- (2) During the tenancy, the tenant receives a relevant conviction.
- (3) In sub-paragraph (2), “a relevant conviction” means a conviction for an offence—
  - (a) which was committed by using, or allowing the use of, the let property for an immoral or illegal purpose, or
  - (b) which—
    - (i) was committed within, or in the locality of, the let property, and
    - (ii) is punishable by imprisonment.

### *Student residential tenancies: anti-social behaviour*

- 3 (1) For the purpose of paragraph 1(3)(b), the circumstances are as follows.
- (2) During the tenancy—
  - (a) the tenant behaved in an anti-social manner in relation to another person, and
  - (b) the behaviour was within, or in the locality of, the let property.
- (3) For the purpose of sub-paragraph (2), a person is to be regarded as behaving in an anti-social manner in relation to another person by—
  - (a) doing something which causes or is likely to cause the other person alarm, distress, nuisance or annoyance, or
  - (b) pursuing in relation to the other person a course of conduct which—
    - (i) causes or is likely to cause the other person alarm, distress, nuisance or annoyance, or
    - (ii) amounts to harassment of the other person.
- (4) In sub-paragraph (3)—
  - “conduct” includes speech,
  - “course of conduct” means conduct on two or more occasions,
  - “harassment” is to be construed in accordance with section 8 of the Protection from Harassment Act 1997.

### *Safeguards for landlords: substantial rent arrears and financial hardship*

- 4 (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (2) Section 54(3)(b) has effect as if after sub-paragraph (iii) there were inserted—

## THIS IS NOT THE MARSHALLED LIST

“(iia) that the tenant has substantial rent arrears.”.

(3) Schedule 3 has effect as if—

(a) after paragraph 1 there were inserted—

*“Landlord intends to sell property to alleviate financial hardship*

1A(1) It is an eviction ground that the landlord intends to sell the let property to alleviate financial hardship.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the landlord—

(i) is entitled to sell the let property,

(ii) is suffering financial hardship, and

(iii) intends to alleviate that hardship by selling the let property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(b) the Tribunal is satisfied that it is reasonable to issue an eviction order.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(a)(iii) includes (for example)—

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

(b) a letter of advice from an independent financial advisor,

(c) a letter of advice from a chartered accountant,

(d) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(e) 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

(f) an affidavit stating that the landlord has that intention.”,

(b) after paragraph 4 there were inserted—

*“Landlord intends to live in property to alleviate financial hardship*

4A(1) It is an eviction ground that the landlord intends to live in the let property to alleviate financial hardship.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the landlord—

(i) is suffering financial hardship, and

(ii) intends to alleviate that hardship by occupying the let property as the landlord’s only or principal home for at least 3 months, and

(b) the Tribunal is satisfied that it is reasonable to issue an eviction order.

## THIS IS NOT THE MARSHALLED LIST

- (3) References to the landlord in this paragraph—
  - (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
  - (b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.
- (4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(a)(ii) includes (for example)—
  - (a) a letter of advice from an approved money advisor or a local authority debt advice service,
  - (b) a letter of advice from an independent financial advisor,
  - (c) a letter of advice from a chartered accountant,
  - (d) an affidavit stating that the landlord has that intention.”,
- (c) after paragraph 12 there were inserted—

*“Substantial rent arrears*

- 12A(1) It is an eviction ground that the tenant has substantial rent arrears.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
    - (a) the tenant has accrued rent arrears under the tenancy in respect of one or more periods,
    - (b) the cumulative amount of those rent arrears equates to, or exceeds, an amount that is the equivalent of 6 months' rent under the tenancy when notice to leave is given to the tenant on this ground in accordance with section 52(3), and
    - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order.
  - (3) In deciding under sub-paragraph (2) whether it is reasonable to issue an eviction order, the Tribunal is to consider—
    - (a) whether the tenant being in arrears of rent over the period or periods in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit,
    - (b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers under paragraph 12(4)(b) (and continued in force by virtue of section 49 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022).
  - (4) For the purpose of this paragraph—
    - (a) references to a relevant benefit are to—
      - (i) a rent allowance or rent rebate under the Housing Benefit Regulations 2006 (S.I. 2006/213),
      - (ii) a payment on account awarded under regulation 93 of those Regulations,

## THIS IS NOT THE MARSHALLED LIST

- (iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,
    - (iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,
  - (b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.”.
- 5 (1) The Housing (Scotland) Act 1988 applies in accordance with the modifications in this paragraph.
- (2) Section 18 has effect as if after subsection (4) there were inserted—
  - “(4ZA) In deciding under subsection (4) whether Ground 1A in schedule 5 is established, evidence tending to show that the landlord has the intention mentioned in the Ground includes (for example)—
    - (a) a letter of advice from an approved money advisor or a local authority debt advice service,
    - (b) a letter of advice from an independent financial advisor,
    - (c) a letter of advice from a chartered accountant,
    - (d) an affidavit stating that the landlord has that intention.
  - (4ZB) In deciding under subsection (4) whether it is reasonable to make an order for possession on Ground 8A in schedule 5, the First-tier Tribunal is to consider—
    - (a) whether the tenant being in arrears of rent over the period or periods in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit,
    - (b) the extent to which the landlord has complied with the pre-action protocol specified by the Scottish Ministers under subsection (4A)(b) (and continued in force by virtue of section 49 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022).
  - (4ZC) For the purpose of subsection (4ZB)—
    - (a) references to a relevant benefit are to—
      - (i) a rent allowance or rent rebate under the Housing Benefit Regulations 2006 (S.I. 2006/213),
      - (ii) a payment on account awarded under regulation 93 of those Regulations,
      - (iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,
      - (iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,
    - (b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.”.

## THIS IS NOT THE MARSHALLED LIST

(3) Section 19(4)(a) has effect as if—

- (a) after “Grounds 1,” there were inserted “1A,” and
- (b) after “7,” there were inserted “8A.”

(4) Schedule 5 has effect as if—

- (a) after Ground 1 there were inserted—

### *“Ground 1A*

The landlord who is seeking possession of the let house—

- (a) is suffering financial hardship,
- (b) intends to alleviate that hardship by occupying the let house as the landlord’s only or principal home for at least 3 months.

In this Ground, references to the landlord—

- (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them
- (b) in a case where the landlord holds the landlord’s interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.”

- (b) after Ground 8 there were inserted—

### *“Ground 8A*

The tenant has accrued rent arrears under the tenancy in respect of one or more periods, and the cumulative amount of those rent arrears equates to, or exceeds, an amount that is the equivalent of 6 months’ rent under the tenancy when notice is served under section 19 on this ground or, if dispensed with, when proceedings are raised for an order of possession on this ground.”

6 (1) The Housing (Scotland) Act 1988 applies in accordance with the modifications in this paragraph.

(2) Section 18 has effect as if after subsection (4) there were inserted—

“(4ZA) In deciding under subsection (4) whether Ground 1A in schedule 5 is established, evidence tending to show that the landlord has the intention mentioned in the Ground includes (for example)—

- (a) a letter of advice from an approved money advisor or a local authority debt advice service,
- (b) a letter of advice from an independent financial advisor,
- (c) a letter of advice from a chartered accountant,
- (d) an affidavit stating that the landlord has that intention.

(4ZB) In deciding under subsection (4) whether it is reasonable to make an order for possession on Ground 8A in schedule 5, the First-tier Tribunal is to consider—

- (a) whether the tenant being in arrears of rent over the period or periods in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit,

## THIS IS NOT THE MARSHALLED LIST

- (b) the extent to which the landlord has complied with the pre-action protocol specified by the Scottish Ministers under subsection (4A)(b) (and continued in force by virtue of section 49 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022).

(4ZC) For the purpose of subsection (4ZB)—

- (a) references to a relevant benefit are to—
  - (i) a rent allowance or rent rebate under the Housing Benefit Regulations 2006 (S.I. 2006/213),
  - (ii) a payment on account awarded under regulation 93 of those Regulations,
  - (iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,
  - (iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,
- (b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.”.

(3) Section 19(4)(a) has effect as if—

- (a) after “Grounds 1,” there were inserted “1A,” and
- (b) after “7,” there were inserted “8A,”.

(4) Schedule 5 has effect as if—

- (a) after Ground 1 there were inserted—

### *“Ground 1A*

The landlord who is seeking possession of the let house—

- (a) is suffering financial hardship, and
- (b) intends to alleviate that hardship by occupying the let house as the landlord’s only or principal home for at least 3 months.

In this Ground, references to the landlord—

- (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
- (b) in a case where the landlord holds the landlord’s interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.”,

- (b) after Ground 8 there were inserted—

### *“Ground 8A*

The tenant has accrued rent arrears under the tenancy in respect of one or more periods, and the cumulative amount of those rent arrears equates to, or exceeds, an amount that is the equivalent of 6 months’ rent under the tenancy when notice is served under section 19 on this ground or, if dispensed with,



## THIS IS NOT THE MARSHALLED LIST

when proceedings are raised for an order of possession on this ground.”.

- 7 (1) The Rent (Scotland) Act 1984 applies in accordance with the modifications in this paragraph.  
(2) Section 11 has effect as if after subsection (1) there were inserted—

“(1A) In deciding under subsection (1) whether it is reasonable to make an order for possession in the circumstances as are specified in Case 1A in schedule 2, the First-tier Tribunal is to consider whether the tenant being in arrears of rent over the period or periods in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

(1B) For the purpose of subsection (1A)—

(a) references to a relevant benefit are to—

- (i) a rent allowance or rent rebate under the Housing Benefit Regulations 2006 (S.I. 2006/213),
- (ii) a payment on account awarded under regulation 93 of those Regulations,
- (iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,
- (iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,

(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.

(1C) In deciding under subsection (1) whether the circumstances as are specified in Case 8A in schedule 2 are established, evidence tending to show that the landlord has the intention mentioned in the Case includes (for example)—

- (a) a letter of advice from an approved money advisor or a local authority debt advice service,
- (b) a letter of advice from an independent financial advisor,
- (c) a letter of advice from a chartered accountant,
- (d) an affidavit stating that the landlord has that intention.”.

(3) Schedule 2 has effect as if—

(a) after Case 1 there were inserted—

*“Case 1A*

The tenant has accrued rent arrears under the tenancy in respect of one or more periods, and the cumulative amount of those rent arrears equates to, or exceeds, an amount that is the equivalent of 6 months’ rent under the tenancy when proceedings for an order for possession are raised on the basis of these circumstances.”.

(b) after Case 8 there were inserted—

*“Case 8A*

## THIS IS NOT THE MARSHALLED LIST

The landlord who is seeking possession of the let house—

- (a) is suffering financial hardship, and
- (b) intends to alleviate that hardship by occupying the let house as the landlord's only or principal home for at least 3 months.

In this Case, references to the landlord—

- (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
- (b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.”.

*Unlawful eviction: notification and determination of damages, etc.*

- 8 (1) The Housing (Scotland) Act 1988 applies in accordance with the modifications in sub-paragraphs (3) and (4).
- (2) The modifications set out in this paragraph and paragraph 8 have no effect in relation to actions taken by (or on behalf of) a landlord before this paragraph comes into force which result in the landlord being liable for damages by virtue of section 36(3) of the Housing (Scotland) Act 1988 (damages for unlawful eviction).
- (3) Section 36 (damages for unlawful eviction) has effect as if—
- (a) in subsection (3), for “assessed on the basis set out in” there were substituted “determined in accordance with”,
  - (b) subsection (6B) were repealed,
  - (c) after subsection (7) there were inserted—
    - “(7A) Where the court makes an order awarding damages to a former residential occupier by virtue of subsection (3), the court must send a copy of the order to the Scottish Housing Regulator.
    - (7B) Where the First-tier Tribunal makes an order awarding damages to a former residential occupier by virtue of subsection (3), the First-tier Tribunal must send a copy of the order to—
      - (a) the chief constable of the Police Service of Scotland, and
      - (b) any local authority with which the landlord (or where there is more than one, each of them) is registered as a landlord.
    - (7C) For the purpose of subsection (7B), a person is registered as a landlord with a local authority if the person is entered in the register prepared and maintained by the local authority for the purpose of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.”.
- (4) For section 37 (the measure of damages) there were substituted—

### **“37 Determination of damages**

- (1) For the purpose of section 36(3), the damages that the court or, as the case may be, the First-tier Tribunal may determine as payable are to be an amount which is—
  - (a) not less than 3 months' rent, and

## THIS IS NOT THE MARSHALLED LIST

- (b) not more than 36 months' rent,  
taking into account the manner of the unlawful eviction and the impact that it has had on the tenant.
  - (2) But, the court or, as the case may be, the First-tier Tribunal may reduce the amount of damages that would otherwise be payable under subsection (1) to an amount lower than 3 months' rent if it considers it appropriate to do so having regard to all the circumstances of the case.
  - (3) Where two or more persons jointly were the landlord, the court or, as the case may be, the First-tier Tribunal may determine that—
    - (a) damages are payable by all, some or only one of the former landlords,
    - (b) each former landlord must pay a specified amount of damages, but the cumulative total of each of the amounts must not exceed 36 months' rent, or
    - (c) the former landlords are jointly and severally liable in respect of the whole amount of damages payable.
  - (4) In this section, "rent" means—
    - (a) the amount that was payable in rent under the tenancy immediately before it ended, or
    - (b) in a case where two or more persons jointly were the tenant under the tenancy immediately before it ended, the amount mentioned in paragraph (a) divided by the number of persons who were at that time joint tenants under the tenancy."
- 9 (1) The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (S.S.I. 2017/328) apply in accordance with the modification in sub-paragraph (2).
- (2) In the schedule, paragraph 69(a) has effect as if for paragraph (iv) there were substituted—  
“(iv) the amount of damages sought, and”.>

**Paul McLennan**

**395** In the schedule, page 63, line 13, leave out <or 20A(6)> and insert <, 20A(6) or 37(5)>

**Paul McLennan**

**404** In the schedule, page 65, line 6, after <51A(6),> insert <59(5),>

### **Tenant's right to keep a pet**

**Emma Roddick**

**522** In section 29, page 34, line 14, at end insert—

- <(3A) Where a landlord considers that the tenant has not complied with the reasonable conditions imposed and withdraws consent, the tenant may appeal the withdrawal of consent under a process to be established by Scottish Ministers in regulations.>

## THIS IS NOT THE MARSHALLED LIST

### Maggie Chapman

**259** *In substitution for amendment 241—*

In section 29, page 34, line 17, at end insert—

<(4A) A tenant under a private residential tenancy may keep an assistance animal at the let property without the consent of the landlord.>

### Maggie Chapman

**260** *In substitution for amendment 242—*

In section 29, page 34, line 22, at end insert—

<“assistance animal” means—

- (a) an animal which has been trained, or is in training, to guide a blind person,
- (b) an animal which has been trained, or is in training, to assist a deaf person,
- (c) an animal which has been trained, or is in training, by a registered charity to assist a person who—
  - (i) has a disability that consists of epilepsy or otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects,
  - (ii) has a mental health condition, including, but not limited to, anxiety, depression and Post-Traumatic Stress Disorder,
  - (iii) has a learning disability,
  - (iv) requires assistance in relation to seizures, diabetes or allergies,
  - (v) requires emotional support,
  - (vi) provides any other form of support to a person who is defined as disabled by section 6 of the Equality Act (2010).>

### Maggie Chapman

**261** *In section 29, page 34, line 28, at end insert—*

<(7) The Scottish Ministers may by regulations modify the meaning of “assistance animal” in subsection (6).

(8) Regulations under subsection (7) are subject to the negative procedure.>

### Emma Roddick

**523** *In section 29, page 34, line 35, leave out <42> and insert <28>*

### Maggie Chapman

**24** *In section 29, page 34, line 35, leave out <42> and insert <14>*

### Maggie Chapman

**25** *In section 29, page 35, line 10, leave out <refused consent> and insert <consented>*

## THIS IS NOT THE MARSHALLED LIST

**Emma Roddick**

- 524** In section 29, page 35, leave out lines 18 and 19

**Emma Roddick**

- 525** In section 29, page 35, line 24, leave out <(including any deemed refusal)>

**Emma Roddick**

- 526** In section 29, page 35, leave out lines 34 and 35

**Emma Roddick**

- 527** In section 29, page 36, leave out lines 17 to 25

**Paul McLennan**

- 370** In section 29, page 36, line 28, leave out <of>

**Edward Mountain**

- 168** In section 29, page 36, line 31, leave out <**Power**> and insert <**Duty**>

**Maggie Chapman**

**Supported by: Edward Mountain**

- 26** In section 29, page 36, line 33, leave out <may> and insert <must>

**Edward Mountain**

- 169** In section 29, page 36, line 35, at end insert—

<(1A) Regulations under subsection (1) must provide that it is reasonable for a landlord to refuse consent to a tenant keeping a pet at a let property if the landlord has a medical reason to refuse such consent.>

**Emma Roddick**

- 528** In section 29, page 36, line 35, at end insert—

<(1A) Regulations under subsection (1) must specify that it is only reasonable for a landlord to refuse such consent—

- (a) on grounds which are necessary and proportionate, and
- (b) where clear reasoning or supporting evidence is provided.>

**Emma Roddick**

- 529** In section 29, page 36, line 35, at end insert—

<(1B) For the purposes of subsection (1A), grounds which are necessary and proportionate may include grounds in relation to—

- (a) the suitability of the let property for the pet,
- (b) the welfare of the pet,

## THIS IS NOT THE MARSHALLED LIST

- (c) demonstrable risks to the safety, health, or wellbeing of—
  - (i) another tenant of the let property,
  - (ii) any resident of a property neighbouring the let property.>

### Edward Mountain

- 170 In section 29, page 37, line 3, leave out <Power> and insert <Duty>

### Edward Mountain

- 171 In section 29, page 37, line 5, leave out <may> and insert <must>

### Edward Mountain

- 172 In section 29, page 37, line 7, at end insert—
- <(1A) Regulations under subsection (1) must provide that it is reasonable for a landlord to specify as a condition that any carpeted floor surfaces and soft furnishings must be professionally cleaned at the end of the tenancy by a company operating independently of the tenant.>

### Maggie Chapman

- 263 *In substitution for amendment 244—*
- In section 30, page 41, line 29, at end insert—
- <(1A) A tenant under a Scottish secure tenancy may keep an assistance animal at the let property without the consent of the landlord.>

### Maggie Chapman

- 264 *In substitution for amendment 245—*
- In section 30, page 41, line 38, at end insert—
- <“assistance animal” means—
- (a) an animal which has been trained, or is in training, to guide a blind person,
  - (b) an animal which has been trained, or is in training, to assist a deaf person,
  - (c) an animal which has been trained, or is in training, by a registered charity to assist a person who—
    - (i) has a disability that consists of epilepsy or otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects,
    - (ii) has a mental health condition, including, but not limited to, anxiety, depression and Post-Traumatic Stress Disorder,
    - (iii) has a learning disability,
    - (iv) requires assistance in relation to seizures, diabetes or allergies,
    - (v) requires emotional support,

## THIS IS NOT THE MARSHALLED LIST

- (vi) provides any other form of support to a person who is defined as disabled by section 6 of the Equality Act (2010).>

### **Maggie Chapman**

**265** In section 30, page 42, line 8, at end insert—

- <(5) The Scottish Ministers may by regulations modify the meaning of “assistance animal” in subsection (4).
- (6) Regulations under subsection (5) are subject to the negative procedure.>

### **Edward Mountain**

**180** In section 30, page 42, line 9, leave out <Power> and insert <Duty>

### **Edward Mountain**

**181** In section 30, page 42, line 11, leave out <may> and insert <must>

### **Edward Mountain**

**182** In section 30, page 42, line 13, at end insert—

- <(1A) Regulations under subsection (1) must provide that it is reasonable for a landlord to specify as a condition that any carpeted floor surfaces and soft furnishings must be professionally cleaned at the end of the tenancy by a company operating independently of the tenant.>

### **Maggie Chapman**

**27** In section 30, page 42, line 20, leave out <may> and insert <must>

### **Emma Roddick**

**530** In section 30, page 42, line 22, at end insert—

- <(1A) Regulations under subsection (1) must specify that it is only reasonable for a landlord to refuse such consent—
  - (a) on grounds which are necessary and proportionate, and
  - (b) where clear reasoning or supporting evidence is provided.>

### **Emma Roddick**

**531** In section 30, page 42, line 22, at end insert—

- <(1B) For the purposes of subsection (1A), grounds which are necessary and proportionate may include grounds in relation to—
  - (a) the suitability of the let property for the pet,
  - (b) the welfare of the pet,
  - (c) demonstrable risks to the safety, health, or wellbeing of—
    - (i) another tenant of the let property,
    - (ii) any resident of a property neighbouring the let property.>

## THIS IS NOT THE MARSHALLED LIST

**Emma Roddick**

- 532 In section 30, page 43, line 19, leave out <one month> and insert <28 days>

**Maggie Chapman**

- 28 In section 30, page 43, line 19, leave out <one month> and insert <14 days>

**Emma Roddick**

- 533 In section 30, page 43, line 20, at end insert—

<8FA If an intimation is not provided in accordance with paragraph 8F, the landlord is to be deemed to have consented.>

**Emma Roddick**

- 534 In section 30, page 43, line 24, at end insert—

<8GA Where a landlord considers that the tenant has not complied with the reasonable conditions imposed and withdraws consent, the tenant may appeal the withdrawal of consent under a process to be established by Scottish Ministers in regulations.>

**Emma Roddick**

- 563 In the schedule, page 63, line 26, after <36A(6)> insert <or paragraph 8GA of schedule 5>

**Emma Roddick**

- 564 In the schedule, page 65, line 6, after <51A(6),> insert <64A(3A),>

### **Tenant's right to make changes to let property**

**Edward Mountain**

- 173 In section 29, page 37, line 36, at end insert—

<(3A) Unless the landlord agrees otherwise, where a tenant makes a category 1 change or category 2 change to a let property in accordance with this Chapter, they must ensure that the let property is returned to its original state before the change at the end of the tenancy.>

**Edward Mountain**

- 174 In section 29, page 40, line 16, leave out <Power> and insert <Duty>

**Edward Mountain**

- 175 In section 29, page 40, line 17, leave out <may> and insert <must>

**Edward Mountain**

- 176 In section 29, page 40, line 23, at end insert—



## THIS IS NOT THE MARSHALLED LIST

- <(2A) Regulations under subsection (1) must not categorise any structural changes to the property as a category 1 change.>

### **Maggie Chapman**

**262** *In substitution for amendment 243—*

In section 29, page 40, line 28, at end insert—

- <(4) Regulations under subsection (1) must provide that a change which meets the conditions in subsection (5) is a category 1 change.
- (5) The conditions are that—
  - (a) the tenant is a disabled person, or is the parent, guardian, relative or carer of a disabled person,
  - (b) the person mentioned in paragraph (a) occupies or intends to occupy the property as that person's only or main home, and
  - (c) wishes to make a relevant improvement.
- (6) For the purposes of subsection (5), an improvement to a property is a relevant improvement if, having regard to the disabled person's disability, it is likely to facilitate that person's enjoyment of, accessibility to, or safety on the premises.
- (7) In this section, "improvement" means an alteration in or addition to the property and includes—
  - (a) an addition to or alteration of the landlord's fittings and fixtures,
  - (b) an addition or alteration connected with the provision of services to the premises,
  - (c) the erection of a wireless or television aerial,
  - (d) carrying out of external decoration,
  - (e) the installation of aids to improve the accessibility or safety of the property for the disabled person, including, but not limited to—
    - (i) changes to make it wheelchair accessible,
    - (ii) accessible washing and cooking facilities,
    - (iii) facilities related to assistance animals,
    - (iv) guard and hand rails, and
    - (v) visual alarms and bells.
- (8) The Scottish Ministers may by regulations make further provision about the meaning of "improvement" for the purposes of this section.
- (9) Regulations under subsection (8) are subject to the affirmative procedure.>

### **Maggie Chapman**

**252** In section 29, page 40, line 28, at end insert—

- <(4) Regulations under subsection (1) must provide that a change of the type specified in subsection (5) is a category 1 change.

## THIS IS NOT THE MARSHALLED LIST

- (5) The change is a reasonable change to an outdoor space connected to the let property to which the tenant has lawful access for the purposes of promoting nature recovery, climate action and access to outdoor space, including—
- (a) cultivation of food and plants,
  - (b) protection and promotion of animal and insect life,
  - (c) promoting access to play spaces for children and young people.>

### Edward Mountain

- 177 In section 29, page 40, line 29, leave out <Power> and insert <Duty>

### Edward Mountain

- 178 In section 29, page 40, line 31, leave out <may> and insert <must>

### Edward Mountain

- 179 In section 29, page 40, line 33, at end insert—
- <(1A) Regulations under subsection (1) must provide that it is reasonable for a landlord to refuse consent to any structural changes to the property.>

## Social housing: Scottish secure tenancies

### Paul Sweeney

- 440 After section 29, insert—
- <Scottish secure tenancies: tenant approval**
- (1) The Housing (Scotland) Act 2010 is modified as follows.
  - (2) In section 115A (tenant approval), after subsection (1) insert—
    - “(1A) The registered social landlord may make the proposed disposal providing that at least two-thirds of the tenants—
      - (a) voting in a ballot conducted under section 115(1)(a) wish the arrangement to proceed, or, as the case may be,
      - (b) whose written agreement to the arrangement was sought under section 115A(1)(b) have given that agreement.”.>

### Mark Griffin

- 456 In section 39, page 51, line 6, leave out subsection (2) and insert—
- <( ) In section 40 (notices), in subsection (1), after the opening words insert—
- “(aa) by sending it to that persons’ proper address,
- (ab) by sending it using electronic means,”.>

### Mark Griffin

- 423 In section 39, page 51, line 6, leave out subsection (2) and insert—

## THIS IS NOT THE MARSHALLED LIST

<( ) In section 40 (notices), in subsection (1)—

- (a) in paragraph (b), the word “or” immediately after that paragraph is repealed,
- (b) in paragraph (c), the words “recorded delivery” are repealed,
- (c) after paragraph (c), insert “or
- (d) by sending it using electronic means.”.>

**Mark Griffin**

**457** After section 40, insert—

*<Scottish secure tenancy: exchange of house*

### **Scottish secure tenancy: reasons for not consenting to exchange of house**

(1) The Housing (Scotland) Act 2001 is modified as follows.

5 (2) In section 33 (exchange of house), after subsection (3) insert—

“(3A) Subject to subsection (3)(a) and (b), it is not a reasonable ground for refusing such consent that the tenant is in rent arrears if—

- (a) one or more children under the age of 18 reside or might reasonably be expected to reside with the tenant,
- 10 (b) the tenant’s existing house is not, in the opinion of the landlord of the existing house, adequate accommodation for the residents of that house, including the children, and
- (c) the house proposed for the exchange would be, in the opinion of the landlord of the existing house, adequate accommodation for the residents of that house, including the children.

15

(3B) Nothing in subsection (3A) prevents the landlord from taking any steps to recover any rent arrears.”.>

**Mark Griffin**

**457A** As an amendment to amendment 457, line 6 leave out <Subject to> and insert <Notwithstanding>

### **Tenancy deposits and guarantors**

**Graham Simpson**

**73** Before section 31, insert—

*<Requirement for a guarantor*

### **Restrictions on requirements for a guarantor**

(1) The Housing (Scotland) Act 2006 is modified as follows.

(2) After section 120 (tenancy deposits: preliminary), insert—

#### **“120A Tenancy deposits: restrictions on requirements for a guarantor**

- (1) The Scottish Ministers must, by regulations, provide that where a person is required, as a condition of the grant of a tenancy, to provide a guarantor

## THIS IS NOT THE MARSHALLED LIST

in relation to the observance or performance of the tenant's obligations under the tenancy, the landlord must not require that the guarantor—

- (a) resides in the United Kingdom,
  - (b) owns a dwelling in the United Kingdom,
  - (c) earns an annual salary in excess of an amount specified by the landlord.
- (2) For the purposes of this section, requiring a person to provide a guarantor includes accepting an offer by that person to provide a guarantor or an equivalent sum of money.
- (3) In this section—
- “guarantee” is a contractual promise to be responsible for the performance of an obligation owed by the tenant to a landlord under the tenancy if the tenant fails to perform the obligation,
- “guarantor” is a person who enters into a guarantee in relation to a tenancy.”.>

**Ross Greer**

**189** Before section 31, insert—

### *<Guarantor scheme*

#### **Guarantor scheme where tenant is estranged**

- (1) The Scottish Ministers must by regulations set up a scheme for a public body to act as guarantor for a tenant who is—
  - (a) under 26 years of age, and
  - (b) estranged from their family.
- (2) Regulations under subsection (1) must include provision on how to determine whether an individual is estranged from their family.
- (3) Regulations under subsection (1) must be introduced no later than 1 year after the date of Royal Assent.
- (4) The Scottish Ministers must review the scheme no later than 3 years following the day on which regulations under subsection (1) are made.
- (5) A review under subsection (3) must include—
  - (a) the impact of the scheme, and
  - (b) any changes required to improve the scheme.
- (6) In this section—

“guarantor” is a person who enters into a guarantee in relation to a tenancy,

“public body” includes further or higher education institutions,

“tenant” means a person occupying a residential property under a lease, including student lets.>

## THIS IS NOT THE MARSHALLED LIST

### **Meghan Gallacher**

**130** Before section 31 insert—

#### *<Payment of tenancy deposits>*

##### **Payment of tenancy deposits: regulatory framework**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 121 (tenancy deposit schemes: regulatory framework), after subsection (3) insert—
  - “(4) Tenancy deposit regulations must include provision to ensure that a tenancy deposit is to be paid by the tenant directly to the scheme administrator.”.>

### **Maggie Chapman**

**190** Before section 31, insert—

#### *<Amounts payable>*

##### **Amounts payable on commencement of a tenancy**

- (1) The Rent (Scotland) Act 1984 is modified as follows.
- (2) In section 89 (avoidance of requirements for advance payment of rent in certain cases), after subsection (2), insert—
  - “(2A) For the avoidance of doubt, any requirement to pay rent prior to the commencement of the tenancy or to secure the grant of the tenancy is a prohibited requirement.”
- (3) In section 90 (interpretation of Part VIII) in subsection (3), for “two months” substitute “one month’s”.>

### **Paul McLennan**

**371** In section 31, page 45, line 6, leave out <in relation to their rights as tenants> and insert <(or potential new tenants) about their rights>

### **Paul McLennan**

**372** In section 31, page 45, line 8, leave out <the interests of such tenants> insert <their interests>

### **Paul McLennan**

**373** In section 31, page 45, line 10, at end insert <or>

### **Edward Mountain**

**184** In section 31, page 45, line 10, at end insert—

<(ba) improving or securing the provision of social housing.>

### **Paul McLennan**

**374** In section 31, page 45, leave out lines 20 to 30

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

- 375 In section 31, page 45, line 31, after <subsection (1)> insert <—  
( )>

**Paul McLennan**

- 376 In section 31, page 45, line 36, at end insert <or>

**Paul McLennan**

- 377 In section 31, page 45, line 37, at end insert—  
<( ) a reference to potential new tenants is a reference to any person who may  
become a tenant under—  
(i) a private residential tenancy under the 2016 Act, or  
(ii) a student residential tenancy.>

**Ross Greer**

- 195 In section 52, page 61, line 18, after <18(1)> insert <or, (*Guarantor scheme where tenant is  
estranged*)(1)>

**Paul McLennan**

- 396 In the schedule, page 63, leave out lines 32 and 33

### **Landlord register**

**Mark Griffin**

- 417 After section 37, insert—

*<Registration of landlords*

#### **Registration of landlords**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 83 (application for registration), in subsection (1)(b)—
  - (a) in the opening words, after “owns” insert “, or rents,”,
  - (b) in sub-paragraph (i), after “lease” insert “, or sub-lease (as the case may be)”.>

**Mark Griffin**

- 418 After section 37, insert—

*<Registration of landlords*

#### **Registration of landlords: information on register**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.

## THIS IS NOT THE MARSHALLED LIST

- (2) In section 83 (application for registration), in subsection (1)—
- (a) in paragraph (ca), the “and” immediately following that paragraph is repealed,
  - (b) after paragraph (ca) insert—
    - “(cb) in relation to each house mentioned under paragraph (b)—
    - (i) the amount of rent payable under the lease or occupancy arrangement to which the house is subject,
    - (ii) the size of the house, including the number of bedrooms in the house, the number of storeys in the house and the floor area of the house,
    - (iii) the maximum number of occupants the house is able to accommodate,
    - (iv) where relevant, the number of occupants currently accommodated in the house, and”.
- (3) In section 84 (registration), in subsection (5), for “(ca)” substitute “(cb)”.>

### Mark Griffin

#### 488 *In substitution for amendment 453*

After section 37, insert—

#### *<Registration of landlords*

##### **Registration of landlords: entry on register**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 83 (application for registration), in subsection (1)—
- (a) in paragraph (ca), the word “and” immediately following that paragraph is repealed,
  - (b) after paragraph (ca), insert—
    - “(cb) the following information—
    - (i) the classification of the property as defined by the Scottish Assessors Association,
    - (ii) the number of habitable bedrooms and bathrooms, including en-suite and separate WC facilities,
    - (iii) the type of heating and hot water system installed, including whether powered by gas, electricity, or renewable energy sources,
    - (iv) details of any structural alterations, extensions, significant repairs or renewals to the property during the landlord’s period of ownership,
    - (v) details of any repairs, maintenance, or improvements carried out within the past 5 years,
    - (vi) the most recent Energy Performance Certificate (EPC) rating for the property,
    - (vii) any known issues affecting the property which may materially impact health, safety, or habitability, including (but not limited to) damp, subsidence, asbestos, or prior flooding,

## THIS IS NOT THE MARSHALLED LIST

- (viii) the presence, type, and location of smoke alarms and carbon monoxide detectors, including whether they comply with the tolerable standard as set out in the Housing (Scotland) Act 1987,
- (ix) whether the property complies with the repairing standard under section 13 of the Housing (Scotland) Act 2006,
- (x) whether a valid Electrical Installation Condition Report (EICR) has been undertaken in accordance with the Housing (Scotland) Act 2014,
- (xi) a description of any shared facilities or common areas accessible to the tenant, including but not limited to laundry areas, stairwells, bin storage, and gardens, along with any maintenance responsibilities or restrictions associated with such use,
- (xii) whether the landlord holds current landlord insurance, buildings insurance, or contents insurance for the property,
- (xiii) whether the property is subject to any legal or planning restrictions, including listed building status, conservation area designation, leasehold conditions, or any requirement to obtain consent to rent,
- (xiv) a description of any adaptations made to improve accessibility for disabled persons,
- (xv) information on utility services connected to the property, including the availability of broadband internet and the typical connection speed.”.>

**Ross Greer**

**454** After section 37, insert—

### *<Registration of landlords*

#### **Landlord registration: fees**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 83 (application for registration)—
  - (a) after subsection (2), insert—
    - “(2A) The local authority may provide that the fee under subsection (2) is different in different circumstances.
    - (2B) Without prejudice to the generality of subsection (2A), different circumstances under subsection (2A) may include reference to—
      - (a) the number of properties for which the applicant is a landlord,
      - (b) compliance with the requirements of this Part,
      - (c) compliance with other legal requirements.”,
  - (b) subsection (3) is repealed.>

**Mark Griffin**

**419** After section 37, insert—



## THIS IS NOT THE MARSHALLED LIST

### *<Registration of landlords*

#### **Registration of landlords: expiry of entry**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 84 (registration), in subsection (6), for “3 years” substitute “1 year”.>

**Mark Griffin**

**455** After section 37, insert—

### *<Registration of landlords*

#### **Registration of landlords: access to register**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 88A (access to register), before subsection (1) insert—

“(A1) The Scottish Ministers must provide a facility by which the registers maintained under section 82(1) may be searched.”.>

**Maggie Chapman**

**503** After section 37, insert—

### *<Registration of landlords*

#### **Registration of landlords: fit and proper person**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 85 (section 84: considerations), after subsection (8)(c) insert—

“(d) that a rent officer has decided under section 43M(3) of the Private Housing (Tenancies) (Scotland) Act 2016 that a rent-increase notice issued by the person was an increase in the rent payable under the current tenancy of more than the permitted rate,

(e) that the First-tier Tribunal has determined under section 43R(4) of the Private Housing (Tenancies) (Scotland) Act 2016 that the initial rent under the current tenancy (that was proposed to be increased by the rent-increase notice) was not set by the person in accordance with section 43E(2) or (3) of that Act, or

(f) material which shows the extent to which, in respect of the person, the First-tier Tribunal has made a wrongful-termination order under section 57 or 58 of the Private Housing (Tenancies) (Scotland) Act 2016.”.>

**Mark Griffin**

**420** After section 37, insert—

### *<Registration of landlords*

#### **Registration of landlords: data collection**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) After section 99A (guidance) insert—

## THIS IS NOT THE MARSHALLED LIST

### *“Data collection*

#### **99B Data collection**

- (1) The Scottish Ministers must make arrangements for—
  - (a) the collation of information in respect of each entry on each local authority register maintained under section 82(1) about the rent payable under any lease to which a house is subject (as required by virtue of section 84(5)),
  - (b) based on the information collated in accordance with paragraph (a), the publication of the average level of rent payable in each local authority area.
- (2) The Scottish Ministers must publish the information mentioned in subsection (1)(b)—
  - (a) within two years of Royal Assent,
  - (b) by the end of each subsequent period of two years.”.>

#### **Mark Griffin**

**421** After section 37, insert—

### *<Registration of landlords*

#### **Registration of landlords: support for tenants**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) After section 99A (guidance) insert—

### *“Registration of landlords: support for tenants*

#### **99B Registration of landlords: support for tenants**

The Scottish Ministers must take steps to promote the use of information on a register maintained under section 82(1) by a local authority to ensure tenants are aware of their rights and responsibilities in relation to let property.”.>

### **Joint tenancies**

#### **Katy Clark**

**408** In section 38, page 49, line 29, at end insert—

<(3BA) For the purposes of subsection (3B)(b), the interest of the joint tenant may be assigned to another joint tenant under the tenancy.

(3BB) Where the circumstances mentioned in subsection (3BA) apply, the tenancy must remain on the same terms as the existing tenancy.>

#### **Paul McLennan**

**378** In section 38, page 50, line 6, after <months> insert <(the “minimum period of pre-notice”), but no more than 3 months (the “maximum period of pre-notice”),>

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

**379** In section 38, page 50, line 9, leave out from <is> to <and> in line 11

**Paul McLennan**

**380** In section 38, page 50, line 15, at end insert—

- <(c) within a period of 7 days beginning with the day on which the notice under section 48(1) is given to the landlord, the joint tenant—
  - (i) has given every other joint tenant a copy of the notice, and
  - (ii) has given the landlord—
    - (A) a statement that a copy of the notice has been given by the joint tenant to every other joint tenant, and
    - (B) such evidence in support of the statement as may be prescribed by the Scottish Ministers in regulations.>

**Paul McLennan**

**381** In section 38, page 50, line 25, after <(1)(b)(ii)> insert <or (1)(c)(ii)(B)>

**Paul McLennan**

**382** In section 38, page 50, line 29, at end insert—

- <(4A) The Scottish Ministers may by regulations modify sub-paragraph (i) of subsection (1)(a) so as to vary—
  - (a) the minimum period of pre-notice for the time being specified in that sub-paragraph, but such period must not be less than 2 months,
  - (b) the maximum period of pre-notice for the time being specified in that sub-paragraph.
- (4B) The Scottish Ministers may by regulations modify paragraph (c) of subsection (1) so as to vary the period for the time being specified in that paragraph.
- (4C) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (4A) or (4B) before the Scottish Parliament, the Scottish Ministers—
  - (a) must consult such persons as appear to them to represent the interests of tenants and landlords under private residential tenancies, and
  - (b) may consult any other person they consider appropriate.>

**Paul McLennan**

**403** In the schedule, page 65, line 6, after <43G(1)(b)(i),> insert <48A(4A), 48A(4B),>

**Paul McLennan**

**405** In the schedule, page 65, line 10, after <48A(1)(b)(ii),> insert <48A(1)(c)(ii)(B),>

## THIS IS NOT THE MARSHALLED LIST

### Succession to tenancies

**Paul McLennan**

**383** After section 38, insert—

*<Succession to tenancies: qualifying periods*

#### **Private residential tenancies: succession**

- (1) The 2016 Act is modified as follows.
- (2) In section 67 (partner’s entitlement to inherit), in subsection (3), for “12” substitute “6”.
- (3) In section 68 (other family member’s entitlement to inherit), in subsection (2)(b)(ii), for “12” substitute “6”.
- (4) In section 69 (carer’s entitlement to inherit), in subsection (2)(b)(ii), for “12” substitute “6”.>

**Paul McLennan**

**384** After section 38, insert—

#### **<Scottish secure tenancies: succession**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In schedule 3 (succession to Scottish secure tenancy: qualified persons)—
  - (a) in paragraph 2(2), for “12” substitute “6”,
  - (b) in paragraph 3, for “12” substitute “6”,
  - (c) in paragraph 4(b), for “12” substitute “6”.>

**Meghan Gallacher**

**520** After section 38, insert—

*<Succession to tenancy*

#### **Succession to Scottish secure tenancy: qualified persons**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In schedule 3 (succession to Scottish secure tenancy: qualified persons)—
  - (a) in paragraph 2, sub-paragraph (2) is repealed,
  - (b) in paragraph 3, for the words “throughout the period of 12 months ending with” substitute “at the time of”,
  - (c) in paragraph 4, for the words “throughout the period of 12 months ending with” substitute “at the time of”,
  - (d) paragraph 4A is repealed,
  - (e) in paragraph 11(3)—
    - (i) in sub-sub-paragraph (a) for the words “must vacate the house within 3 months of” substitute “is entitled to be the tenant for a period not exceeding 6 months beginning with”,
    - (ii) after sub-sub-paragraph (b) insert—

## THIS IS NOT THE MARSHALLED LIST

“(c) is entitled to receive reasonable assistance from the landlord to find suitable alternative accommodation.”.>

**Meghan Gallacher**

**521** *In substitution for amendment 121*

After section 38, insert—

*<Succession to tenancy*

### **Entitlement to inherit**

- (1) The 2016 Act is modified as follows.
- (2) In section 67 (partner’s entitlement to inherit)—
  - (a) in subsection (1)—
    - (i) the “and” immediately following paragraph (a) is repealed,
    - (ii) paragraph (b) is repealed,
  - (b) subsections (3) and (4) are repealed.
- (3) In section 68 (other family member’s entitlement to inherit)—
  - (a) in subsection (2)(b)—
    - (i) the word “and” immediately following sub-paragraph (i) is repealed,
    - (ii) sub-paragraph (ii) is repealed,
  - (b) subsection (3) is repealed.
- (4) In section 69 (carer’s entitlement to inherit)—
  - (a) in subsection (2)(b), sub-paragraph (ii) is repealed,
  - (b) subsection (3) is repealed.
- (5) After section 69 insert—

### **“69A Entitlement to inherit: qualified person**

- (1) A qualified person who is entitled to become a tenant under a tenancy by virtue of section 67, 68 or 69 may decline the tenancy by giving the landlord notice in writing within 4 weeks of the tenant’s death.
- (2) Notice under subsection (1) has effect as if given at the time of the tenant’s death.
- (3) A qualified person who declines the tenancy—
  - (a) is entitled to be the tenant for a period not exceeding 6 months beginning with the date of the notice under subsection (1) declining the tenancy,
  - (b) is liable to pay rent which becomes due after the tenant’s death only in respect of any rental period (that is to say, a period in respect of which an instalment of rent falls to be paid) during any part of which the qualified person has occupied the house after the tenant’s death,
  - (c) is entitled to receive reasonable assistance from the landlord to find suitable alternative accommodation as specified in regulations by the Scottish Ministers.

## THIS IS NOT THE MARSHALLED LIST

- (4) Regulations under subsection (3)(c) are subject to the negative procedure.”.>

### Long leases

**Ross Greer**

**232** After section 40, insert—

#### <PART

#### CONVERSION OF LONG LEASE TO OWNERSHIP

##### *Conversion of long lease to ownership*

##### 5           **Meaning of “qualifying lease”**

- (1) A lease is a “qualifying lease” if it complies with subsection (2).
- (2) A lease complies with this subsection if immediately before the appointed day, it is a right of lease in land—
- 10           (a) which is registered,
- (b) which comprises wholly or mainly a private dwelling house,
- (c) granted for a period of more than 175 years,
- (d) in respect of which the unexpired portion of that period is more than 50 years, and
- (e) for which the annual rent payable under the lease is under £100.
- 15           (3) For the purposes of subsection (2)(b), “dwelling house” includes any yard, garden or outbuilding.>

**Ross Greer**

**232A** *Previously published as amendment 233*

As an amendment to amendment 232, line 12, leave out <50> and insert <5>

**Ross Greer**

**234** After section 40, insert—

#### **<Application to convert right of lease to right of ownership**

- (1) Notwithstanding anything contained in any tenancy agreement, a tenant, in relation to a qualifying lease (within the meaning of section (*Meaning of “qualifying lease”*)), may apply to the landlord to convert the right of lease to a right of ownership.
- (2) A tenant must serve a notice on the landlord in such form as the Scottish Ministers may prescribe, and must contain—
- (a) the period for which the lease was granted,
- (b) the unexpired portion of that period,
- (c) confirmation that the tenant is applying for the conversion of the right of lease to a right of ownership.

## THIS IS NOT THE MARSHALLED LIST

- (3) The landlord must respond no later than 3 months after the day on which the application is received by the landlord setting out whether—
  - (a) the landlord agrees to the conversion of the property,
  - (b) the landlord does not agree to the conversion of the property.
- (4) Where the landlord agrees to the conversion of the property, the response must include an estimation of the level of compensatory payment that the landlord will be seeking.
- (5) Where the landlord does not agree to the conversion of the property, the response must identify the ground on which the landlord's decision is based (as specified by regulations under subsection (6)).
- (6) The Scottish Ministers must by regulations specify the grounds on which a landlord may decide not to agree to the conversion of the property under subsection (3)(b).
- (7) The Scottish Ministers may by regulations make further provision about the process by which a tenant, in relation to a qualifying lease, may apply to convert the tenant's right of lease.
- (8) Regulations—
  - (a) under subsection (6) are subject to the affirmative procedure,
  - (b) under subsection (7) are subject to the negative procedure.
- (9) In this section—

“compensatory payment” has the meaning given in section (*Requiring compensatory payment*),

“landlord” in relation to a qualifying lease, means the person who has the right as landlord under the lease,

“prescribed” means prescribed by the Scottish Ministers in regulations,

“qualifying lease” has the meaning given by section (*Meaning of “qualifying lease”*),

“tenant”, in relation to a qualifying lease, means the person who has the right as tenant under the lease.>

**Ross Greer**

**235** After section 40, insert—

### **<Conversion of right of lease to right of ownership**

- (1) The tenant and the landlord, in relation to the qualifying lease, must agree an appointed day.
- (2) On the appointed day—
  - (a) the qualifying lease becomes the right of ownership of the land in relation to which it is the qualifying lease,
  - (b) any right of ownership of that land existing immediately before that day is extinguished.>

**Ross Greer**

**236** After section 40, insert—

## THIS IS NOT THE MARSHALLED LIST

*<Compensation for loss of landlord's rights*

### **Requiring compensatory payment**

- (1) This section applies where, on the appointed day, the rights of a landlord under a lease are extinguished by virtue of section (*Conversion of right of lease to right of ownership*).
- (2) The former landlord under such a lease may serve on the former tenant a notice in the prescribed form requiring that a compensatory payment be made to the former landlord by the former tenant.
- (3) The Scottish Ministers must by regulations make provision about—
  - (a) the calculation of the compensatory payment,
  - (b) payment of the compensatory payment, including the option for payment over a specified amount to be made in instalments,
  - (c) the form of the notice to be serviced on the former tenant.
- (4) Regulations under subsection (3) are subject to the affirmative procedure.
- (5) In this section, “compensatory payment” means the payment of the kind mentioned in subsection (2).>

### **Mobile homes**

#### **Paul McLennan**

**386** In section 46, page 60, leave out lines 1 to 4 and insert—

<““consumer prices index” means—

- (a) the all items consumer prices index published by the Statistics Board,  
or
- (b) if that index is not published for a month, any substituted index or figures published by the Board;”,>

#### **Murdo Fraser**

**21** After section 47, insert—

### **<Adaptation of a mobile home for a disabled person**

- (1) The Scottish Ministers must by regulations provide or arrange for the provision of assistance to a person for the purpose of adapting a mobile home for a disabled person to make it suitable for the accommodation, welfare or employment of that person, where it is their permanent residence.
- (2) Assistance under subsection (1) may, in particular, be in the form of—
  - (a) grants,
  - (b) standard loans,
  - (c) subsidised loans.
- (3) Regulations under subsection (1) may provide for—
  - (a) guidance about the availability and amount of assistance,



## THIS IS NOT THE MARSHALLED LIST

- (b) the process for application,
  - (c) the terms of a loan,
  - (d) conditions applicable on completion of an adaptation being made,
  - (e) a process for any disputes over assistance provided.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers must consult—
- (a) local authorities, and
  - (b) persons who appear to them to represent the interests of disabled people.>

### **Murdo Fraser**

**22** After section 47, insert—

#### **<Mobile homes: first-tier tribunal**

- (1) The Mobile Homes Act 1983 is modified as follows.
- (2) In section 4 (jurisdiction of the court: Scotland) for “court” substitute “First-tier Tribunal for Scotland”.
- (3) The section title becomes “**Jurisdiction of the tribunal: Scotland**”.>

### **Murdo Fraser**

**23** In section 52, page 61, line 18, after <18(1)> insert <, or (*Adaptation of a mobile home for a disabled person*)(1)>

## **Social housing regulation**

### **Evelyn Tweed**

**458** After section 47, insert—

*<Decisions of the Scottish Housing Regulator: reviews and appeals*

#### **Decisions of the Scottish Housing Regulator: reviews and appeals**

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) After section 67 insert—

### **“PART 5A**

#### **DECISIONS OF THE REGULATOR: REVIEWS AND APPEALS**

### **67A Decisions**

This Part applies to a decision by the Regulator—

- (a) not to enter a body in the register under section 23,
- (b) to remove a body from the register under section 27,
- (c) not to remove a body from the register under section 28,
- (d) to issue performance improvement targets in relation to a social landlord under section 34,

## **THIS IS NOT THE MARSHALLED LIST**

- (e) to set financial management or governance targets in relation to a registered social landlord under section 37,
- (f) to arrange under section 44 for a survey of the condition of housing accommodation maintained by a social landlord,
- (g) to publish a report of an inquiry concerning a social landlord under section 46,
- (h) to require a social landlord to submit a performance improvement plan under section 55,
- (i) to specify a particular time by which a social landlord is required to submit such a plan,
- (j) to serve an enforcement notice on a social landlord under section 56,
- (k) to appoint a manager to manage the housing activities of a social landlord, or require a social landlord to appoint such a manager, under section 57,
- (l) to specify that such a manager is to manage the social landlord's housing activities generally or particular aspects of those activities,
- (m) to appoint a manager to manage the financial or other affairs of a registered social landlord, or require a registered social landlord to appoint such a manager, under section 58,
- (n) to specify that such a manager is to manage the registered social landlord's financial or other affairs generally or particular aspects of those affairs,
- (o) to remove an officer of a registered social landlord under section 60,
- (p) to suspend a responsible individual from a registered social landlord under section 61,
- (q) to remove a responsible individual from a registered social landlord under section 62,
- (r) to appoint an individual as an officer of a registered social landlord under section 65,
- (s) to make a direction under section 66 (restrictions on dealings during or following inquiries),
- (t) to make a direction under section 67 (transfer of assets following inquiries).

### **67B     Reviews of decisions**

- (1) A person mentioned in section 67D in relation to a decision may, before the end of the period of 10 working days beginning with day on which the person is notified of the decision, request that the Regulator reviews the decision.
- (2) When the Regulator receives a request under subsection (1), it must—
  - (a) review the decision,
  - (b) confirm, vary, reverse or revoke it, and
  - (c) give notice of its decision under paragraph (b) to the person who requested the review.
- (3) A notice under subsection (2)(c) must set out the Regulator's reasons for its decision.

## **THIS IS NOT THE MARSHALLED LIST**

- (4) In subsection (1), “working day” means any day other than—
  - (a) a Saturday or a Sunday, or
  - (b) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971.

### **67C Appeals to the First-tier Tribunal**

- (1) A person mentioned in section 67D in relation to a decision may, before the end of the period of 28 days beginning with the day on which the person is given notice under section 67B(2)(c) in relation to the decision, appeal to the First-tier Tribunal against the decision where the decision has been confirmed (with or without variations) under section 67B(2)(b).
- (2) The First-tier Tribunal may determine an appeal by—
  - (a) confirming the decision,
  - (b) quashing the decision and directing the Regulator to take such other action, if any, as the First-tier Tribunal thinks fit by such time as may be specified in the direction, or
  - (c) remitting the case to the Regulator for reconsideration.
- (3) In this section, “First-tier Tribunal” means the First-tier Tribunal for Scotland.

### **67D Persons who may request a review or appeal**

The person who may request a review under section 67B(1) or appeal under section 67C(1) is—

- (a) in the case of a decision referred to in paragraph (a), (b) or (c) of section 67A, the body,
- (b) in the case of a decision referred to in paragraph (d) or (f) to (l) of that section, the social landlord,
- (c) in the case of a decision referred to in paragraph (e), (m), (n) or (r) to (t) of that section, the registered social landlord,
- (d) in the case of a decision referred to in paragraph (o) to (q) of that section, the individual.

### **67E Power to make further provision about reviews and appeals**

The Scottish Ministers may by regulations—

- (a) modify this Part,
  - (b) make such further provision as they consider appropriate in relation to reviews and appeals of decisions by the Regulator.”.
- (3) In section 27 (compulsory de-registration)—
  - (a) in subsection (3), for “removing” substitute “making a decision to remove”,
  - (b) after subsection (3) insert—

## THIS IS NOT THE MARSHALLED LIST

- “(4) A decision to remove a body from the register is of no effect unless—
  - (a) the period within which the body may request a review of the decision under section 67B(1) expires without the body requesting a review, or
  - (b) where the body requests a review, the Regulator confirms the decision (with or without variations) and—
    - (i) the period within which the body may appeal under section 67C(1) expires without the body appealing the decision, or
    - (ii) the body appeals the decision and the appeal has been finally determined or is withdrawn.”.
- (4) Section 29 (appeal against decision on registration or removal) is repealed.
- (5) Section 64 (appeals against suspension or removal) is repealed.
- (6) In section 161 (orders)—
  - (a) after subsection (4) insert—
    - “(5) Regulations under section 67E may make different provision for different purposes.
    - (6) Regulations under section 67E are subject to the affirmative procedure.”,
  - (b) the section title becomes “Orders and regulations”.>

### Mark Griffin

271 After section 51, insert—

#### *<Duties on the Scottish Housing Regulator*

#### **Scottish Housing Regulator: duty to collect and publish information**

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) After section 19 (annual reports), insert—
  - “19A Duty to collect and publish information**
    - (1) The Regulator must, for each reporting period, publish information in relation to social landlords on—
      - (a) the number of tenancies,
      - (b) the number of applications to housing waiting lists,
      - (c) the total value of rent arrears,
      - (d) the number of court actions initiated,
      - (e) the number of notices of court proceedings issued, and
      - (f) any other matters the Regulator considers appropriate.
    - (2) Each of the following is a reporting period—
      - (a) the period of one month beginning with the first month in each financial year,
      - (b) the period of one financial year.
    - (3) The duty under subsection (1) has effect from the beginning of the first financial year after this section comes into force.”.>

## THIS IS NOT THE MARSHALLED LIST

**Mark Griffin**

**272** After section 51, insert—

*<Duties on the Scottish Housing Regulator*

### **Scottish Housing Regulator: guidance on management of social housing**

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) After section 16 (delegation of powers) insert—

*“Guidance*

#### **16A Guidance on management of social housing**

- (1) The Regulator must issue guidance on the competence and conduct of individuals involved in the provision of services in connection with the management of social housing.
- (2) Guidance under subsection (1) may, in particular, include—
  - (a) the knowledge, skills and experience expected of individuals holding certain positions,
  - (b) the conduct to be expected of such individuals in their dealings with tenants.
- (3) When developing guidance under subsection (1), the Regulator must consult such persons as they consider appropriate.
- (4) The Regulator—
  - (a) may review the guidance from time to time,
  - (b) must review the guidance at least once during each 5 year period beginning with the day on which the guidance is issued.
- (5) Subsections (3) and (4) apply to revised guidance as they apply to the guidance issued under subsection (1).”>

### **Property factors**

**Mark Griffin**

**507** After section 47, insert—

*<Property factors*

### **Property factors: application for registration**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 3 (application for registration), in subsection (2), after paragraph (e) insert—
  - “(ea) copies of the written statement of services for all dwelling houses, flats or land in relation to which the person acts, or expects to act, a property factor,
  - (eb) details of any property factor enforcement orders made by the First-tier Tribunal, or complaints made to the First-tier Tribunal, against the person when acting as a property factor.”>

## THIS IS NOT THE MARSHALLED LIST

**Paul McLennan**

**387** After section 47, insert—

*<Property factors*

### **Registration: fit and proper person considerations**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 5 (section 4: considerations)—
  - (a) in subsection (2)(a)—
    - (i) the word “or” immediately following sub-paragraph (ii) is repealed,
    - (ii) after sub-paragraph (iii), insert “or
    - (iv) firearms,”,
  - (b) in subsection (2), after paragraph (a) insert—

“(aa) been convicted of a sexual offence within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995,”
  - (c) in subsection (2)(c), for “the law relating to tenements, property or debt” substitute “—
    - (i) the law relating to housing,
    - (ii) landlord and tenant law,
    - (iii) the law relating to property (including tenements),
    - (iv) the law relating to debt.”
  - (d) after subsection (3) insert—

“(3A) Material falls within this subsection if it shows the extent to which any person mentioned in subsection (1) has—
    - (a) failed to provide information in accordance with section 14A or 14B(2)(d)(i),
    - (b) obstructed a person acting in the proper exercise of the person’s functions under sections 14B to 14D,
    - (c) failed to comply with a requirement made by a person who is so acting.”
  - (e) after subsection (4) insert—

“(5) The Scottish Ministers may by regulations modify this section by adding to, removing or varying any material in subsections (2) to (4).

(6) Regulations under subsection (5) are subject to the affirmative procedure.”.>

**Mark Griffin**

**508** After section 47, insert—

*<Property factors*

### **Property factors: removal from register by First-tier Tribunal**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.

## THIS IS NOT THE MARSHALLED LIST

- (2) In section 8 (removal from register)—
  - (a) in subsection (1), after “the Scottish Ministers” insert “or the First-tier Tribunal”,
  - (b) in subsection (2)—
    - (i) in the opening words, after “the Scottish Ministers” insert “or the First-tier Tribunal”,
    - (ii) after paragraph (c) insert—
      - “(d) a determination has been made under section 19 to remove the property factor from the register.”,
  - (c) in subsection (3), after “the Scottish Ministers” insert “or the First-tier Tribunal”,
  - (d) in subsection (4), after “the Scottish Ministers” insert “or the First-tier Tribunal”,
  - (e) in subsection (5), after “the Scottish Ministers” insert “or the First-tier Tribunal’s”,
  - (f) in subsection (6), after “the Scottish Ministers” insert “or the First-tier Tribunal”,
  - (g) in subsection (7), after “the Scottish Ministers” insert “or the First-tier Tribunal”.
- (3) In section 23 (effect of failure to comply with property factor enforcement order), in subsection (2), after “must” insert “remove the property factor from the register under section 8 or”.>

### Paul McLennan

**388** After section 47, insert—

#### **<Revocation of registration: where property factor no longer exists**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 8 (removal from register)—
  - (a) in subsection (1), for “or (3)” substitute “, (3) or (3A)”,
  - (b) after subsection (3) insert—
    - “(3A) This subsection applies where a property factor is registered by virtue of section 4(4)(a) or (b) and the Scottish Ministers consider that the property factor no longer exists.”,
  - (c) in subsection (4), after “must” insert “(if possible)”,
  - (d) in subsection (6), for “or (3)” substitute “, (3) or (3A)”,
  - (e) in subsection (7)—
    - (i) after “must”, where it first occurs, insert “(if possible)”,
    - (ii) the words “and give public notice of the date of removal” are repealed.>

### Paul McLennan

**389** After section 47, insert—

#### **<Removal from register following application**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 8 insert—

## THIS IS NOT THE MARSHALLED LIST

### **“8A Removal from register following application**

- (1) A registered property factor may apply to the Scottish Ministers to be removed from the register.
- (2) The application must be accompanied by a fee of such amount (if any) as the Scottish Ministers may determine.
- (3) The Scottish Ministers must remove a registered property factor from the register if, having considered an application under this section, they are satisfied that—
  - (a) the registered property factor is no longer carrying out the activities of a property factor, and
  - (b) it is otherwise appropriate to remove that property factor from the register.
- (4) The Scottish Ministers must (if possible), as soon as practicable after making their decision under this section, notify the property factor who made the application of—
  - (a) their decision, and
  - (b) either—
    - (i) in the case of a decision to remove the property factor from the register, the date of removal from the register,
    - (ii) in the case of a decision not to remove the property factor from the register, their reasons for that decision.”.
- (3) In section 9 (effect of refusal to enter in register or removal from register)—
  - (a) in subsection (1)—
    - (i) the word “or” immediately following paragraph (b) is repealed,
    - (ii) after paragraph (c) insert “, or
    - (d) remove a property factor from the register under section 8A(3).”,
  - (b) in subsection (3)(a), for “(1)(a), (b), or as the case may be, (c)” substitute “(1)”.>

### **Paul McLennan**

**390** After section 47, insert—

#### **<Note on register where refusal or removal**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 8A (inserted by section *(Removal from register following application)*) insert—

*“Consequences of refusal or removal*

### **8B Note in register following refusal to enter or removal**

- (1) If the Scottish Ministers refuse to enter a person in the register under section 4(5), they must, after the date of final refusal, note that fact in the register.
- (2) If the Scottish Ministers remove a person from the register under section 8(1) they must, after the date of final refusal, note that fact in the register.



## THIS IS NOT THE MARSHALLED LIST

- (3) For the purposes of this section, the date of final refusal is the later of the date on which—
  - (a) the period mentioned in section 11(2) expires without an appeal being made,
  - (b) where such an appeal has been made, the appeal is finally determined or abandoned.
- (4) Where a fact is noted by virtue of subsection (1) or (2) it must—
  - (a) remain on the register for the period of 3 years beginning with the date on which the Scottish Ministers are required to note it in the register, and
  - (b) be removed from the register at the end of that period.
- (5) But where a person in respect of whom the Scottish Ministers note a fact by virtue of subsection (1) or (2) is subsequently entered in the register before the end of the period mentioned in subsection (4)(a), the Scottish Ministers must remove the fact from the register.”.>

**Paul McLennan**

**391** After section 47, insert—

### **<Property factor registered numbers: inclusion in communications**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 13 (property factor registered numbers)—
  - (a) after subsection (3)(a) insert—

“(aa) any other communication in relation to the activities of the property factor, and”,
  - (b) after subsection (7), insert—

“(8) In this section, “communication” includes electronic communications sent to or placed on a web page on a website by or on behalf of the registered property factor.”.>

**Paul McLennan**

**392** After section 47, insert—

### **<Monitoring of compliance**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 14 insert—

#### *“Monitoring of compliance*

#### **14A Power to obtain information**

- (1) The Scottish Ministers may, for the purpose of monitoring compliance with the provisions of this Part, serve a notice on a person who appears to be a property factor requiring the person to provide them with information specified in the notice.

## **THIS IS NOT THE MARSHALLED LIST**

- (2) The Scottish Ministers may by regulations make further provision about the requiring of information under subsection (1) and, in particular, may make provision about—
  - (a) the form of the notice and the manner of service,
  - (b) the time within which information must be provided.
- (3) Any requirement for a person to provide information in accordance with a notice under subsection (1) does not have effect to the extent that the person would be entitled to refuse to provide the information in, or for the purposes of, proceedings in a court in Scotland.

### **14B Power to carry out inspections**

- (1) For the purpose of monitoring compliance with the provisions of this Part, an authorised person may carry out an inspection of premises which appear to be being used for the purpose of carrying out the activities of a property factor.
- (2) For the purposes of carrying out the inspection, the authorised person may—
  - (a) enter and inspect the premises,
  - (b) require the production of any book, document, data or record (in whatever form it is held) and inspect it, and take copies of or extracts from it,
  - (c) take possession of any book, document, data or record (in whatever form it is held) which is on the premises and retain it for as long as the authorised person considers necessary,
  - (d) require any person to—
    - (i) give the authorised person such information as the authorised person considers necessary,
    - (ii) afford the authorised person such facilities and assistance as the authorised person considers necessary.
- (3) Any requirement for a person to give information in accordance with subsection (2)(d)(i) does not have effect to the extent that the person would be entitled to refuse to give the information in, or for the purposes of, proceedings in a court in Scotland.
- (4) In this section—
  - “authorised person” means a person authorised by the Scottish Ministers,
  - “premises” includes any place and any vehicle, vessel, or moveable structure.

### **14C Warrants for entry**

- (1) A sheriff may by warrant authorise a person to enter premises (if necessary using reasonable force) for the purpose of carrying out an inspection under section 14B.
- (2) A warrant may be granted under subsection (1) only if the sheriff is satisfied by evidence on oath—
  - (a) that there are reasonable grounds for entering the premises in question, and

## THIS IS NOT THE MARSHALLED LIST

(b) that—

- (i) entry to the premises has been or is likely to be refused and that notice of the intention to apply for a warrant under this section has been given to the occupier,
- (ii) a request for entry, or the giving of such notice, would defeat the object of the proposed entry,
- (iii) the premises are unoccupied, or
- (iv) the occupier is temporarily absent and it might defeat the object of the entry to await the occupier's return.

### **14D Inspections: supplementary**

- (1) A person entering any premises under section 14B(2)(a) or in accordance with a warrant granted under section 14C may take on to the premises such other persons and such equipment as the person considers necessary.
- (2) A right to enter any premises conferred by section 14B(2)(a) may be exercised only at a reasonable time.
- (3) The occupier of the premises concerned must be given at least 24 hours' notice before a person carries out an inspection under section 14B unless the person carrying out the inspection considers that giving such notice would defeat the object of the proposed inspection.
- (4) A person carrying out an inspection under section 14B must, if required to do so, produce written evidence of the person's authorisation to carry out the inspection.
- (5) On leaving any premises which a person is authorised to enter by a warrant granted under section 14C, the person must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as the person found them.
- (6) A person who takes possession of any item under section 14B(2)(c) must leave a statement on the premises from which the item was removed—
  - (a) giving particulars of what has been taken, and
  - (b) stating that the person has taken possession of it.

### **14E Information and inspection: offence**

- (1) It is an offence for a person who has been required to provide information in accordance with section 14A or section 14B(2)(d)(i)—
  - (a) without reasonable excuse, to fail or refuse to provide the information,
  - (b) to knowingly or recklessly make any statement in respect of that information which is false or misleading in a material particular.
- (2) It is an offence for a person—
  - (a) to intentionally obstruct a person acting in the proper exercise of the person's functions under sections 14B to 14D,
  - (b) without reasonable excuse, to fail to comply with any requirement made under section 14B(2)(b) or (d)(ii) by a person who is so acting.

## THIS IS NOT THE MARSHALLED LIST

- (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.>

**Mark Griffin**

**509** After section 47, insert—

*<Property factors*

**Property factors: statement of costs and charges**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.  
(2) After section 14, insert—

*“Costs and charges*

**14A Requirement to provide statement of costs and charges**

A property factor must, no later than 30 April each year, provide homeowners with an statement of the costs and charges applicable to services to be provided that year.”.>

**Mark Griffin**

**510** After section 47, insert—

*<Property factors*

**Property factors: requirement to account**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.  
(2) After section 14, insert—

*“Accounts*

**14A Requirement to provide accounts**

A property factor must, as soon as possible following the end of each financial year, provide homeowners with an itemised account of actions taken in that financial year in relation to the performance of a property factor’s duties.”.>

**Mark Griffin**

**511** After section 47, insert—

*<Property factors*

**Property factors: notice of change of provider**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.  
(2) After section 14, insert—

*“Change of provider*

**14A Requirement to provide notice of change of provider**

- (1) This section applies where a property factor intends to transfer its contract to provide services to homeowners.  
(2) A property factor must give homeowners no less than three months’ notice of its intention to transfer its contract to provide services.

## THIS IS NOT THE MARSHALLED LIST

- (3) Notice under subsection (2) must include—
  - (a) the date that the transfer will take effect,
  - (b) contact details for the person to whom the contract has been transferred.”.>

**Mark Griffin**

**512** After section 47, insert—

*<Property factors*

### **Property factors: publication of statistics**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 15 (general), insert—

#### **“15A Publication of statistics**

- (1) The Scottish Ministers must—
  - (a) within 12 months of the Housing (Scotland) Act 2025 receiving Royal Assent, and
  - (b) thereafter for every period of 12 months,publish statistics in relation to property factors.
- (2) Statistics published under subsection (1) must include—
  - (a) the number of property factors on the register maintained under section 1,
  - (b) the number of property factors removed from that register, and
  - (c) the number of property factor enforcement orders made.”.>

**Sarah Boyack**

**Supported by: Pam Duncan-Glancy**

**415** After section 47, insert—

*<Property factors*

### **Property factors**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 17—
  - (a) in subsection (1), in the opening words, after “homeowner” insert “or owners’ association”,
  - (b) in subsection (2), after “homeowner’s” insert “or owners’ association”,
  - (c) in subsection (3)—
    - (i) in paragraph (a), in both places where it occurs, after “homeowner” insert “or owners’ association”,
    - (ii) in paragraph (b), after “homeowner’s” insert “or owners’ association”,
  - (d) in subsection (5), in each place where it occurs, after “homeowner” insert “or owners’ association”,

## THIS IS NOT THE MARSHALLED LIST

(e) after subsection (5) insert—

“(6) In this section and sections 18 and 19,

“owners’ association” means an association established by the development management scheme (within the meaning of the Title Conditions (Scotland) Act 2003 (asp 9)) so far as managing or maintaining common parts or land in accordance with the scheme.”.

(3) In section 18—

(a) in subsection (2), in each place where it occurs, after “homeowner” insert “or owners’ association”,

(b) in subsection (4), in both places where it occurs, after “homeowner” insert “or owners’ association”.

(4) In section 19(1), in the opening words, after “homeowner” insert “or owners’ association”.>

### Mark Griffin

**513** After section 47, insert—

#### *<Property factors*

##### **Property factors: determination by First-tier Tribunal**

(1) The Property Factors (Scotland) Act 2011 is modified as follows.

(2) In section 19 (determination by the First-tier Tribunal), in subsection (1)(b), after “to” insert “—

(i) remove the property factor from the register under section 8,  
or

(ii)”.>

### Ariane Burgess

**504** After section 47, insert—

#### *<Property factors*

##### **Property factors: referral for removal from register**

(1) Within one year of Royal Assent, the Scottish Ministers must by regulations establish a process for owners of factored properties to make a referral to the Scottish Ministers for their property factor to be removed from the register of property factors under section 8 of the Property Factors (Scotland) Act 2011 (“the 2011 Act”).

(2) The Scottish Ministers may issue guidance on regulations made under subsection (1), including—

(a) the form in which referrals may be made,

(b) the evidence that must be included with a referral.

(3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers must consult—

(a) property factors,

(b) residents of factored properties,

## THIS IS NOT THE MARSHALLED LIST

- (c) any other persons they consider appropriate.
- (4) The 2011 Act is modified by subsection (5).
- (5) In section 8 (removal from register), in subsection (2) after paragraph (c), insert—
  - “(d) having considered a referral made under regulations made under section (*Property factors: referral for removal from register*)(1) of the Housing (Scotland) Act 2025, they have determined that the property factor should be removed from the register.”.
- (6) The Scottish Ministers must, in respect of each reporting period, lay a report before the Scottish Parliament on the operation of regulations made under subsection (1), including—
  - (a) the total number of referrals made,
  - (b) the number of property factors that, following a referral—
    - (i) have been removed from the register of property factors,
    - (ii) have remained on the register of property factors, and
  - (c) the reasons for the decision to remove or not to remove a property factor from the register of property factors, as the case may be.
- (7) In this section—
  - “factored property” means a property with common parts managed by a property factor,
  - “property factor” has the meaning given under section 2 of the 2011 Act,
  - “reporting period” means—
    - (a) the period of one year beginning with the day that regulations under subsection (1) come into force, and
    - (b) each subsequent period of one year.>

### Ariane Burgess

**505** After section 47, insert—

#### *<Property factors*

#### **Property factors: appointment and removal**

- (1) The Title Conditions (Scotland) Act 2003 is modified by subsection (2).
- (2) In section 64 (overriding power to dismiss and appoint manager), in subsection (1)—
  - (a) in the opening words, after first “properties,”, insert “unless the title deeds for the properties provide for a lower threshold,”,
  - (b) for “two thirds”, substitute “a majority”.
- (3) The Scottish Ministers may, by regulations, provide for conditions on the exercise of owners’ powers in relation to a manager under the Title Conditions (Scotland) Act 2003 including any requirements in relation to the convening of an owners’ meeting for the purposes of voting on the use of such powers.>

### Mark Griffin

**506** After section 47, insert—

# THIS IS NOT THE MARSHALLED LIST

*<Property factors*

## **Review of regulation of property factors**

- (1) The Scottish Ministers must, by no later than 31 December 2025, undertake a review of the operation of regulations in relation to property factors.
- (2) The review under subsection (1) must include a review of the property factor code of conduct prepared under section 14 of the Property Factors (Scotland) Act 2011.>

**Mark Griffin**

**514** After section 47, insert—

*<Property factors*

## **Property factors: enforcement orders payment to homeowners**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 20 (property factor enforcement orders), in subsection (1)(b), after “payment” insert “not exceeding £10,000”.>

**Pam Duncan-Glancy**

**476** After section 47, insert—

*<Propperty factors*

## **Management of community: local authority**

- (1) The Title Conditions (Scotland) Act 2003 is amended as follows.
- (2) After section 28 (power of majority to appoint manager etc.) insert—

### **“28A Appointment of local authority as manager**

- (1) Where the conditions in subsection (2) apply, the owners of a majority of the units in a community may appoint the relevant local authority to be the manager of the community.

- (2) The conditions are that—

- (a) the owners of a majority of the units in a community appointed a person to be the manager of the community under section 28(1)(a),

- (b) the manager—

- (i) was dismissed under section 28(1)(d), or

- (ii) has intimated in writing to the owners of a majority of the units in a community that they no longer wish to be the manager of the community, and

- (c) no suitable alternative manager has been found.

- (3) The owners of a majority of the units in a community must notify the local authority in such form as may be determined by Scottish Ministers that the owners wish to appoint the local authority as manager.

- (4) In this section, “relevant local authority” means the authority of the area in which the community resides.



## THIS IS NOT THE MARSHALLED LIST

### 28B Appointment of local authority as manager: further provision

25

- (1) The Scottish Ministers may by regulations make further provision to give effect to section 28A, including provision about providing reasonable remuneration to a local authority that is appointed as a manager under that section.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.”.>

**Mark Griffin**

**476A** As an amendment to amendment 476, line 8, leave out <may> and insert <must>

**Ariane Burgess**

**517** In section 52, page 61, line 18, after <18(1)> insert <, or (*Property factors: referral for removal from register*)(1)>

**Ariane Burgess**

**518** In section 52, page 61, line 18, after <18(1)> insert <, or (*Property factors: appointment and removal*)(3)>

**Paul McLennan**

**397** In the schedule, page 63, line 33, at end insert—

*<Property Factors (Scotland) Act 2011*

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) The title of section 8 (removal from register) becomes “**Revocation of registration**”.
- (3) In section 9 (effect of refusal to enter in register or removal from register), in subsection (3), for “give public” substitute “publish in such manner as they think fit a”.
- (4) In section 15 (service of notices etc.), subsection (3) is repealed.
- (5) In section 30 (orders and regulations), in subsection (3), after “33(2)” insert “or regulations under section 5(5)”.>

### **Private rented sector**

**Willie Rennie**

**Supported by: Meghan Gallacher**

**1** After section 51, insert—

*<Private rented sector strategy*

#### **Private rented sector strategy**

- (1) The Scottish Ministers must, as soon as reasonably practicable, prepare a private rented sector strategy.
- (2) The private rented sector strategy must set out—
  - (a) the Scottish Ministers’ objectives with regards to the private rented sector,

## THIS IS NOT THE MARSHALLED LIST

- (b) the Scottish Ministers' plans for meeting those objectives (including priorities for action),
  - (c) arrangements for monitoring progress towards meeting the objectives.
- (3) The private rented sector strategy may include—
  - (a) the Scottish Ministers' aims for the ratio of different types of tenure in the private rented sector,
  - (b) the Scottish Ministers' view on the role of build-to-rent and mid-market rented properties in the private rented sector,
  - (c) any planned future changes to regulation of the private rented sector, including a timetable for implementation,
  - (d) the Scottish Ministers' approach to engaging with private rented sector landlords and tenants in decision making,
  - (e) an assessment of whether data collected on the private rented sector is adequate to support decision making,
  - (f) any planned future changes to data collection, including the landlord registration system,
  - (g) such other information as the Scottish Ministers consider appropriate.
- (4) In preparing the private rented sector strategy, the Scottish Ministers must consult such persons as they consider appropriate.
- (5) The strategy prepared under subsection (1) must be published and laid before the Scottish Parliament.>

### Willie Rennie

2 After section 51, insert—

#### <Review of strategy

- (1) The Scottish Ministers—
  - (a) must keep the private rented sector strategy under review, and
  - (b) may revise it as they consider appropriate.
- (2) If the Scottish Ministers have not revised and republished the private rented sector strategy within the period of 5 years beginning with the day on which the private rented sector strategy was last published, they must revise the strategy.
- (3) Section (*Private rented sector strategy*) applies in relation to revising the private rented sector strategy as it applies in relation to preparing the first private rented sector strategy after that section comes into force.>

### Meghan Gallacher

135 After section 51, insert—

#### <Private Rented Sector Charter

##### Private Rented Sector Charter

- (1) The Scottish Ministers must, within twelve months of the coming into force of this section, publish a document to be known as the Private Rented Sector Charter (“the Charter”).

## THIS IS NOT THE MARSHALLED LIST

- (2) The Charter must set out a summary of—
- (a) the rights and responsibilities of landlords and tenants under a private residential tenancy,
  - (b) the processes for dispute resolution between landlords and tenants under a private residential tenancy.
- 10
- (3) The Charter may also include standards and outcomes which landlords should aim to achieve when performing housing activities in relation to a private residential tenancy.
- (4) Nothing in the Charter is to—
- (a) give rise to any new rights,
  - (b) impose any new responsibilities, or
  - (c) alter (in any way) an existing right or responsibility.
- 15
- (5) The Charter is to be published in such form and manner as the Scottish Ministers consider appropriate and laid before the Scottish Parliament.>

**Meghan Gallacher**

**135A** *Previously published as amendment 136*

As an amendment to amendment 135, line 4, leave out <twelve> and insert <six>

**Maggie Chapman**

**135B** As an amendment to amendment 135, line 11, leave out <may> and insert <must>

**Maggie Chapman**

**135C** As an amendment to amendment 135, line 13, leave out subsection (4)

**Maggie Chapman**

**135D** As an amendment to amendment 135, line 16, at end insert—

<( ) In developing the Charter, the Scottish Ministers must consult such persons as they consider appropriate.>

**Maggie Chapman**

**135E** As an amendment to amendment 135, line 18, at end insert—

- <(6) The Scottish Ministers must make available without charge copies of the Charter to members of the public.
- (7) In carrying out the duty under subsection (6), the Scottish Ministers must take account of the particular needs of the persons to whom the Charter is to be made available as to the form of the Charter (for example by making it available in different languages or in Braille or by having regard to the particular needs of adults with incapacity within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000).
- (8) Any person who is, or is to be, the landlord under a relevant tenancy must provide the person who is, or is to be, the tenant with a copy of the Charter—
- (a) in the case of a relevant tenancy that commenced prior to the day this section comes into force, within 3 months of the Charter being laid under subsection (5),

## THIS IS NOT THE MARSHALLED LIST

(b) in the case of a new tenancy, before the day on which the tenancy commences.

(9) In this section, “relevant tenancy” means a private residential tenancy or assured tenancy.>

**Maggie Chapman**

**275** After section 51, insert—

### <Review of the Private Rented Sector Charter

- (1) The Scottish Ministers must review the Charter laid under section (*Private Rented Sector Charter*)(5)—
  - (a) within 5 years of it being laid,
  - (b) thereafter, within 5 years of the report of the last review being laid before the Parliament in accordance with subsection (3)(b).
- (2) In carrying out a review, the Scottish Ministers must consult such persons as they consider appropriate.
- (3) Following a review, the Scottish Ministers must—
  - (a) decide whether or not to make any changes to the Charter,
  - (b) lay before the Scottish Parliament a report setting out—
    - (i) the consultation undertaken in carrying out the review,
    - (ii) the reasons for their decision to make changes, or not make changes, to the Charter, and
    - (iii) if the Ministers have decided to make changes to the Charter, a draft of the Charter showing the changes they intend to make.
- (4) The revised Charter must be published in such form and manner as the Scottish Ministers consider appropriate and laid before the Scottish Parliament.>

**Maggie Chapman**

**276** After section 51, insert—

### <Effect of the Private Rented Sector Charter

When determining any question arising in proceedings in relation to a tenancy to which the Charter laid under section (*Private Rented Sector Charter*)(5) or (*Review of the Private Rented Sector Charter*)(4) is relevant, a court or tribunal may take into account the Charter, including whether a copy of the Charter has been provided in accordance with section (*Private Rented Sector Charter*)(8).>

**Pam Gosal**

**256** After section 51, insert—

# THIS IS NOT THE MARSHALLED LIST

## <PART

### ANNUAL REPORTING

#### **Annual reporting**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period—
  - (a) prepare and publish a report on the operation of this Act on the private rental sector, and
  - (b) lay the report before the Scottish Parliament.
- (2) The report must include information about—
  - (a) average rental levels, broken down by—
    - (i) local authority area, and
    - (ii) number of bedrooms,
  - (b) the total number of evictions,
  - (c) the number of rental properties available on the housing market at the time of reporting,
  - (d) the total level of rent arrears.
- (3) The report may include such other information as the Scottish Ministers consider appropriate.
- (4) In this section, “reporting period” is the period of 1 year beginning with the day on which provision in Parts 1 and 2 of this Act comes into force and each subsequent period of 1 year.>

#### **Housing availability**

##### **Rachael Hamilton**

**223** After section 51, insert—

*<Permitted development and use classes*

#### **Change of use: agricultural building to dwelling**

- (1) The Town and Country Planning (Scotland) Act 1997 is modified as follows.
- (2) In section 275 (regulations and orders), after subsection (8) insert—
  - “(9) Subsection (10) applies in relation to permitted development rights for the change of use of a building and any land within its curtilage from use as an agricultural building to use as a dwelling.
  - (10) Any regulations or order made by Scottish Ministers under this Act, or any other powers enabling them to do so, must not place restrictions on—
    - (a) the cumulative number of separate residential units, or
    - (b) the floor space of any residential unit,developed and contained in a building or buildings situated within the original agricultural unit.”.>

## THIS IS NOT THE MARSHALLED LIST

**Mark Griffin**

**270** After section 51, insert—

*<Housing emergency*

### **Housing emergency**

- (1) The Scottish Ministers must, by regulations, define the conditions which would constitute—
  - (a) a housing emergency,
  - (b) evidence of exit from a housing emergency.
- (2) Regulations under subsection (1) must be laid within the period of six months beginning with the day after Royal Assent.
- (3) If the conditions set out in regulations under subsection (1)(a) are met, the Scottish Ministers must declare a housing emergency.
- (4) Should a housing emergency be declared under subsection (3), the Scottish Ministers must publish a strategy on the actions they will take to end the housing emergency.
- (5) The Scottish Ministers may, by regulations, set out the actions that may be listed in a strategy published under subsection (4).
- (6) In respect of each reporting period, the Scottish Ministers must publish and lay a report before the Scottish Parliament setting out the progress of the strategy published under subsection (4) to end the housing emergency.
- (7) In this section, “reporting period” means the period of six months beginning with the day on which a strategy under subsection (4) is published, and thereafter, every six months until the housing emergency has ended.>

**Maggie Chapman**

**515** *In substitution for amendment 246*

After section 51, insert—

*<Compulsory sale or lease orders*

### **Compulsory sale or lease orders**

- (1) A local authority may, in relation to land within the authority’s area which falls within subsection (2), make an order requiring the owner of land specified in the order to offer the land for sale or let—
  - (a) for use as residential housing, and
  - (b) by such method and within such period as is so specified (a “compulsory sale or lease order”).
- (2) That land is land which—
  - (a) has been vacant or derelict for a continuous period specified by the Scottish Ministers in regulations prior to the date on which the compulsory sale or lease order is made,
  - (b) is suitable for use as residential housing, and
  - (c) is—
    - (i) of such type as may be specified, and
    - (ii) no greater in area than the maximum area specified,

## THIS IS NOT THE MARSHALLED LIST

for the purposes of this section by the Scottish Ministers by regulations.

- (3) A compulsory sale or lease order may be made—
  - (a) on the authority’s own initiative, or
  - (b) on an application by a community body.
- (4) The Scottish Ministers may by regulations make further provision in connection with compulsory sale or lease orders.
- (5) Regulations under subsection (4) may in particular include provision about—
  - (a) circumstances in which an order may not be made,
  - (b) any consultation and notification that is to take place before an order may be made,
  - (c) information that is to be contained in an order,
  - (d) the ability of local authorities to require the giving of commitments by prospective purchasers as to the future use of land which is subject to an order,
  - (e) whether the owner may refuse to accept offers for land which is subject to an order,
  - (f) circumstances in which a local authority may, following the making of an order, make its own arrangements for the land subject to the order to be sold at public auction,
  - (g) a procedure for any community body which has had a request to a local authority to make an order refused to appeal against that decision,
  - (h) the maintenance by local authorities of registers of vacant or derelict land for the purposes of identifying land which may be made subject to an order.
- (6) Before making regulations under subsection (2) or (4), the Scottish Ministers must consult on—
  - (a) the time period to be specified in subsection (2)(a),
  - (b) the impact of the duty under subsection (1) on local authorities,
  - (c) whether any further provision in connection with compulsory sale or lease orders is necessary to comply with human rights obligations,
  - (d) any other matters the Scottish Ministers consider appropriate.
- (7) In this section—
  - “community body” means a body, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) present in the area in which the vacant or derelict land is situated,
  - “land” includes buildings (including residential properties and individual properties within tenements),
  - “use as residential housing” includes the adaptation or construction of properties on the land to be used as residential housing.>

**Ariane Burgess**

## THIS IS NOT THE MARSHALLED LIST

### *<Self-build register*

#### **Registers of persons seeking to acquire land to build a home**

- (1) The Town and Country Planning (Scotland) Act 1997 is modified as follows.
- (2) Section 16E is repealed.
- (3) After section 20AA insert—

### *“Self-build register*

#### **20AB Registers of persons seeking to acquire land to build a home**

- (1) In this section and sections 20AD and 20AH, “self-build and custom housebuilding” means the building or completion by—
  - (a) individuals of houses to be occupied as homes for those individuals,
  - (b) a qualifying body (as defined by subsection (6)) of a house or houses.
- (2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.
- (3) Each local authority must keep a register of—
  - (a) individuals, and
  - (b) qualifying bodies,who are seeking to acquire a plot or plots of land capable of being developed in the authority’s area for their own self-build and custom housebuilding.
- (4) Each local authority must publicise its register under this section.
- (5) It is the responsibility of an individual or qualifying body (as the case may be) to ensure that their entry on the register is up to date.
- (6) For the purposes of subsection (1), a “qualifying body” means—
  - (a) an association of individuals who are custom builders,
  - (b) a cohousing group,
  - (c) a community benefit society,
  - (d) a community interest company,
  - (e) a third sector or charitable organisation, or
  - (f) any other community housing body that meets the criteria set out in subsection (7).
- (7) The criteria are—
  - (a) the body has the explicit purpose of benefiting a defined local authority area,
  - (b) the body is not-for-profit, with any surpluses used for the benefit of the local community,
  - (c) when engaged in housing, the body can demonstrate that—
    - (i) members of the local community have been able to participate in defining local housing needs and demands, and



## **THIS IS NOT THE MARSHALLED LIST**

- (ii) those local housing needs and demands form the basis of the community housing body's housing project or projects (as the case may be).
- (8) In this section, "home" in relation to an individual, means the individual's sole or main residence.

### **20AC Duty as regard to registers**

- (1) Each local authority must have regard to its register when carrying out the functions mentioned in subsection (2).
- (2) The functions are functions in relation to—
  - (a) planning,
  - (b) housing,
  - (c) disposal of land by the authority,
  - (d) regeneration.

### **20AD Duty as regard to planning permission**

- (1) This section applies where the local authority is acting in its capacity as planning authority.
- (2) The authority must give consideration to giving development permission for the carrying out of self-build and custom housebuilding on enough plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period.
- (3) Regulations must specify the time allowed for compliance with the duty under subsection (2) in relation to any base period.
- (4) The first base period, in relation to an authority, is the period—
  - (a) beginning with the day on which the register under section 20AB kept by the authority is established, and
  - (b) ending with 31 March 2028.
- (5) Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period.
- (6) In this section, "development permission" means planning permission or permission in principle (within the meaning of this Act).
- (7) Regulations may make provision specifying descriptions of planning permissions or permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.
- (8) For the purposes of this section—
  - (a) the demand for self-build and custom housebuilding in an authority's area in respect of a base period is the aggregate of—
    - (i) the demand for self-build and custom housebuilding arising in the authority's area in the base period, and

## THIS IS NOT THE MARSHALLED LIST

- (ii) any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which—
    - (A) the time allowed for complying with the duty in subsection (2) expired during the base period in question, and
    - (B) the duty in subsection (2) has not been met,
  - (b) the demand for self-build and custom housebuilding arising in an authority's area in a base period is evidenced by the number of entries added during that period to the register under section 20AB kept by the authority,
  - (c) an authority gives development permission if such permission is granted—
    - (i) by the authority,
    - (ii) by the Scottish Ministers.
- (9) A grant of development permission in relation to a particular plot of land may not be taken into account in relation to more than one base period in determining whether the duty in this section is discharged.
- (10) No account is to be taken for the purposes of this section of development permission granted before the start of the first base period.
- (11) Regulations under subsection (3)—
  - (a) may make different provision for different authorities or descriptions of authority,
  - (b) may make different provision for different proportions of the demand for self-build and custom housebuilding in respect of a particular base period.

### **20AE Exemption from duty**

- (1) If an authority applies for exemption to the Scottish Ministers in accordance with regulations, the Scottish Ministers may direct that the authority is not subject to the duty in section 20AD.
- (2) The regulations may specify the cases or circumstances in which an authority may apply for exemption.
- (3) Regulations may make further provision about applications under subsection (1), and may in particular—
  - (a) require an application to be supported by specified information and by any further information that the Scottish Ministers require the authority to provide,
  - (b) require an authority that is granted exemption to notify persons on the register kept under section 20AB.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.

## THIS IS NOT THE MARSHALLED LIST

### **20AF Guidance**

- (1) A relevant authority must have regard to any guidance issued by the Scottish Ministers when exercising any function conferred or imposed by or under section 20AB.
- (2) An authority that is subject to the duty in section 20AD must have regard to any guidance issued by the Scottish Ministers in relation to that duty.

### **20AG Regulations**

- (1) The Scottish Ministers may by regulations make further provision about the register maintained under section 20AB.
- (2) Regulations under subsection (1) may make provision about—
  - (a) the form in which a register is to be kept,
  - (b) the content of an entry in a register (including matters not to be included in an entry),
  - (c) amending an entry,
  - (d) removal of an entry,
  - (e) the periodic renewal of an entry,
  - (f) eligibility to be on the register,
  - (g) applications to be entered on the register.
- (3) Regulations making provision in respect of subsection (2)(c) and (d) must ensure that the individual or qualifying body (as the case may be) is responsible for ensuring that information on the register relating to them is kept up to date.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.

### **20AH Disposal of land for self-build**

When disposing of a plot of land for self-build, a local authority must make a calculation as to whether it should be sold at market value or best value in accordance with any guidance prepared by Scottish Ministers in pursuance of section 2(1)(a) of the Local Government in Scotland Act 2003.”.>

**Mark Griffin**

**277** In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing emergency*)(1) or (5)>

### **Cohousing and housing cooperatives**

**Ariane Burgess**

**445** After section 51, insert—

## THIS IS NOT THE MARSHALLED LIST

### <Cohousing

#### **Cohousing: guidance**

- (1) The Scottish Ministers must, within 2 years of Royal Assent, prepare and publish guidance on cohousing in Scotland.
- (2) Guidance under subsection (1) may include—
  - (a) accepted definitions of types of cohousing applicable in Scotland,
  - (b) information on different types of cohousing,
  - (c) models for the development of cohousing,
  - (d) how local authorities should support the development of cohousing,
  - (e) how other bodies should support the development of cohousing,
  - (f) monitoring and data collection concerning cohousing in Scotland,
  - (g) any other matters that the Scottish Ministers consider appropriate.
- (3) When developing guidance under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The Scottish Ministers may review and, if they consider it appropriate to do so, revise the guidance from time to time.
- (5) Subsections (3) and (4) apply to revised guidance as they apply to the guidance issued under subsection (1).
- (6) For the purposes of this section, cohousing has the meaning specified by the Scottish Ministers in regulations.>

#### **Ariane Burgess**

**554** After section 51, insert—

### <Housing co-operative advisory body

#### **Housing co-operative advisory body**

- (1) The Scottish Ministers may by regulations designate a public body to exercise the functions set out in subsection (2).
- (2) The functions referred to in subsection (1) are to—
  - (a) provide advice and support to any person seeking to establish a housing co-operative, including in relation to—
    - (i) incorporation,
    - (ii) financing,
    - (iii) governance
    - (iv) property acquisition,
  - (b) support established housing co-operatives with issues including—
    - (i) asset locks,
    - (ii) conflict resolution,
    - (iii) governance,

## THIS IS NOT THE MARSHALLED LIST

- (iv) property acquisition,
- (v) retrofitting,
- (vi) scaling,
- (vii) tax,
- (c) work with parties to promote, identify and facilitate opportunities to develop property for housing cooperative use or to establish new housing co-operatives,
- (d) collaborate with and advise housing co-operatives in relation to negotiating the purchase of land,
- (e) act as a guarantor against the demutualisation of a housing co-operative,
- (f) any other functions related to the support and promotion of housing co-operatives that the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1) may, in particular, include provision about—
  - (a) the status and membership of the body designated by the regulations,
  - (b) the organisation and procedure of the body,
  - (c) reports and accounts (including audit).
- (4) Regulations under subsection (1) may enable the Scottish Ministers to give directions to the body in relation to the matters mentioned in subsection (2).
- (5) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional or saving provision, which may include provision amending, repealing or revoking an enactment.
- (6) In this section—
  - “housing co-operative” means a housing provider that is a registered co-operative society incorporated under the Co-operative and Community Benefit Societies Act 2014 and may include a secondary housing co-operative,
  - “secondary housing co-operative” means multiple housing co-operatives acting together.>

### Ariane Burgess

- 447 In section 52, page 61, line 18, after <18(1)> insert <, or (*Cohousing: guidance*)(6)>

### Ariane Burgess

- 562 In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing co-operative advisory body*)(1)>

## Homelessness prevention: commencement

### Bob Doris

- 230 In section 56, page 62, line 8, at end insert—

<( ) But if any provision of Part 5 is not in force before the end of the period of 3 years beginning with the day after Royal Assent, the provision comes into force on the day after the end of that period.>



© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000.

---

Published in Scotland by the Scottish Parliamentary Corporate Body

---

All documents are available on the  
Scottish Parliament website at

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

---