

# Housing (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 57 Long Title	Schedule
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Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

**Màiri McAllan**

- 123** In section 1, page 2, line 18, leave out from <, or> to end of line 21

### Section 2

**Màiri McAllan**

- 124** In section 2, page 2, line 33, leave out <or student>

**Màiri McAllan**

- 125** In section 2, page 2, line 37, leave out from <must> to end of line 38 and insert <may, where the authority considers it appropriate, specify the part (including its boundary) by reference to a street, all or part of an electoral ward or another appropriate existing boundary.>

### Section 3

**Edward Mountain**

- 126** In section 3, page 3, line 34, after <practicable> and insert <(but no later than 3 months)>

**Edward Mountain**

- 127** In section 3, page 3, line 38, leave out <in accordance with any time limit specified in> and insert <as soon as reasonably practicable (but no later than 3 months) after>

### Section 4

**Edward Mountain**

- 128** In section 4, page 4, line 8, after <practicable> and insert <(but no later than 3 months)>

## Section 5

### Edward Mountain

129 In section 5, page 4, line 23, leave out <timing and>

### Edward Mountain

130 In section 5, page 4, line 24, at end insert—

<(c) specify that the report must be submitted to the Scottish Ministers within 3 months of receipt of the direction.>

## Section 6

### Màiri McAllan

131 In section 6, page 5, line 17, leave out from <understand> to end of line 18 and insert <represent the interests of rural communities.>

## Section 7

### Màiri McAllan

132 In section 7, page 5, line 27, at end insert—

<( ) The first guidance about reports to be prepared under each of the provisions mentioned in subsection (1) must be issued within the period of 9 months beginning with the day on which the provision in question comes into force.>

### Màiri McAllan

133 In section 7, page 5, line 28, leave out subsection (1A)

### Màiri McAllan

134 In section 7, page 5, line 33, after <including> insert <—

(i) the reasons for recommending the designation of an area as a rent control area,

(ii)>

## Section 8

### Edward Mountain

135 In section 8, page 6, line 21, before <the> insert <in detail,>

## Section 9

### Màiri McAllan

60 In section 9, page 6, line 30, leave out from beginning to <otherwise,> in line 37

**Màiri McAllan**

61 In section 9, page 7, line 1, leave out subsection (1A)

**Maggie Chapman**

136 In section 9, page 7, line 4, leave out subsection (2)

**Màiri McAllan**

62 In section 9, page 7, line 4, leave out <(1)(b)> and insert <(1)>

**Màiri McAllan**

137 In section 9, page 7, line 6, leave out <or student>

**Màiri McAllan**

63 In section 9, page 7, line 11, leave out subsection (3A)

**Màiri McAllan**

64 In section 9, page 7, line 17, leave out subsection (5A)

**Mark Griffin**

270 In section 9, page 7, line 18, leave out <or electricity> and insert <electricity, broadband, or district heating>

**Section 14**

**Maggie Chapman**

138 In section 14, page 9, leave out lines 13 and 14

**Màiri McAllan**

65 In section 14, page 9, line 13, leave out <regulations under>

**Section 15**

**Maggie Chapman**

139 In section 15, page 10, line 10, leave out <may> and insert <must>

**Meghan Gallacher**

271 In section 15, page 10, line 13, after first <the> insert <relevant>

**Meghan Gallacher**

272 In section 15, page 10, line 15, after <other> insert <relevant>

**Meghan Gallacher**

273 In section 15, page 10, line 20, after first <the> insert <relevant>

**Meghan Gallacher**

274 In section 15, page 10, line 22, after <other> insert <relevant>

**Maggie Chapman**

275 In section 15, page 11, 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.>

**Maggie Chapman**

140 In section 15, page 11, line 35, 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**

141 In section 15, page 12, line 7, at end insert—

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

**Edward Mountain**

142 In section 15, page 12, line 7, 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).>

**Meghan Gallacher**

276 In section 15, page 12, line 13, at end insert—

<“relevant person” is to be construed in accordance with section 83(8) of the Antisocial Behaviour etc. (Scotland) Act 2004.>

**Màiri McAllan**

143 In section 15, page 12, line 14, leave out <that> and insert <this>

**Meghan Gallacher**

277 In section 15, page 12, line 22, 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.>

## Section 16A

### Meghan Gallacher

- 144 In section 16A, page 13, line 22, leave out <person> and insert <applicant>

### Meghan Gallacher

- 145 In section 16A, page 13, line 28, leave out <person> and insert <applicant>

### Meghan Gallacher

- 146 In section 16A, page 13, line 36, leave out <person> and insert <applicant>

### Meghan Gallacher

- 147 In section 16A, page 14, line 6, leave out <person> and insert <applicant>

### Maggie Chapman

- 30 In section 16A, page 14, line 11, leave out <not exceeding £1,000> and insert <specified in regulations>

### Maggie Chapman

- 31 In section 16A, page 14, line 11, at end insert—  
<( ) Regulations under subsection (6) must—  
(a) specify an amount not less than £2,000,  
(b) provide for the amount specified to be adjusted annually with reference to average rent levels.>

### Meghan Gallacher

- 148 In section 16A, page 14, line 21, leave out <person> and insert <applicant>

## Section 17A

### Maggie Chapman

- 32 In section 17A, page 15, line 22, leave out <not exceeding £1,000> and insert <specified in regulations>

### Maggie Chapman

- 33 In section 17A, page 15, line 22, at end insert—  
<( ) Regulations under subsection (6) must—  
(a) specify an amount not less than £2,000,  
(b) provide for the amount specified to be adjusted annually with reference to average rent levels.>

## After section 17B

**Emma Roddick**

**149** After section 17B, insert—

*<Power to require landlords to provide information*

### **Power to require landlords to provide information**

- (1) The Scottish Ministers may by regulations make provision for or in connection with a requirement for relevant information, relating to a house for which information is included in a local authority's landlord register, to be provided by a relevant person to either—
  - (a) the Scottish Ministers, or
  - (b) the local authority (but not both).
- (2) Regulations under subsection (1) may, in particular, make provision about—
  - (a) the times at which relevant information is to be provided,
  - (b) the purposes for which the information provided may be used by recipients of it,
  - (c) the sharing of the information, including among recipients of the information,
  - (d) the keeping, maintenance and accessibility of the information,
  - (e) the enforcement of any obligation imposed on a relevant person under the regulations,
  - (f) appeals against any decision taken or obligation imposed under the regulations,
  - (g) the conferral of powers to require a relevant person to pay a financial penalty or compensation for a failure to comply with an obligation imposed under the regulations.
- (3) Regulations under subsection (1) may not require a relevant person to provide the same information in relation to the same house more than once in a 12 month period.
- (4) 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,

“occupancy arrangement” has the meaning given by section 101(1) of that Act,

“relevant information”, in relation to a house mentioned in subsection (1), means information specified in regulations made under that subsection—

  - (a) relating to the address, type and size of the house,
  - (b) about the type of tenancy or occupancy arrangement to which the house (or part of it) is subject,
  - (c) about any furnishings provided under the tenancy,
  - (d) about the amount and frequency of rent payable under any relevant tenancy to which the house (or part of it) is subject,
  - (e) about any costs associated with the house that are included as part of the rent payable, or

- (f) about the most recent increase in the rent payable under any relevant tenancy to which the house (or part of it) is subject.

“relevant person”, in relation to a house mentioned in subsection (1), means—

- (a) the person whose entry in the local authority’s landlord register includes information relating 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,

“relevant tenancy” has the meaning given by section 1(5) of this Act,

“tenancy” includes a sub-tenancy.

- (5) The Scottish Ministers may by regulations modify the meaning of “relevant information” in subsection (4) so as to add or remove descriptions of information.
- (6) The Scottish Ministers may by regulations modify the meaning of “relevant person” in subsection (4) so as to add or remove descriptions of persons.>

### **After section 18**

#### **Maggie Chapman**

**150** After section 18, insert—

*<Power to subject to rent controls*

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

- (1) The Scottish Ministers must, 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) must provide for—
  - (a) the setting and variation of rent,
  - (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.>

### **After section 18A**

#### **Graham Simpson**

**151** After section 18A, insert—

*<Publication of information on rent*

#### **Publication of information on rent**

- (1) The Scottish Ministers must, by regulations, make any such provision it considers necessary to require each local authority to publish information on the amount of rent payable under relevant tenancies, broken down by each postcode sector for each period of 12 months.

- (2) Regulations under subsection (1) may modify any enactment (including this Act).>

**Maggie Chapman**

- 1 After section 18A, 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,
  - (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**

- 2 After section 18A, 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” means the permitted rate as defined by 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).>

## Section 20

### **Màiri McAllan**

**152** In section 20, page 17, line 16, leave out <etc.> and insert <: property is not exempt property>

### **Maggie Chapman**

**153** In section 20, page 17, line 18, leave out <that is not an exempt property>

### **Maggie Chapman**

**154** In section 20, page 18, leave out lines 38 and 39

### **Màiri McAllan**

**66** In section 20, page 18, line 38, leave out <regulations under>

### **Màiri McAllan**

**155** In section 20, page 19, line 20, at end insert—

<( ) After section 17A (inserted by subsection (2)) insert—

**“17B Prospective landlords’ duty to include information about property in advertisements: exempt property**

- (1) Subsection (2) applies where a person—
  - (a) is proposing to let a property that is an exempt property in a rent control area on an agreement that may give rise to a private residential tenancy, and
  - (b) is communicating with another person by way of advertisement in writing with a view to entering into such an agreement.
- (2) The person must include in the advertisement—
  - (a) a statement that the property is an exempt property,
  - (b) information about the manner in which the property has been confirmed, in accordance with regulations under section 17C(1), as being an exempt property, and
  - (c) any number (including a registration number) associated with the confirmation of the property as an exempt property.
- (3) In this section—

“advertisement” has the same meaning as in section 17A,  
“exempt property” has the meaning given by section 17C(1).”>

**Section 19**

**Maggie Chapman**

- 156 In section 19, page 19, line 24, leave out <(or properties that are exempt properties)>

**Maggie Chapman**

- 157 In section 19, page 19, line 32, leave out from <or> to end of line 15 on page 20

**Màiri McAllan**

- 67 In section 19, page 19, line 34, leave out <regulations under>

**Màiri McAllan**

- 68 In section 19, page 19, line 37, leave out from beginning to <property> in line 2 on page 20 and insert—
- <(1) In this Part and Part 4A, an “exempt property” means a property that—
    - (a) is of a description specified in regulations made by the Scottish Ministers, and
    - (b) is confirmed as being of that description in accordance with one or more processes specified in those regulations.
  - (2) Regulations under subsection (1) may specify a description referred to in paragraph (a) of that subsection, in relation to a property,>

**Màiri McAllan**

**69** In section 19, page 20, line 8, at end insert—

<(2A) A process referred to in subsection (1)(b) that is specified in regulations under subsection (1), in relation to a property, may, in particular, include—

- (a) approval by a person specified in the regulations that the property is of a description referred to in subsection (1)(a),
- (b) signification in a form specified in the regulations that the property is of a description referred to in subsection (1)(a), which may include the inclusion of the property in a register specified in the regulations.

(2B) If regulations under subsection (1) provide that a person specified in the regulations is to approve that a property is of a description referred to in subsection (1)(a), the regulations may, in particular, make provision for or in connection with—

- (a) the procedure to be followed in connection with applications for approval,
- (b) the form and manner in which applications are to be made (including the documents that are to accompany applications),
- (c) fees in connection with applications,
- (d) the duration of approval,
- (e) the withdrawal of approval,
- (f) publication of decisions to approve or to refuse to approve applications,
- (g) appeals against—
  - (i) a decision to refuse approval, or
  - (ii) a decision to withdraw approval,
- (h) requirements for the landlord of a property to notify any tenant—
  - (i) that an application for approval has been made, and
  - (ii) of the outcome of the application.

(2C) If regulations under subsection (1) provide that confirmation that a property is of a description referred to in subsection (1)(a) is to be signified by the inclusion of the property in a register specified in the regulations, the regulations may, in particular, make provision for or in connection with—

- (a) the establishment and maintenance of the register,
- (b) the procedure to be followed in connection with applications for entry of a property in the register,
- (c) the form and manner in which applications are to be made (including the documents that are to accompany applications),
- (d) fees in connection with applications,
- (e) the period for which a property is to be entered in the register (unless the entry is removed earlier),
- (f) removal of entries from the register,
- (g) access to the register by members of the public,

- (h) appeals against—
  - (i) a decision to refuse to enter a property in the register, or
  - (ii) a decision to remove a property from the register,
- (i) requirements for the landlord of a property to notify any tenant—
  - (i) that an application for entry of the property in the register has been made, and
  - (ii) of the outcome of the application.>

**Graham Simpson**

**158** In section 19, page 20, line 8, at end insert—

- <(2A) Regulations under subsection (1) must define a property as an exempt property where it is a build-to-rent property.
- (2B) 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.>

**Graham Simpson**

**159** In section 19, page 20, line 8, at end insert—

- <(2A) Regulations under subsection (1) must define a property as an exempt property where—
  - (a) the rent payable is less than half the open market rent for the relevant category of dwelling in a broad rental market area, and
  - (b) the landlord has incurred significant costs to improve and repair the property.
- (2B) The Scottish Ministers may define “open market rent” and “significant costs” for the purposes of the regulations under subsection (1).
- (2C) In this section, “broad rental market area” has the same meaning as in the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997.>

**Graham Simpson**

**160** In section 19, page 20, line 8, at end insert—

- <(2A) Regulations under subsection (1) must define a property as an exempt property for which the landlord is a registered social landlord or a subsidiary of a registered social landlord.
- (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.>

**Edward Mountain**

**161** In section 19, page 20, line 8, at end insert—

- <(2A) Regulations under subsection (1) must include in the definition of an exempt property any property under a private residential tenancy for which—
- (a) the tenant is an employee of the landlord, and
  - (b) the rent is below the market rate.>

**Meghan Gallacher**

**278** In section 19, page 20, line 8, at end insert—

- <(2A) Regulations under subsection (1) must define any property as an exempt property 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**

**279** In section 19, page 20, line 8, at end insert—

- <(2A) Regulations under subsection (1) must define a property as an exempt property where—
- (a) the property is subject to the Energy Performance of Buildings (Scotland) Regulations 2008, and
  - (b) 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.>

**Edward Mountain**

**162** In section 19, page 20, line 8, at end insert—

- <(2A) The Scottish Ministers must lay a draft of a Scottish statutory instrument containing regulations under subsection (1) within the period of six months beginning with the day after the Housing (Scotland) Act 2025 receives Royal Assent.>

**Maggie Chapman**

**163** In section 19, page 20, line 18, leave out <(other than exempt properties)>

**Maggie Chapman**

**164** In section 19, page 20, line 25, leave out from <and> to end of line 28

**Màiri McAllan**

- 70 In section 19, page 20, line 27, leave out <regulations under>

**Maggie Chapman**

- 165 In section 19, page 21, line 36, leave out <plus one percentage point (but see subsection (3)), and> and insert—

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

**Edward Mountain**

- 166 In section 19, page 21, line 36, leave out <one percentage point> and insert <two percentage points>

**Maggie Chapman**

- 167 In section 19, page 21, line 37, after <6%> insert <, or

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

**Maggie Chapman**

- 168 In section 19, page 22, line 1, 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
- (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**

169 In section 19, page 22, line 16, at end insert—

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

**Maggie Chapman**

170 In section 19, page 22, leave out lines 22 to 26

**Maggie Chapman**

171 In section 19, page 22, line 26, 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%.>

**Maggie Chapman**

172 In section 19, page 22, line 30, leave out <(other than exempt properties)>

**Mark Griffin**

280 In section 19, page 23, line 12, 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, electricity, broadband, or district heating which are directly payable to the landlord under the tenancy agreement.>

**Edward Mountain**

173 In section 19, page 23, line 21, leave out <12> and insert <6>

**Edward Mountain**

174 In section 19, page 23, line 24, leave out <12> and insert <6>

**Maggie Chapman**

3 In section 19, page 24, 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.>

**Maggie Chapman**

71 In section 19, page 24, 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.

5 (2) Specified minimum standards may in particular relate to—

(a) energy efficiency,

(b) quality,

(c) repair,

(d) safety,

10 of the let property.

(3) Regulations under subsection (1) must specify—

(a) the method by which landlords may demonstrate compliance with the minimum standards, and

15 (b) the procedure by which tenants may make a complaint in relation to a landlord's compliance with the minimum standards.>

**Maggie Chapman**

71A As an amendment to amendment 71, line 15, at end insert—

<(4) Regulations under subsection (1) may define minimum standards with reference to—

(a) the tolerable standard as set out in section 86 of the Housing (Scotland) Act 1987, and

(b) the repairing standard as set out in section 13 of Housing (Scotland) Act 2006.>

**Edward Mountain**

175 In section 19, page 25, leave out lines 2 and 3

**Maggie Chapman**

72 In section 19, page 26, line 6, leave out <21> and insert <30>

**Maggie Chapman**

281 In section 19, page 26, leave out line 18

**Maggie Chapman**

282 In section 19, page 26, line 21, at end insert—

<(3A) For the avoidance of doubt, a fee may not be charged for a referral made under subsection (2).>

**Maggie Chapman**

34 In section 19, page 27, line 2, 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 rate, the rent officer must make an order requiring the landlord to pay the tenant an amount specified in regulations.

(4B) Regulations under subsection (4A) must specify situations in which an order requiring the landlord to pay the specified amount should not normally be made.>

**Maggie Chapman**

35 In section 19, page 28, line 22, 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 rate, the rent officer must make an order requiring the landlord to pay the tenant an amount specified in regulations.

(4B) Regulations under subsection (4A) must specify situations in which an order requiring the landlord to pay the specified amount should not normally be made.>

**Maggie Chapman**

73 In section 19, page 29, line 15, leave out <21> and insert <30>

**Maggie Chapman**

36 In section 19, page 30, line 31, 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 specified in regulations.>

**Màiri McAllan**

74 In section 19, page 32, line 38, at end insert—

**<CHAPTER 3**

**POWER OF FIRST-TIER TRIBUNAL TO REQUIRE LANDLORDS TO PAY PENALTY OR COMPENSATION**

**43U Power of First-tier Tribunal to require landlords to pay penalty or compensation**

(1) The Scottish Ministers may by regulations make provision for or in connection with the conferral of powers for the First-tier Tribunal to make an order requiring a landlord to whom subsection (2) applies to pay—

- (a) a financial penalty, or
- (b) a compensation payment to the tenant in question.

(2) This subsection applies to a landlord against whom any of the following orders has been made—

- (a) an order of a rent officer made under section 43M(3),
- (b) an order of a rent officer made under section 43P(3),
- (c) an order of the First-tier Tribunal under section 43R(2)(a),
- (d) an order of the First-tier Tribunal under section 43R(4)(a).

- (3) Regulations under subsection (1) may, in particular, make provision for or in connection with—
  - (a) the maximum amount (not exceeding £1,000) of a financial penalty or a compensation payment that may be imposed by the First-tier Tribunal by virtue of subsection (1),
  - (b) the person to whom any financial penalty is payable,
  - (c) matters to be taken into account by the First-tier Tribunal in determining the amount of a financial penalty or compensation payment imposed by the First-tier Tribunal,
  - (d) the arrangements for payment of a financial penalty or compensation payment,
  - (e) appeals against the imposition, or the amount, of a financial penalty or compensation payment,
  - (f) enforcement relating to the payment of any financial penalty or compensation payment imposed by an order of the First-tier Tribunal.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) 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.
- (5) The requirement to consult under subsection (4)(a) may be met by consultation carried out before this section takes effect.>

#### **After section 21**

#### **Maggie Chapman**

4 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—

##### **“19A 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.”>

## Section 22

### Maggie Chapman

- 75 In section 22, page 33, line 16, after “rent),” insert <—  
( )>

### Maggie Chapman

- 76 In section 22, page 33, line 22, at end insert—  
<( ) after subsection (1), insert—  
“(1A) For the avoidance of doubt, an order under subsection (1) may not state a rent higher than the rent specified in the rent-increase notice.”>

## Section 23

### Maggie Chapman

- 77 In section 23, page 34, line 13, at end insert—  
<(6B) For the avoidance of doubt, the rent specified under subsection (6A) may not be a rent higher than the rent proposed in the notice that led to the referral.”>

## After section 23

### Maggie Chapman

- 5 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,
  - (b) quality,of the let property.”>

### Maggie Chapman

- 78 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.

5 (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.

10 (2) Specified minimum standards may in particular relate to—

- (a) energy efficiency,
- (b) quality,
- (c) repair,
- (d) safety,

15 of the let property.

(3) Regulations under subsection (1) must specify—

- (a) the method by which landlords may demonstrate compliance with the minimum standards, and
- (b) the procedure by which tenants may make a complaint in relation to a landlord’s compliance with the minimum standards.”.>

20

**Maggie Chapman**

78A As an amendment to amendment 78, line 20, at end insert—

<(4) Regulations under subsection (1) may define minimum standards with reference to—

- (a) the tolerable standard as set out in section 86 of the Housing (Scotland) Act 1987, and
- (b) the repairing standard as set out in section 13 of Housing (Scotland) Act 2006.”.>

**Maggie Chapman**

176 After section 23, insert—

*<Mid-market rent*

**Mid-market rent: definition**

(1) The Scottish Ministers may by regulations define mid-market rent.

5 (2) Regulations under subsection (1) may—

- (a) define mid-market rent—
  - (i) with reference to affordability,
  - (ii) in comparison to social housing rent rates,
  - (iii) in comparison to private tenancy rent rates,

- (iv) with reference to any other factors or comparators the Scottish Ministers consider relevant and appropriate,
- (b) specify the circumstances in which the definition must be used.>

**Maggie Chapman**

**176A\*** As an amendment to amendment 176, line 4, leave out <may> and insert <must, within 1 year of Royal Assent,>

**Maggie Chapman**

**177** After section 23, insert—

**<CHAPTER**

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.”>

**Màiri McAllan**

**178** After section 23, insert—

**<CHAPTER**

REVIEW OF THE OPERATION OF PART 1 OF THE ACT

**Review of the operation of Part 1 of the Act**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—
  - (a) carry out a review of the operation and effectiveness of Part 1, and
  - (b) prepare a report on that review.
- (2) In carrying out the review under subsection (1)(a), the Scottish Ministers must consult—
  - (a) local authorities, and
  - (b) persons who appear to them to represent the interests of tenants and landlords.
- (3) In the report prepared under subsection (1)(b), the Scottish Ministers must, in particular—
  - (a) state whether, in their opinion, the provisions of Part 1 have operated effectively during the review period and, if so, explain why,
  - (b) describe the steps taken by them during that period to meet the requirements of Part 1,
  - (c) describe how any regulation-making powers under Part 1 have been exercised by them during that period, and

- (d) describe the steps (if any) they propose to take as a result of the findings of the review.
- (4) The Scottish Ministers must, as soon as reasonably practicable after preparing the report—
  - (a) publish the report, and
  - (b) lay it before the Scottish Parliament.
- (5) In this section, “the review period” means the period of 5 years beginning with the day of Royal Assent.>

**Maggie Chapman**

6 After section 23, insert—

**<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.>

**Edward Mountain**

179 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 in 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*).
- (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**

**180** 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**

**181** 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 by regulations.>

### **Edward Mountain**

**182** 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**

**183** 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**

**184** After section 23, insert —

**<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**

**185** 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**

**186** 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 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).

- (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

187 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

188 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),

- (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**

189 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.

- (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

190 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 on 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

191 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*),

- (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.>

## Section 24

### **Meghan Gallacher**

- 79 In section 24, page 34, line 33, after <disability> insert <or terminal illness>

### **Meghan Gallacher**

- 80 In section 24, page 34, line 38, after <disability> insert <or terminal illness>

### **Edward Mountain**

- 192 In section 24, page 35, line 7, 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 4 months beginning with the day after the application is made by the landlord.>

### **Meghan Gallacher**

- 283 In section 24, page 35, line 10, 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,>

## Section 25

### **Meghan Gallacher**

- 81 In section 25, page 35, line 33, after <disability> insert <or terminal illness>

### **Edward Mountain**

- 193 In section 25, page 35, line 40, 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 4 months beginning with the day after proceedings are raised by the landlord.>

**Meghan Gallacher**

82 In section 25, page 36, line 21, after <disability> insert <or terminal illness>

**Edward Mountain**

194 In section 25, page 36, line 28, 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 4 months beginning with the day after proceedings are raised by the landlord.>

**Section 26**

**Meghan Gallacher**

83 In section 26, page 37, line 10, after <disability> insert <or terminal illness>

**Meghan Gallacher**

84 In section 26, page 37, line 15, after <disability> insert <or terminal illness>

**Edward Mountain**

195 In section 26, page 37, line 22, at end insert—

<(4A) Notwithstanding the duty mentioned in subsection (1), the date of possession of a house specified by the First-tier Tribunal must be no later than the period of 4 months beginning with the day after proceedings are raised by the landlord.>

**Section 27**

**Meghan Gallacher**

85 In section 27, page 38, line 10, after <disability> insert <or terminal illness>

**Meghan Gallacher**

86 In section 27, page 38, line 15, after <disability> insert <or terminal illness>

**Edward Mountain**

196 In section 27, page 38, line 22, 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 4 months beginning with the day after proceedings are raised by the landlord.>

**After section 27**

**Maggie Chapman**

8 After section 27, insert—

*<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**

198\* After section 27, insert—

*<Eviction: notice periods*

**Eviction: notice periods**

- 5 (1) The Scottish Ministers may by regulations make provision for the notice period for evictions from residential properties to be 16 weeks where certain grounds are specified in the notice for eviction.
- (2) Regulations under subsection (1)—
  - (a) must include evictions where the grounds for eviction relate to—
    - 10 (i) the sale of the property by the landlord,
    - (ii) the sale of the property by the mortgagee,
    - (iii) the occupation of the property by the landlord or their family,
  - (b) may exclude evictions where the grounds for eviction relate to—
    - (i) criminal behaviour,
    - (ii) antisocial behaviour,
    - 15 (iii) such other eviction grounds as the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1)—
  - (a) must apply to private residential tenancies and assured tenancies,
  - (b) may apply to any other type of tenancy as the Scottish Ministers consider appropriate.

- 20 (4) 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.>

**Maggie Chapman**

**198A** As an amendment to amendment 198 line 4, leave out <may> and insert <must, as soon as reasonably practicable after Royal Assent>

**Maggie Chapman**

**197\*** After section 27, insert—

*<Protection against eviction*

**Protection against eviction within first 12 months of a tenancy**

- 5 (1) The Scottish Ministers may by regulations make provision for protection against eviction from residential properties to apply from the date a tenancy begins to the day 12 months following that date.
- (2) Regulations under subsection (1)—
- (a) must include evictions relating to—
    - 10 (i) the sale of the property,
    - (ii) the occupation of the property by the landlord and their family,
  - (b) must exclude evictions where the grounds for eviction relate to—
    - (i) criminal behaviour,
    - (ii) antisocial behaviour,
  - (c) may exclude such other evictions as the Scottish Ministers consider appropriate.
- 15 (3) Regulations under subsection (1) must include safeguards for landlords in relation to—
- (a) substantial rent arrears,
  - (b) financial hardship.
- (4) Regulations under subsection (1)—
- 20 (a) must apply to private residential tenancies and assured tenancies,
  - (b) may apply to any other type of tenancy as the Scottish Ministers consider appropriate.
- (5) Before laying a draft Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
- 25 (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**

**197A** As an amendment to amendment 197, line 4, leave out <may> and insert <must, as soon as reasonably practicable after Royal Assent>

**Maggie Chapman**

7 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.>

**Maggie Chapman**

44 After section 27, insert—

*<Protection against eviction*

**Protection against eviction: winter**

- (1) The Scottish Ministers must, within one year of Royal Assent, by regulations make provision for protection against eviction to apply during the period of time from 1 November in each year to 31 March in the following year.
- (2) Regulations under subsection (1)—
  - (a) must exclude evictions relating to—
    - (i) criminal behaviour,
    - (ii) antisocial behaviour,
  - (b) may exclude such other evictions as the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1) must include safeguards for landlords in relation to—
  - (a) substantial rent arrears,
  - (b) financial hardship.
- (4) 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.>

**Maggie Chapman**

284 After section 27, insert—

*<Power to require payment of removal costs*

**Power to require payment of removal costs**

- 5 (1) The Scottish Ministers may by regulations make provision for the payment of removal costs to a tenant evicted from a residential property in certain circumstances.
- (2) Regulations under subsection (1)—
  - (a) must include evictions where the grounds for eviction relate to—
    - (i) the sale of the property by the landlord or mortgagee,

- (ii) the occupation of the property by the landlord or their family,
- 10 (b) must exclude evictions where the grounds for eviction relate to—
- (i) criminal behaviour,
  - (ii) antisocial behaviour,
  - (iii) substantial rent arrears,
- 15 (c) may exclude any other such eviction grounds as the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1) must include safeguards for landlords in relation to financial hardship.
- (4) Regulations under subsection (1)—
- (a) must apply to private residential tenancies and assured tenancies,
  - 20 (b) may apply to any other type of residential tenancy as the Scottish Ministers consider appropriate.
- (5) Regulations under subsection (1) must set out—
- (a) how the payment is to be calculated,
  - (b) a right of appeal for the landlord.
- 25 (6) Before laying a draft 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.>

### **Maggie Chapman**

**284A** As an amendment to amendment 284, line 4, leave out <may> and insert <must, within 1 year of this Part being commenced>

### **Edward Mountain**

**394** After section 27, insert—

*<Evictions: anti-social behaviour*

#### **Private residential tenancies: evictions for anti-social behaviour**

- (1) The 2016 Act is modified as follows.
- (2) After section 51A (inserted by section 24) insert—

#### **“51B Eviction orders: anti-social behaviour**

Where the Tribunal is satisfied that the only ground established for the eviction order is that the tenant has engaged in relevant anti-social behaviour, 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 2 months beginning with the day after the application is made by the landlord.”>

## Edward Mountain

395 After section 27, insert—

*<Evictions: anti-social behaviour*

### **Scottish secure tenancies: evictions for anti-social behaviour**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) After section 16A (inserted by section 25) insert—

#### **“16B Orders for possession: anti-social behaviour**

Where the court is satisfied that the only grounds established for the order for recovery of possession are one or more of the grounds set out in paragraphs 7 or 8 of schedule 2, the date for recovery of possession of a house appointed by the court must be no later than the period of 2 months beginning with the day after proceedings are raised by the landlord.”.>

## Edward Mountain

396 After section 27, insert—

*<Evictions: anti-social behaviour*

### **Assured tenancies: evictions for anti-social behaviour**

- (1) The Housing (Scotland) Act 1988 is modified as follows.
- (2) After section 20A (inserted by section 26) insert—

#### **“20B Orders for possession: anti-social behaviour**

Where the First-tier Tribunal is satisfied that the only grounds established for the order for possession are one or more of Grounds 15(b) or (c) in Part 2 of schedule 5, the date for recovery of possession of a house specified by the First-tier Tribunal must be no later than the period of 2 months beginning with the day after proceedings are raised by the landlord.”.>

## Edward Mountain

397 After section 27, insert—

*<Evictions: anti-social behaviour*

### **Protected tenancies and statutory tenancies: evictions for anti-social behaviour**

- (1) The Rent (Scotland) Act 1984 is modified as follows.
- (2) After section 12ZA (inserted by section 27) insert—

#### **“12ZB Orders for possession: anti-social behaviour**

Where the First-tier Tribunal is satisfied that the only ground established for the order for possession are the circumstances specified in Case 2 of Part 1 of schedule 2, the date of possession of a house specified by the First-tier Tribunal must be no later than the period of 2 months beginning with the day after proceedings are raised by the landlord.”.>

## After section 28

### Mark Griffin

285 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—
    - (a) the only grounds established for the eviction order are one or more of the following eviction grounds—
      - (i) that the landlord intends to sell the let property,
      - (ii) that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property,
      - (iii) that the landlord intends to live in the let property,
      - (iv) that a member of the landlord’s family intends to live in the let property,
      - (v) that the landlord intends to use the let property for a purpose other than housing, and
    - (b) having considered the landlord’s circumstances, it is reasonable not to grant an eviction order.”>

### Mark Griffin

286 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 two years 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

287 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 two years 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.>

**After section 28A**

**Maggie Chapman**

**37** After section 28A, insert—

*<Review of eviction protections*

**Periodic review of eviction protections**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each review period—
  - (a) undertake a review of protections against eviction from residential properties,
  - (b) prepare and publish a report on that review, and
  - (c) lay the report before the Scottish Parliament.
- (2) A report under subsection (1) must in particular include—
  - (a) a comparison of the protections against eviction from residential properties in Scotland to those in the rest of the UK,
  - (b) what steps, if any, are required to ensure that protections against eviction from residential properties are no less in Scotland than in any other part of the UK.
- (3) In this section, “review period” means—
  - (a) the period of 5 years beginning with the day after Royal Assent, and
  - (b) each subsequent period of 5 years.>

**Katy Clark**

**288** After section 28A, 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 6 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 6 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 6 months of the eviction order being granted.”.>

**Katy Clark**

**289** After section 28A, 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.
  - (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.”.>

## Section 29

### Maggie Chapman

9 In section 29, page 41, line 27, 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

10 In section 29, page 41, line 32, at end insert—

<“assistance animal” has the meaning specified by the Scottish Ministers in regulations,>

### Edward Mountain

199 In section 29, page 42, line 5, after <writing> insert <and be sent by the recorded delivery service>

### Maggie Chapman

87 In section 29, page 42, line 8, leave out <42> and insert <30>

### Edward Mountain

200 In section 29, page 42, line 16, after <writing> insert <and be sent by the recorded delivery service>

### Maggie Chapman

12 In section 29, page 42, line 22, leave out <refused consent> and insert <consented>

### Edward Mountain

201 In section 29, page 43, line 1, after <must> insert<—

<(a) be in writing, and sent by the recorded delivery service, and  
(b)>

### Edward Mountain

202 In section 29, page 43, line 13, at end insert—

<(5A) Where the tenant makes an appeal under subsection (1), the tenant must not keep the pet at the let property before the First-tier Tribunal has—

(a) dismissed the appeal under section 64D(2)(b), or

(b) made a consent order under section 64D(2)(a), (4)(a) or (6)(a)(i).>

### Edward Mountain

203 In section 29, page 44, line 5, at end insert—

**<64DA Restrictions on further requests following dismissal of appeal**

Where the First-tier Tribunal dismisses an appeal under section 64D(2)(b), (4)(b) or (6)(a)(ii), the tenant may not make a further request under section 64B unless there has been a material change in circumstances.>

**Màiri McAllan**

**88** In section 29, page 44, line 6, leave out <Duty> and insert <Power>

**Màiri McAllan**

**89** In section 29, page 44, line 8, leave out <must> and insert <may>

**Edward Mountain**

**204** In section 29, page 44, line 10, at end—

<(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.>

**Màiri McAllan**

**90** In section 29, page 44, line 14, at end insert—

<(3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.

(4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.>

**Edward Mountain**

**205** In section 29, page 44, line 14, at end insert—

<(3) The Scottish Ministers must lay a draft of a Scottish statutory instrument containing regulations under subsection (1) within the period of six months beginning with the day after the Housing (Scotland) Act 2025 receives Royal Assent.>

**Màiri McAllan**

**91** In section 29, page 44, line 15, leave out <Duty> and insert <Power>

**Màiri McAllan**

**92** In section 29, page 44, line 17, leave out <must> and insert <may>

**Edward Mountain**

**206** In section 29, page 44, line 19, 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.>

**Màiri McAllan**

93 In section 29, page 44, line 23, at end insert—

- <(3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.>

**Edward Mountain**

207 In section 29, page 45, line 11, 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**

208 In section 29, page 45, line 28, after <writing> insert <and be sent by the recorded delivery service>

**Maggie Chapman**

94 In section 29, page 45, line 31, leave out <42> and insert <30>

**Edward Mountain**

209 In section 29, page 45, line 39, after <writing> insert <and be sent by the recorded delivery service>

**Edward Mountain**

210 In section 29, page 46, line 6, at end insert—

- <(6) Unless the landlord agrees otherwise (in writing and sent by the recorded delivery service), where a tenant makes a 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**

211 In section 29, page 46, line 21, after <must> insert<—

- (a) be in writing, and sent by the recorded delivery service, and
- (b)>

**Màiri McAllan**

95 In section 29, page 47, line 26, leave out <Duty> and insert <Power>

**Màiri McAllan**

96 In section 29, page 47, line 27, leave out <must> and insert <may>

**Màiri McAllan**

212 In section 29, page 47, leave out lines 34 and 35

**Maggie Chapman**

38 In section 29, page 48, line 1, at end insert—

- <(4) Regulations under subsection (1) must provide that a change of the type specified in subsection (5) is a category 2 change.
- (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.
- (6) The Scottish Ministers may issue guidance in relation to changes falling under subsection (5).>

**Màiri McAllan**

97 In section 29, page 48, line 1, at end insert—

- <(4) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (5) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.>

**Màiri McAllan**

98 In section 29, page 48, line 2, leave out <Duty> and insert <Power>

**Màiri McAllan**

99 In section 29, page 48, line 4, leave out <must> and insert <may>

**Màiri McAllan**

213 In section 29, page 48, leave out lines 7 and 8

**Màiri McAllan**

100 In section 29, page 48, line 12, at end insert—

- <(3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.>

## After section 29

### Paul Sweeney

101\* After section 38, insert—

*<Social landlords: disposal of land affecting tenants*

#### **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 115A(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.”.>

## Section 30

### Maggie Chapman

13 In section 30, page 49, line 5, 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

14 In section 30, page 49, line 14, at end insert—

<“assistance animal” has the meaning specified by the Scottish Ministers in regulations.>

### Màiri McAllan

102 In section 30, page 49, line 23, leave out <Duty> and insert <Power>

### Màiri McAllan

103 In section 30, page 49, line 25, leave out <must> and insert <may>

### Edward Mountain

214 In section 30, page 49, line 27, 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.>

**Màiri McAllan**

104 In section 30, page 49, line 31, at end insert—

- <(3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.>

**Edward Mountain**

215 In section 30, page 49, line 31, at end insert—

- <(3) The Scottish Ministers must lay a draft of a Scottish statutory instrument containing regulations under subsection (1) within the period of six months beginning with the day after the Housing (Scotland) Act 2025 receives Royal Assent.>

**Edward Mountain**

216 In section 30, page 50, line 14, after <application> insert <, sent by the recorded delivery service,>

**Edward Mountain**

217 In section 30, page 50, line 28, after <writing> insert <, sent by the recorded delivery service,>

**Maggie Chapman**

15 In section 30, page 50, line 29, leave out <of one month> and insert <specified by the Scottish Ministers in regulations, not exceeding 30 days>

**Edward Mountain**

218 In section 30, page 50, line 30, at end insert—

- <8FA Where the landlord refuses consent in compliance with regulations under section 31C, the tenant may not make a further application unless there has been a material change in circumstances.>

**Edward Mountain**

219 In section 30, page 50, line 36, leave out <consented> and insert <refused consent>

**Before section 31**

**Maggie Chapman**

45 Before section 31, insert—

*<Amount of deposits*

**Amount of deposit**

- (1) The Rent (Scotland) Act 1984 is modified as follows.
- (2) In section 90(3) (interpretation of Part VIII), for the seventh “of” substitute “specified by Scottish Ministers in regulations under section 89A, such amount being less than”.>

**Maggie Chapman**

**220** 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.”.>

**Edward Mountain**

**221** Before section 31, insert —

*<Tenancy deposits review: 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 —

**“120A 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.
- (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.”.>

**Meghan Gallacher**

290 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**

222 Before section 31, insert—

*<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.>

**Ross Greer**

291 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 (4) 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.>

**Ross Greer**

**292** Before section 31, insert—

*<Guarantor scheme*

**Guarantor scheme where tenant is estranged**

- (1) The Scottish Ministers may by regulations set up a scheme for provision of a guarantor for a tenant who is estranged from their family.
- (2) Regulations under subsection (1) may—
  - (a) include provision on how to determine whether an individual is estranged from their family,
  - (b) make different provisions for different categories and different circumstances.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.
- (4) In this section—

“guarantor” is a person who enters into a guarantee in relation to a tenancy,  
“tenant” means a person occupying a residential property under a lease, including student lets.>

## Section 31

### Edward Mountain

223 In section 31, page 52, leave out line 16

### Edward Mountain

224 In section 31, page 52, leave out lines 17 and 18

### Edward Mountain

225 In section 31, page 52, leave out line 19

### Edward Mountain

226 In section 31, page 52, line 20, at end insert —

<(ba) improving, refurbishing or securing the provision of social and publicly owned housing,>

### Edward Mountain

227 In section 31, page 52, line 25, leave out <(a) or>

## After section 37

### Graham Simpson

228 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) details of any structural alterations, extensions, significant repairs or renewals to the property during the landlord’s period of ownership,
    - (ii) details of any repairs, maintenance, or improvements carried out within the past 5 years,
    - (iii) the most recent Energy Performance Certificate (EPC) rating for the property, and”.>

### Maggie Chapman

229 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.”>

**Section 38**

**Katy Clark**

**293** In section 38, page 56, line 35, 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.>

**After section 38**

**Pam Duncan-Glancy**

**105** After section 38, insert—

*<Ending student tenancies*

**Student residential tenancies: power to enable tenant to bring tenancy to an end**

- (1) The Scottish Ministers may by regulations make provision for or in connection with enabling a tenant under a student residential tenancy to bring to an end the tenancy in such circumstances, and subject to such requirements, as may be specified in the regulations.
- (2) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) 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 student residential tenancies, and
  - (b) may consult any other person they consider appropriate.

(3) In this section—

“student” has the meaning given 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 of the 2016 Act (tenancies which cannot be private residential tenancies) applies,

“tenancy” includes sub-tenancy,

“tenant” includes sub-tenant.>

### **Section 38A**

#### **Mark Griffin**

**294** In section 38A, page 59, line 6 at end insert—

<(aaa) the qualifications required by an inspector to undertake an inspection of the house to determine whether a qualifying repair is required, where the inspection concerns damp or mould.>

### **After section 38A**

#### **Mark Griffin**

**295** After section 38A, insert—

*<Tolerable standard: damp and mould*

#### **Tolerable standard: damp and mould**

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In section 86 (definition of house meeting tolerable standard), after subsection (1C) insert—

“(1D) Any such guidance issued by the Scottish Ministers may further specify the circumstances in which a house is to be considered to be substantially free from rising or penetrating damp under subsection (1)(b).”>

#### **Mark Griffin**

**296** After section 38A, insert—

*<Social landlords: guidance on damp*

#### **Social landlords: guidance on damp**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In schedule 4 (Scottish secure tenancy: landlord’s repairing obligations), paragraph 5—
  - (a) the existing words from “the extent” to end become paragraph (a),
  - (b) after “area” insert—

“(b) any guidance issued by Scottish Ministers in relation to the extent, if any, of dampness.”>

**Mark Griffin**

297 After section 38A, insert—

*<Repairing standard: guidance on damp*

**Repairing standard: guidance on damp**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 13 (the repairing standard), subsection (2)—
  - (a) the existing words from “the extent” to end become paragraph (a),
  - (b) after “regulations” insert—

“(b) any guidance issued by Scottish Ministers in relation to the extent, if any, of dampness.”.>

**Graham Simpson**

231 After section 38A, insert—

*<Repairing standard*

**Repairing standard: landlord’s duty to repair and maintain**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 14 (landlord’s duty to repair and maintain), in subsection (4), leave out from “within” to end and insert “—
  - (a) in the case of work relating to damp and mould, within 14 days of the landlord being notified by the tenant, or otherwise becoming aware, that the work is required,
  - (b) in the case of any other work, within a reasonable time of the landlord being notified by the tenant, or otherwise becoming aware, that the work is required.”.>

**Graham Simpson**

230 After section 38A, insert—

*<Repairing standard*

**Repairing standard: landlord’s duty to repair and maintain**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 14 (landlord’s duty to repair and maintain), in subsection (4), for “a reasonable time” substitute “14 days”.>

**Mark Griffin**

298 After section 38A, insert—

*<Repairing standard*

**Power to modify repairing standard: inspections**

- (1) The Housing (Scotland) Act 2006 is modified as follows.

- (2) In section 20A (power to modify repairing standard etc.), subsection (2), paragraph (c), after “standard” insert “, including the qualifications required by an inspector to undertake an inspection where the inspection concerns damp or mould”.>

**Mark Griffin**

**299** After section 38A, insert—

*<Repairing standard*

**Power to modify repairing standard**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 20A (power to modify repairing standard etc.), subsection (2), after paragraph (c) insert—
- “(d) the period within which—
- (i) the landlord is to respond to a notification from the tenant that work requires to be carried out for the purposes of complying with the repairing standard,
  - (ii) work is to be carried out for the purposes of complying with the repairing standard is to be commenced,
  - (iii) work is to be carried out for the purposes of complying with the repairing standard is to be completed.”.>

**Ariane Burgess**

**300** After section 38A, insert—

*<Housing standards: local authority inspections*

**Housing standards: local authority inspections: renewal**

- (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 considers that the house of the person does not meet relevant safety, quality and energy efficiency standards, the authority must give notice to the landlord that the landlord has a period of time to be set in regulations by the Scottish Ministers to address the concerns specified in the notice.
- (4) Where the authority is satisfied that—
- (a) the landlord has not addressed the concerns specified in the notice within the period set out in regulations under subsection (3), and
  - (d) the house of the person does not meet relevant safety, quality and energy efficiency standards,

the authority may require the person to pay a financial penalty specified by the Scottish Ministers in regulations under subsection (3).

- (5) Regulations under subsection (3) must additionally—
- (a) set out the relevant standards that a house must meet,
  - (b) make provision for a process by which a person fined under subsection (4) may appeal.
- (6) 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**

**301** After section 38A, insert—

*<Housing standards: local authority inspections*

**Housing standards: local authority inspections**

- (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 considers that the house of the person does not meet relevant safety, quality and energy efficiency standards, the authority must give notice to the landlord that the landlord has a period of time to be set in regulations by the Scottish Ministers to address the concerns specified in the notice.
- (4) Where the authority is satisfied that—
- (a) the landlord has not addressed the concerns specified in the notice within the period set out in regulations under subsection (3), and
  - (d) the house of the person does not meet relevant safety, quality and energy efficiency standards,
- the authority may require the person to pay a financial penalty specified by the Scottish Ministers in regulations under subsection (3).
- (5) Regulations under subsection (3) must additionally—
- (a) set out the relevant standards that the house must meet,
  - (b) make provision for a process by which a person fined under subsection (4) may appeal.
- (6) 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.>

## Section 38B

### Edward Mountain

- 232 In section 38B, page 59, line 20, after <(2)(b)(ii)> insert <—  
( )>

### Edward Mountain

- 233 In section 38B, page 59, line 21, at end insert—  
<( ) after “death” insert—  
“(ba) that the resident carer is a member of the tenant’s family,”.>

## Section 38C

### Edward Mountain

- 234 In section 38C, page 59, line 27, after “4(b)” insert—  
<( )>

### Edward Mountain

- 235 In section 38C, page 59, line 27, at end insert—  
<( ) after “death” insert—  
“(ba) the carer is a member of the tenant’s family,”>

### Mark Griffin

- 302 In section 38C, page 59, line 27, at end insert—  
<( ) in paragraph 11(3)(a), for “3” substitute “6”.>

## After section 40

### Maggie Chapman

- 47 After section 40 insert—

*<Private Rented Sector Charter*

#### **Private Rented Sector Charter**

- (1) The Scottish Ministers must, within 12 months of the coming into force of this section, publish a document to be known as the Private Rented Sector Charter (“the Charter”).
- (2) The Charter must set out a summary of—
  - (a) the rights and responsibilities of landlords and tenants under a relevant tenancy,
  - (b) the processes for dispute resolution between landlords and tenants under a relevant tenancy.
- (3) The Charter must also include standards and outcomes which landlords should aim to achieve when performing housing activities in relation to a relevant 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.
- (5) In developing the Charter, the Scottish Ministers must consult such persons as they consider appropriate.
- (6) The Charter is to be published in such form and manner as the Scottish Ministers consider appropriate and laid before the Scottish Parliament.
- (7) The Scottish Ministers must make available without charge copies of the Charter to members of the public.
- (8) 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).
- (9) 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 (6),
  - (b) in the case of a new tenancy, before the day on which the tenancy commences.
- (10) In relation to a tenancy to which the Charter laid under subsection (6) 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 subsection (9).
- (11) In this section, “relevant tenancy” means a private residential tenancy or assured tenancy.>

### **Maggie Chapman**

**303** After section 40, insert—

#### **<Review of the Private Rented Sector Charter**

- (1) The Scottish Ministers must review the Charter laid under section (*Private Rented Sector Charter*)(6)—
  - (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**

16 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, and
- (b) the Private Rented Sector Charter.
- (2) The information under subsection (1) must be provided before the day on which the tenancy commences.”.>

**Paul Sweeney**

304 After section 40, insert—

*<Social housing models*

**Encouraging diverse social housing models**

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) In section 3(2) (the Regulator’s functions), after paragraph (b) insert—
- “(ba) encourages a diversity of social housing models, including housing co-operatives,”.>

**Mark Griffin**

305 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.
- (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,

- (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.
- (3B) Nothing in subsection (3A) prevents the landlord from taking any steps to recover any rent arrears from the tenant or former tenant.”.>

**Before section 41**

**Sarah Boyack**

**306** Before section 41, insert—

*<Homelessness register*

**Homelessness register**

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) Before Part 1 (provision of housing) insert—

**“PART A1**

REGISTER OF HOMELESS HOUSEHOLDS

*Duty on Scottish Ministers*

**A1 Register of homeless households**

- (1) The Scottish Ministers must by regulations establish and maintain a register of homeless households.
- (2) Regulations under subsection (1) may make provision about—
  - (a) the information to be contained on the register,
  - (b) the process for entering information on the register,
  - (c) the process for removing and updating information on the register,
  - (d) the bodies that may have access to the register,
  - (e) how the information on the register may be used,
  - (f) such other provision as required to enable the register to be maintained.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.”.>

**Section 41**

**Jeremy Balfour**

**106** In section 41, page 61, line 32, at end insert—

<( ) In section 31 (duties to persons found to be homeless), after subsection (2) insert—

“(2ZA) In securing permanent accommodation for a person under subsection (2), the local authority must have regard to the particular needs of the person arising from their protected characteristics within the meaning of the Equality Act 2010.”>

**Pam Duncan-Glancy**

**307** In section 41, page 62, line 18, at end insert—

<(2D) In a case falling within subsection (2) where the applicant is a care leaver, the local authority must offer the applicant a referral to organisations providing throughcare and aftercare support services.

(2E) For the purposes of subsection (2D)—

(a) a “care leaver” is a person who—

(i) is under the age of 26 years,

(ii) was on that person’s sixteenth birthday or at any subsequent time looked after by a local authority, and

(iii) is no longer looked after by a local authority; and “looked after” is to be construed in accordance with sections 17(6) (duty of local authority to child looked after by them) and 29(7) (after-care) of the Children (Scotland) Act 1995,

(b) “throughcare and aftercare support services” means such advice, assistance and support as the local authority considers appropriate having regard to the applicant’s needs and welfare.

(2F) The Scottish Ministers may prepare and publish guidance on the type of support that may be offered under subsection (2D).”>

**Pam Duncan-Glancy**

**308** In section 41, page 62, line 23, at end insert—

<( ) After section 32B insert—

**“32C Care leavers: support services**

(1) The Scottish Ministers must prepare guidance to local authorities on the support that may be offered to a person—

(a) whose case falls within section 32(2), and

(b) who is a care leaver.

(2) The Scottish Ministers must, in preparing guidance under subsection (1) consult—

(a) local authorities,

(b) organisations providing support to care leavers,

(c) organisations representing the views of care leavers,

(d) such other persons as the Scottish Ministers consider appropriate.

(3) The Scottish Ministers must publish guidance prepared under subsection (1).

(4) In this section, a “care leaver” is a person who—

(a) is under the age of 26 years,

- (b) was on that person's sixteenth birthday or at any subsequent time looked after by a local authority, and
- (c) is no longer looked after by a local authority; and "looked after" is to be construed in accordance with sections 17(6) (duty of local authority to child looked after by them) and 29(7) (after-care) of the Children (Scotland) Act 1995.">

**Katy Clark**

**309** In section 41, page 63, line 12, at end insert—

- <(aa) whether the person is homeless or threatened with homelessness as a consequence of the person having experienced or experiencing abuse,>

**Katy Clark**

**310** In section 41, page 63, line 19, at end insert—

- <(3) For the purposes of this section and sections 36B and 36C, "abuse" has the meaning given by section 43.>

**Katy Clark**

**311** In section 41, page 63, line 35, at end insert—

- <(4) If the relevant body is informed that the person is homeless as a consequence of the person having experienced or experiencing abuse, the relevant body must provide the person with details of such support that may be available to the person as the relevant body considers appropriate in the circumstances.>

**Jeremy Balfour**

**107** In section 41, page 64, line 34, at end insert—

- <(4A) A relevant body may share information in connection with the person with any other relevant body—
  - (a) for the purpose of preventing or relieving homelessness of the person, and
  - (b) with the consent of the person.>

**Katy Clark**

**312** In section 41, page 64, line 34, at end insert—

- <(4A) If the relevant body is informed that the person is threatened with homelessness as a consequence of the person having experienced or experiencing abuse, the relevant body must provide the person with details of such support that may be available to the person as the relevant body considers appropriate in the circumstances.>

**Jeremy Balfour**

**108** In section 41, page 65, line 11, at end insert—

**<36ZCA Duty to act: concerns and review**

- (1) The Scottish Ministers may by regulations specify the procedure by which the person, in connection with the support that has been offered or provided to the person under section 36C(2), may—
  - (a) raise a concern with the relevant body,
  - (b) request a review from the relevant body.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.>

**Sarah Boyack**

**313** In section 41, page 65, line 15, at end insert—

**<36CB Information sharing**

- (1) The Scottish Ministers must by regulations make provision for a system of information sharing between relevant bodies where a relevant body has reason to believe that a person is homeless or threatened with homelessness.
- (2) Regulations under subsection (1) may provide that information may be shared with relevant bodies unless the person who is believed to be homeless or threatened with homelessness opts out of the system.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
  - (a) each relevant body,
  - (b) organisations supporting people who are homeless or threatened with homelessness,
  - (c) the Information Commissioner,
  - (d) such other persons as they consider appropriate.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.>

**Elena Whitham**

**314\*** In section 41, page 65, line 17, after <body> insert <and community planning partnership>

**Elena Whitham**

**315** In section 41, page 65, line 20, at end insert—

- <(2) In this section, “community planning partnership” has the meaning given by section 4 of the Community Empowerment (Scotland) Act 2015.”.>

**Meghan Gallacher**

**316** In section 41, page 65, line 20, at end insert—

**<36E Principles in relation to the exercise of homelessness duties**

- (1) The Scottish Ministers must, by regulations, set out a statement of principles which apply to the exercise of duties under sections 36A to 36D.

- (2) Principles to be set out in regulations under subsection (1) may include—
  - (a) homelessness prevention is a shared responsibility requiring actions to be taken by all relevant bodies,
  - (b) relevant bodies are to be provided with the necessary training to ensure a person-centred approach to homelessness prevention,
  - (c) relevant bodies are to work together towards shared outcomes for a person who is homeless or may be threatened with homelessness,
  - (d) relevant bodies are to take any actions they consider appropriate to prevent homelessness,
  - (e) relevant bodies are to ensure that all reasonable actions to prevent homelessness are explored.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.”.>

**Meghan Gallacher**

**317** In section 41, page 65, line 20, at end insert—

**<36E Continuing professional development**

- (1) The Scottish Ministers must by regulations make provision for or in connection with the continuing professional development of persons who provide advice or services to prevent homelessness.
- (2) Regulations under subsection (1) may include provision about continuing professional development activities which the persons mentioned in subsection (1) may or must undertake (“CPD activities”), such as—
  - (a) requiring the persons mentioned in subsection (1) to undertake particular, or a particular amount of, CPD activities,
  - (b) the form and content of CPD activities,
  - (c) the accreditation of CPD activities and the persons providing CPD activities,
  - (d) requiring that any person providing CPD activities or any particular description of CPD activities in accordance with the regulations holds such qualifications as may be specified in the regulations,
  - (e) the minimum criteria for successful completion of CPD activities,
  - (f) how successful completion of CPD activities is recorded.
- (3) Regulations under subsection (1) may make provision for persons other than the Scottish Ministers carrying out functions in relation to CPD activities.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.”.>

**Sarah Boyack**

**318** In section 41, page 66, line 18, at end insert—

- <(za) the board of management of a college of further education (those expressions having the same meanings as in section 36(1) of the Further and Higher Education (Scotland) Act 1992),
- (zb) the British Waterways Board,

(zc) the Crofting Commission,>

**Sarah Boyack**

319 In section 41, page 66, line 18, at end insert—

<(za) a community planning partnership (within the meaning of section 4 of the Community Empowerment (Scotland) Act 2015),>

**Sarah Boyack**

320 In section 41, page 66, line 20, at end insert—

<(aa) Highlands and Islands Enterprise,>

**Sarah Boyack**

321 In section 41, page 66, line 23, at end insert—

<(ca) a National Park authority established by virtue of a designation order under section 6 of the National Parks (Scotland) Act 2000,>

**Mark Griffin**

322 In section 41, page 66, line 24, at end insert—

<(da) a provider of primary medical services (within the meaning of the National Health Service (Scotland) Act 1978),>

**Sarah Boyack**

323 In section 41, page 66, line 24, at end insert—

<(da) a regional Transport Partnership established by virtue of section 1(1)(b) of the Transport (Scotland) Act 2005,>

**Sarah Boyack**

324 In section 41, page 66, line 26, at end insert—

<(ea) the Scottish Courts and Tribunals Service,  
(eb) Scottish Enterprise,  
(ec) the Scottish Environment Protection Agency,  
(ed) the Scottish Fire and Rescue Service,>

**Sarah Boyack**

325 In section 41, page 66, line 34, at end insert—

<(fb) Scottish Natural Heritage,  
(fc) the Scottish Police Authority,  
(fd) Scottish Water,  
(fe) Social Security Scotland,  
(ff) South of Scotland Enterprise,>

**Jeremy Balfour**

109 In section 41, page 66, line 34, at end insert—

<(fb) Social Security Scotland,>

**After section 41**

**Màiri McAllan**

326 After section 41, insert—

*<Homeless persons: intentionality*

**Power to modify provision about a person becoming homeless intentionally**

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) After section 40A (meaning of homelessness and threatened with homelessness) (inserted by section 41(6B)), insert—

**“40B Power to modify provision about a person becoming homeless intentionally**

- (1) The Scottish Ministers may by regulations modify for the purposes of this Part—
  - (a) the meaning in section 26 of a person becoming homeless intentionally,
  - (b) the power of a local authority under section 28(2)(b) to make further inquiries about whether a person became homeless intentionally,
  - (c) any other provision of this Part that relates to a local authority’s determination as to whether or not a person became homeless intentionally.
- (2) Regulations under subsection (1) may—
  - (a) make different provision for different purposes,
  - (b) make incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (c) modify any enactment (including this Act).
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
  - (a) must consult local authorities,
  - (b) may consult any other person they consider appropriate.
- (5) The requirement to consult under subsection (4) may be met by consultation carried out before that subsection takes effect.”>

**Maggie Chapman**

110 After section 41, insert—

*<Intentional homelessness>*

**Consultation on intentional homelessness**

- (1) The Scottish Ministers must, within 1 year of Royal Assent, carry out a public consultation on removing the ability for any relevant body to treat individuals who have become homeless intentionally differently to other homeless individuals.
- (2) The Scottish Ministers must publish a report on the outcome of the consultation carried out under subsection (1).
- (3) Following the publication of the report under subsection (2), the Scottish Ministers may, by regulations—
  - (a) repeal any legislation relating to intentional homelessness,
  - (b) make new provision in relation to intentional homelessness.
- (4) Regulations under subsection (3) may make any necessary and relevant modifications to any enactment (including this Act).
- (5) For the purposes of this section, “relevant body” has the meaning given by section 43 of the Housing (Scotland) Act 1987 (inserted by section 41).>

**Maggie Chapman**

236 After section 41, insert—

*<Intentional homelessness>*

**Report on intentional homelessness**

- (1) The Scottish Ministers must, within 2 years of Royal Assent, prepare and publish a report on the repeal of legislation providing for the different treatment of individuals who have become homeless intentionally to other homeless individuals.
- (2) The report under subsection (1) must include a statement of the steps that Scottish Ministers intend to take to—
  - (a) repeal the existing legislation,
  - (b) if the Scottish Ministers consider it appropriate, replace the legislation with alternative legislative or non-legislative provision in relation to intentional homelessness.>

**Jamie Halcro Johnston**

237 After section 41, insert—

*<Rough sleeping>*

**Duty to end rough sleeping**

- (1) The Scottish Ministers must take reasonable steps to ensure that, by 31 December 2029, there is no rough sleeping in Scotland.
- (2) The Scottish Ministers must publish and lay a report before the Scottish Parliament on the progress that has been made towards meeting the duty mentioned in subsection (1)—
  - (a) in the case of the first report, by no later than 31 December 2027, and
  - (b) in the case of the second report, by no later than 31 December 2028.

(3) In this Part—

“rough sleeping” means people sleeping, about to bed down, or bedded down in—

- (a) the open air, including on the streets, in tents, doorways, parks, bus shelters or encampments, or
- (b) buildings or other places not designed for habitation, including stairwells, barns, sheds, car parks, cars, derelict boats, or stations,

as a consequence of lack of choice of suitable alternative sleeping arrangements or the absence of support to access stable housing,

“about to bed down” means lying down or sitting on or near a sleeping bag or other bedding,

“bedded down” means lying down or sleeping.>

### **Jamie Halcro Johnston**

**238** After section 41, insert—

#### **<Rough sleeping action plan**

- (1) The Scottish Ministers must, by no later than 31 December 2026, prepare an action plan on how they intend to meet the duty under section (*Duty to end rough sleeping*).
- (2) The action plan mentioned in subsection (1) must set out—
  - (a) the Scottish Ministers’ objectives with regards to ending rough sleeping,
  - (b) the Scottish Ministers’ plans for meeting those objectives (including priorities for action),
  - (c) arrangements for monitoring progress towards meeting the objectives.
- (3) In preparing the action plan mentioned in subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The action plan prepared under subsection (1) must be published and laid before the Scottish Parliament.>

## **Section 42**

### **Graham Simpson**

**239** In section 42, page 67, line 17, after <strategies),> insert <—

<( ) in subsection (2)(b), after “area” insert “, including students,”  
( )>

## **Section 43**

### **Màiri McAllan**

**240** In section 43, page 67, line 26, at end insert—

<( ) in subsection (2)(aa)(vi), for “domestic abuse (within the meaning of section 33(3))” substitute “abuse”,>

**Màiri McAllan**

- 241 In section 43, page 67, line 32, leave out <subsection> and insert <subsections (2)(aa)(vi) and>

**Maggie Chapman**

- 327 In section 43, page 68, leave out lines 10 to 12 and insert—
- <(a) controlling, coercive, threatening, degrading, or violent behaviour, including sexual violence,
  - (ab) any other conduct likely to result in mental or physical harm, fear, alarm, or distress, and>

**After section 44**

**Katy Clark**

- 328 After section 44, insert—
- <Social landlords: ending joint tenancies where domestic abuse is a factor**
- (1) The Scottish Ministers must, within 1 year of Royal Assent, lay regulations under section 24 of the Domestic Abuse (Protection) (Scotland) Act 2021 to bring into force section 22 of that Act.
  - (2) The Housing (Scotland) Act 2001 is modified as follows.
  - (3) In section 13 (termination of joint tenant’s interest in tenancy), at the beginning insert “Subject to section 13A.”.
  - (4) After section 13, insert—
    - “13A Termination of joint tenant’s interest in tenancy where domestic abuse is a factor**
    - (1) Where a joint tenant under a Scottish secure tenancy has experienced, is experiencing or is at risk of domestic abuse, that tenant may end their interest in the tenancy—
      - (a) without giving notice to each of the other joint tenants,
      - (b) by 1 week’s notice given to the landlord.
    - (2) Where a landlord receives notice under subsection (1), the landlord must provide the tenant with details of such other support that may be available to the tenant in relation to domestic abuse as the landlord considers appropriate in the circumstances.”.>

**Section 45**

**Katy Clark**

- 329 In section 45, page 69, line 12, after <14A(6A)> insert <, including what steps a landlord may take to write off, in whole or in part, the rent arrears or other mitigating action in relation to the rent arrears>

## After section 45

### Meghan Gallacher

111 After section 45, insert—

#### <Scottish Social Housing Charter: supporting tenants affected by domestic abuse

- (1) The Housing (Scotland) Act 2010 is amended as follows.
- (2) In section 32 (standards and outcomes)—
  - (a) in subsection (1)(b), at the end insert “, including the associated support that social landlords should provide to tenants whom they have reason to believe have experienced, are experiencing or are at risk of domestic abuse,”
  - (b) after subsection (2) insert—
    - “(3) In subsection (1)(b), “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).”.>

### Maggie Chapman

17 After section 45, insert—

#### <Improving housing outcomes for women and children experiencing domestic abuse: implementation

- (1) The Scottish Ministers must, within 1 year of Royal Assent, prepare and publish a timetable for the implementation of the recommendations of the report on improving housing outcomes for women and children experiencing domestic abuse.
- (2) The Scottish Ministers must, in relation to each reporting period, prepare and publish a report on the progress of the implementation of the recommendations of the report named in subsection (1).
- (3) For the purposes of subsection (2), a reporting period is—
  - (a) the period of 1 year after the publication of the timetable in subsection (1), and,
  - (b) each subsequent period of 1 year until all of the recommendations have been implemented.
- (4) For the purposes of this section, the report on improving housing outcomes for women and children experiencing domestic abuse is the Scottish Government working group report published in December 2020.>

### Maggie Chapman

18 After section 45, insert—

#### <Homelessness prevention strategy

##### **LGBT+ homelessness prevention strategy**

- (1) The Scottish Ministers must, as soon as reasonably practicable, prepare a homelessness prevention strategy for LGBT+ people.

- (2) The strategy mentioned in subsection (1) must set out—
  - (a) the Scottish Ministers’ objectives with regards to homelessness prevention for LGBT+ people,
  - (b) the Scottish Ministers’ plans for meeting those objectives (including priorities for action),
  - (c) arrangements for monitoring progress towards meeting the objectives.
- (3) The strategy may include such other information as the Scottish Ministers consider appropriate.
- (4) In preparing the strategy, the Scottish Ministers must consult—
  - (a) LGBT+ people, and
  - (b) any other persons they consider appropriate.
- (5) The strategy prepared under subsection (1) must be published and laid before the Scottish Parliament.
- (6) For the purposes of this section, “LGBT+ people” means lesbian, gay, bisexual, and transgender people as well as such other people as the Scottish Ministers consider appropriate.>

**Maggie Chapman**

332 After section 45, insert—

*<Homelessness prevention strategy*

**Gypsy and traveller homelessness prevention strategy**

- (1) The Scottish Ministers must, as soon as reasonably practicable, prepare a homelessness prevention strategy for Gypsies and Travellers.
- (2) The strategy mentioned in subsection (1) must set out—
  - (a) the Scottish Ministers’ objectives with regards to homelessness prevention for Gypsies and Travellers,
  - (b) the Scottish Ministers’ plans for meeting those objectives (including priorities for action),
  - (c) arrangements for monitoring progress towards meeting the objectives.
- (3) The strategy may include such other information as the Scottish Ministers consider appropriate.
- (4) In preparing the strategy, the Scottish Ministers must consult—
  - (a) Gypsies and Travellers, and
  - (b) any other persons they consider appropriate.
- (5) The strategy prepared under subsection (1) must be published and laid before the Scottish Parliament.>

**Edward Mountain**

330 After section 45, insert—

*<Employment linked accommodation*

**Homelessness following loss of employment linked accommodation**

- (1) The Scottish Ministers must, by regulations, make provision for persons who have become homeless where—
  - (a) a person has resided in accommodation provided as a direct result of that person’s employment, and
  - (b) the person has lost their right to reside in that accommodation as a result of no longer having the relevant employment.
- (2) Regulations under subsection (1) must provide—
  - (a) that such persons are to be treated as homeless for the purposes of Part 2 of the Housing (Scotland) Act 1987 from the date that their employment ends,
  - (b) for a process to ensure that such persons are able to be provided with appropriate accommodation within 3 months of the date that their employment ends.>

**Mark Griffin**

**331** After section 45, insert—

*<Power to restate homelessness prevention provisions in the 1987 Act*

**Power to restate provisions of the 1987 Act dealing with homelessness prevention**

- (1) The Scottish Ministers may by regulations repeal and restate Part 2 of the 1987 Act.
- (2) In restating Part 2 of the 1987 Act, the Scottish Ministers may make such modifications of that Part as they consider necessary or desirable in consequence of any provision which is or may be incompatible with the UNCRC requirements.
- (3) The power conferred by subsection (1) includes a power—
  - (a) to restate the effect of any provision of Part 16 of the 1987 Act so far as it relates to Part 2 of that Act,
  - (b) to modify an Act of the Scottish Parliament (including this Act) so that the Act contains the restatement.
- (4) For the purposes of this section, “modify” includes amend and repeal (and “modifications” is to be construed accordingly).
- (5) In this section—

“the 1987 Act” means the Housing (Scotland) Act 1987,

“the UNCRC requirements” has the same meaning as in the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.>

**Maggie Chapman**

**335** After section 45, insert—

*<Pets in homeless accommodation*

**Right to keep a pet in homeless accommodation**

- (1) The Scottish Ministers may by regulations require that permission to be accompanied by a pet should not be unreasonably refused to a homeless person by a provider of accommodation to homeless people.

- (2) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
  - (a) must consult—
    - (i) persons who appear to them to represent the interests of homeless people and providers of accommodation,
    - (ii) local authorities, and
  - (b) may consult any other person they consider appropriate.>

**Maggie Chapman**

**333** After section 45 insert—

*<Housing First*

**Right to Housing First**

- (1) The Scottish Ministers may, by regulations, make provision to require any person who is homeless and has been assessed as having multiple or complex needs to be offered a Housing First tenancy,
- (2) Regulations under subsection (1) must—
  - (a) be developed with reference to the Homelessness Network Scotland’s “Principles of Housing First”,
  - (b) after consultation with people with experience of Housing First tenancies, define “Housing First”.
- (3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers must consult—
  - (a) local authorities,
  - (b) persons who are homeless,
  - (c) Housing First tenants, and
  - (d) other such persons as they consider appropriate.>

**Maggie Chapman**

**334** *In substitution for amendment 242*

After section 45 insert—

*<Housing First*

**Annual report on Housing First**

- (1) The Scottish Ministers must, as soon as practicable after the end of each reporting period, prepare and publish a report on the use of Housing First tenancies.
- (2) A report under subsection (1) must include—
  - (a) information on action being taken to widen access to Housing First tenancies,
  - (b) the number of Housing First tenancies commenced or active during the reporting period,
  - (c) information on how the Homelessness Network Scotland’s “Principles of Housing First” are being implemented, and

- (d) any other information that the Scottish Ministers consider appropriate.
- (3) The report must be laid before the Scottish Parliament as soon as practicable after the end of each reporting period.
- (4) In this section, “reporting period” means—
  - (a) in the case of the first report, the period of 12 months beginning with the day this section comes into force,
  - (b) each successive period of 12 months.>

**Maggie Chapman**

46 After section 45, insert—

*<Rough sleeping*

**Review of data on rough sleeping**

- (1) The Scottish Ministers must carry out a review of data on rough sleeping in Scotland.
- (2) The review under subsection (1) must, in particular, consider—
  - (a) the sources of data on rough sleeping,
  - (b) how collection of data on rough sleeping could be improved.
- (3) The Scottish Ministers must, within 2 years of Royal Assent, publish a report on the review.
- (4) A report under subsection (3) must set out any action the Scottish Ministers plan to take as a result of the review.>

**Section 46**

**Murdo Fraser**

52 In section 46, page 70, line 6, for <court> substitute <First-tier Tribunal for Scotland>

**Murdo Fraser**

53 In section 46, page 70, line 8, for <court> substitute <First-tier Tribunal for Scotland>

**Murdo Fraser**

54 In section 46, page 70, line 18, for <court> substitute <First-tier Tribunal for Scotland>

**Section 47A**

**Murdo Fraser**

55 In section 47A, page 71, line 9, at end insert—

- <( ) In section 1 (particulars of agreements: Scotland)—
  - (a) in subsection (6), in the final sentence, for “court” substitute “First-tier Tribunal for Scotland”,
  - (b) in subsection (7), for “court” substitute “First-tier Tribunal for Scotland”.

- ( ) In section 2 (terms of agreements)—
  - (a) in subsection (2), for “court” substitute “First-tier Tribunal for Scotland”,
  - (b) in subsection (3), for “court” substitute “First-tier Tribunal for Scotland”,
  - (c) in subsection (4), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”.
- ( ) In section 2B (power to amend implied terms: Scotland), in subsection (3), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”.>

**Murdo Fraser**

- 56** In section 47A, page 71, line 10, leave out from <:Scotland)> to end of line 11 and insert < ) for “The court” substitute “In relation to Scotland, the First-tier Tribunal for Scotland”>

**Murdo Fraser**

- 57** In section 47A, page 71, line 12, leave out subsection (3) and insert—
- <( ) The title of section 4 becomes “**Jurisdiction of the First-tier Tribunal for Scotland**”.>

**Murdo Fraser**

- 58** In section 47A, page 71, line 12, at end insert—
- <( ) In section 5 (interpretation)—
- (a) in subsection (1), in the definition of “the court”, paragraph (b) is repealed,
  - (b) after subsection (4) insert—
    - “(5) In relation to Scotland, the references in this Act to the First-tier Tribunal for Scotland are to be read as if they were references to the arbitrator in question in a case where the parties have entered into an arbitration agreement that applies to the question to be determined.
    - (6) In subsection (5), “arbitration agreement” means an agreement in writing to submit to arbitration any question arising under this Act or any agreement to which it applies.”.
- ( ) In schedule 1 (agreements under Act), in Part 1—
- (a) in paragraph 4, for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
  - (b) in paragraph 5, for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
  - (c) in paragraph 6—
    - (i) in sub-paragraph (1) for “court”, in each place where it occurs, substitute “First-tier Tribunal for Scotland”,
    - (ii) in sub-paragraph (3), for “court” substitute “First-tier Tribunal for Scotland”,
    - (iii) in sub-paragraph (4), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
    - (iv) in sub-paragraph (5), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,

- (d) in paragraph 10(1), for “court” substitute “First-tier Tribunal for Scotland”,
- (e) in paragraph 16(2), for “court order” substitute “order of the First-tier Tribunal for Scotland”,
- (f) in paragraph 17(4), for “court” substitute “First-tier Tribunal for Scotland”,
- (g) in paragraph 18(2), for “court” substitute “First-tier Tribunal for Scotland”,
- (h) in paragraph 19(3), for “court” substitute “First-tier Tribunal for Scotland”,
- (i) in paragraph 20—
  - (i) in sub-paragraph (1), for “court”, in each place where it occurs, substitute “First-tier Tribunal for Scotland”,
  - (ii) in sub-paragraph (2), for “court” substitute “First-tier Tribunal for Scotland”,
  - (iii) in sub-paragraph (3)—
    - (A) in the opening words, for “court” substitute “First-tier Tribunal for Scotland”,
    - (B) in paragraph (b), for “court order” substitute “order of the First-tier Tribunal for Scotland”,
- (j) in paragraph 21, in paragraph (b), for “court order” substitute “order of the First-tier Tribunal for Scotland”,
- (k) in paragraph 22(1), in paragraph (a), for “court” substitute “First-tier Tribunal for Scotland”.>

**Murdo Fraser**

59 Move section 47A to before section 46

**After section 47A**

**Paul Sweeney**

336\* After section 47A, insert—

*<Tenement buildings: insurance*

**Tenement buildings: insurance**

- (1) The Tenements (Scotland) Act 2004 is modified as follows.
- (2) In section 18 (obligation of owner to insure), for subsection (2) substitute—
  - “(2) In addition to the duty imposed by subsection (1), all owners in a tenement building that includes residential accommodation must make arrangements for a common policy of insurance for the entire tenement building.”.>

**After section 47B**

**Ariane Burgess**

337 After section 47B insert—

**Scottish Housing Regulator: guidance**

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) In section 35 (guidance: housing activities)—
  - (a) after subsection (3) insert—

“(3A) The Regulator must, when preparing, revising or withdrawing guidance, have regard for a range of different housing models including co-operative models.”,
  - (b) after subsection (5) insert—

“(5A) In this section, “co-operative models” means housing providers that are a registered co-operative society incorporated under the Co-operative and Community Benefit Societies Act 2014, where the rules of the co-operative—

    - (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.

(5B) For the purposes of subsection (5A)(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.”.>

**Paul Sweeney**

- 338** After section 47B, insert—

*<Registered social landlords: transfer of assets*

**Registered social landlords: transfer of assets**

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) In section 67 (transfer of assets following inquiries), in subsection (3), after “assets to” insert “a community-based registered social landlord operating in the area of the assets or, where there is no such community-based registered social landlord,”.
- (3) In section 106 (asset transfer on dissolution or winding up), in subsection (2), after “transferred to”, insert “a community-based registered social landlord operating in the area of the assets or, where there is no such community-based registered social landlord,”.
- (4) In section 165 (interpretation), after the definition of “charity”, insert—

““community-based registered social landlord” means a registered social landlord which—

- (a) is owned and managed by the local community,
- (b) has a focus on community regeneration and the needs of the local area, and
- (c) holds less than 7,000 housing units within a single local authority area.”.>

#### **Before section 47C**

#### **Mark Griffin**

**339** Before section 47C, insert—

#### **<Purpose of the Property Factors (Scotland) Act 2001**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) Before section 1 insert—

*“Purpose of Act*

#### **A1 Purpose of this Act**

- (1) This purpose of this Act is to codify the rights and responsibilities of property factors and homeowners or residents.”.>

#### **After section 47E**

#### **Maggie Chapman**

**19** After section 47E, insert—

#### **<Referral for removal from register**

- (1) Within 1 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,
  - (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 (*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 1 year beginning with the day that regulations under subsection (1) come into force, and
  - (b) each subsequent period of 1 year.>

#### **After section 47G**

#### **Mark Griffin**

**340** After section 47G, insert—

#### **<Property factor engagement with homeowners and residents**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 14 (code of conduct) insert—

#### *“Homeowner and resident forum*

#### **14ZA Homeowner and resident forum meetings**

- (1) A property factor must arrange and attend at least two resident forum meetings in each calendar year for each development or group of properties under the property factor’s management.
- (2) A property factor must provide notice, sent by post by the recorded delivery service, of at least 10 working days to all homeowners of each resident forum meeting.
- (3) A property factor must —
  - (a) arrange for a suitable and accessible venue in which the resident forum meeting is to take place, and
  - (b) make provision for the meeting to take place in a hybrid format.

- (4) The purpose of a resident forum meeting is—
  - (a) to facilitate good communication and resolution of issues between the property factor and homeowners,
  - (b) to agree any changes to the property factor’s relationship to homeowners.
- (5) A decision under subsection (4)(b) is considered to have been made if a majority (more than half) of homeowners present at the meeting agree to the change.
- (6) In this section—
 

“hybrid format” means a single meeting that includes both in-person and remote participants, who join via video conferencing technology,

“resident forum” means a forum the membership of which comprises homeowners who have a deed of condition or contract with the property factor to provide services in relation to the homeowner’s property.”.>

**Pam Duncan-Glancy**

**341** After section 47G, insert—

**<Change of property factor by homeowners**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 14 (code of conduct) insert—

*“Homeowner and resident forum*

**14ZB Residents’ forum: change of property factor**

- (1) Unless otherwise stated in the title deeds, a change of property factor may be approved by a majority (more than half) of homeowners present at a residents’ forum meeting.
- (2) A decision to change a property factor is considered binding on all homeowners.
- (3) For the purposes of this section, “residents forum meeting” means a forum the membership of which comprises homeowners who have a deed of condition or contract with the property factor to provide services in relation to the homeowner’s property.”.>

**Mark Griffin**

**342** After section 47G, insert—

**<Approval of works incurring significant financial resource**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (1A) After section 14 insert—

*“Action requiring significant financial resource*

**14ZC Action requiring significant financial resource**

- (1) Subsection (3) applies where a property factor intends—
  - (a) to undertake repairs or maintenance to managed properties, or

- (b) otherwise to provide services in support of the contract with homeowners, and
  - (c) the conditions in subsection (2) are met.
- (2) The conditions are—
- (a) the repairs or maintenance are not mentioned in the factoring deed of condition, and
  - (b) the repairs or maintenance will incur financial resource in excess of £10,000.
- (3) A property factor must give homeowners no less than three months’ notice of its intention to take action under subsection (1).
- (4) Notice under subsection (3) must include—
- (a) details of the changes the property factor intends to take, including its purpose,
  - (b) the total cost that will be incurred by the homeowners, and
  - (c) the date and arrangements for a residents forum meeting to discuss the property factor’s request to use funds for this purpose.
- (5) The property factor must not undertake any action incurring the use of homeowner funds of £10,000 or more unless—
- (a) a meeting of the residents forum has taken place to discuss the proposed action, and
  - (b) a majority (more than half) of homeowners present at that meeting agreed to the proposed use of funds.
- (6) The Scottish Ministers may by regulations modify the costs specified in subsections (2) and (5).
- (7) In this section, “residents forum” means a forum the membership of which comprises homeowners who have a deed of condition or contract with the property factor to provide services in relation to the homeowner’s property.”.
- (2) In section 30 (orders and regulations), in subsection (3), after “14(3)(c)” insert “14ZC(6)”.>

**Mark Griffin**

**343** After section 47G, insert—

**<Notice of change of provider**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 14 (code of conduct) insert—

*“Change of provider*

**14ZD 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.

- (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.”.>

### **Section 47H**

#### **Sarah Boyack**

**344** In section 47H, page 79, line 15, at end insert—

**<14DA Duty to provide information**

- (1) A property factor must, on request, provide relevant information to—
  - (a) a homeowner,
  - (b) the First-tier Tribunal.
- (2) For the purposes of this section, “relevant information” means any document or record held by a property factor relating to—
  - (a) the interests, rights or obligations of homeowners,
  - (b) expenditure incurred or proposed in relation to the homeowner’s property,
  - (c) contractual arrangements between the property factor and homeowner.
- (3) Where a homeowner has made an application to the First-tier Tribunal and has requested disclosure of relevant information—
  - (a) the Tribunal must issue a Direction for disclosure unless it considers the request unreasonable or irrelevant to the dispute,
  - (b) the property factor must comply with the Direction within the time period specified by the Tribunal.
- (4) Where a property factor is found to have failed to provide a homeowner with relevant information, the Scottish Ministers must serve notice on the property factor in accordance with section 14A.>

#### **Sarah Boyack**

**345** In section 47H, page 79, line 18, leave out <or section 14B(2)(d)(i)> and insert <, 14B(2)(d)(i) or 14DA(4)>

### **After section 47H**

#### **Sarah Boyack**

**346** After section 47H, insert—

**<Property factors: owners’ association**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 17 (application to the First-tier Tribunal)—
  - (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’s”,
- (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’s”,
- (d) in subsection (5), in each place where it occurs, after “homeowner” insert “or owners’ association”,
- (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 (referral to the First-tier Tribunal)—
  - (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) (determination by the First-tier Tribunal), in the opening words, after “homeowner’s” insert “or owners’ association’s”.>

### **Mark Griffin**

**347** After section 47H, insert—

#### **<Enforcement orders payment to homeowners**

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 20 (property factor enforcement orders)—
  - (a) in subsection (1)(b), after “payment” insert “of up to £10,000”,
  - (b) after subsection (3) insert—
    - “(4) The Scottish Ministers may by regulations increase the amount payable under subsection (1)(b).”.
- (3) In section 30 (orders and regulations), in subsection (3), after <14(3)(c)> insert <, 20(4)>.>

### **Maggie Chapman**

**20** After section 47H, insert—

#### **<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.>

**Màiri McAllan**

**243** After section 47H, insert—

*<Managers of related properties*

**Power for majority of owners to dismiss and appoint manager**

- (1) The Title Conditions (Scotland) Act 2003 is modified as follows.
- (2) In section 64 (overriding power to dismiss and appoint manager), in subsection (1), for “two thirds” substitute “a majority”.>

**Richard Leonard**

**348** After section 47H, insert—

*<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.>

**Richard Leonard**

**349\*** After section 47H, insert—

*<Accommodation for seasonal workers*

**Accommodation for seasonal workers**

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In section 315 (byelaws with respect to accommodation for seasonal workers), in subsection (6)—
  - (a) the words “, within such period as the Secretary of State may allow,” are repealed,
  - (b) for second “may” substitute “must within 12 months of the Bill for the Housing (Scotland) Act 2025 receiving Royal Assent”.>

**Richard Leonard**

**350** After section 47H, insert—

*<Agricultural and forestry workers*

**Caravan sites: agricultural and forestry workers**

- (1) The Caravan Sites and Control of Development Act 1960 is modified as follows.
- (2) In schedule 1 (cases where a caravan site licence is not required), paragraphs 7 and 8 are repealed.>

**After section 51**

**Ariane Burgess**

**112** After section 51, insert—

*<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.>

**Jamie Halcro Johnston**

**244** 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**

**351** 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—
  - (a) building and design standards which a new build home must meet in relation to its—
    - (i) accessibility, and

- (ii) adaptability,
- (b) provision in relation to—
  - (i) data collection,
  - (ii) the tracking and reporting of costs,
  - (iii) future-proofing designs.
- (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 guidance in relation to accessible homes,
  - (c) consult any persons they consider appropriate.
- (4) The Scottish Ministers must from time to time review, and may revise, the accessible homes standard.
- (5) In this section, “new build home” has the same meaning as in section 138 of the Building Safety Act 2022.>

**Pam Duncan-Glancy**

352 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.>

**Before section 51A**

**Ross Greer**

353 Before section 51A, insert—

**<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.
- (5) For the avoidance of doubt, the Scottish Ministers may make an order under section 74(3)(b) of the Local Government Finance Act 1992 which has the effect of retaining the valuation bands as set out in section 74(2) of that Act at the date of Royal Assent.>

### **Section 51A**

#### **Ross Greer**

- 354** In section 51A, page 80, line 28, after <33> insert <—  
( )>

#### **Ross Greer**

- 355** In section 51A, page 80, line 28, at end insert—  
<( ) in subsection (4), paragraph (a) is repealed,  
( ) after subsection (4) insert—  
“(4A) If regulations under subsection (1) confer on local authorities a power under subsection (2)(b)(ii), the regulations may provide that, in exercising the power, a local authority must have regard to any guidance issued by the Scottish Ministers about the exercise of the power.”.>

### **Section 51B**

#### **Màiri McAllan**

- 245** In section 51B, page 80, line 30, leave out <, no later than six months after Royal Assent, undertake> and insert <carry out>

#### **Màiri McAllan**

- 246** In section 51B, page 80, line 32, at end insert—  
<( ) The review must be completed no later than the end of the period of one year beginning with the day of Royal Assent.>

**After section 51B**

**Graham Simpson**

**247** After section 51B, insert—

**<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” substitute “graduated from”.>

**Ross Greer**

**356** After section 51B, insert—

**<Council tax: joint and several liability**

- (1) The Local Government Finance Act 1992 is modified as follows.
- (2) In section 80 (reduced amounts)—
  - (a) after subsection (6) insert—

“(6A) Without prejudice to the generality of this section, regulations made under this section may reduce liability, including joint and several liability, where a person is experiencing or has experienced domestic abuse.”
  - (b) after subsection (9) insert—

“(9A) In subsection (6A), “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).”>

**Ross Greer**

**357** After section 51B, insert—

**<Council tax: prescriptive periods**

- (1) The Prescription and Limitation (Scotland) Act 1973 is modified as follows.
- (2) In schedule 1 (obligations affected by prescriptive periods of five years under section 6)—
  - (a) in paragraph 1, after sub-paragraph (a) insert—

“(aza) to any obligation to pay—
    - (i) council tax under Part 2 of the Local Government Finance Act 1992,
    - (ii) any surcharge, fees, expenses or other sum recoverable in connection with the enforcement of an obligation to pay such council tax.”
  - (b) in paragraph 2, sub-paragraph (fd)—
    - (i) leave out sub-sub-paragraph (i),
    - (ii) in sub-sub-paragraph (iii), leave out “council tax or”.>

**Ross Greer**

358 After section 51B, insert—

**<Council tax: collection arrangements**

The Scottish Ministers must, by regulations, make provision for the right for any person to satisfy their liability for council tax in monthly instalments, including in the event of them falling into arrears.>

**Section 51C**

**Màiri McAllan**

248 In section 51C, page 81, line 9, after <account> insert <—

<( )>

**Section 51D**

**Màiri McAllan**

249 In section 51D, page 81, line 11, leave out from beginning to <account),> in line 13 and insert—

<( )>

**Section 51E**

**Màiri McAllan**

250 In section 51E, page 81, line 17, leave out from <, within> to end of line 19 and insert <carry out a review of the process for determining whether particular lands and heritages (or parts of them) fall within the class of self-catering holiday accommodation that is excluded from the definition of dwelling in section 72(2) of the Local Government Finance Act 1992 (dwellings chargeable to council tax).

( ) The review must be completed no later than the end of the period of two years beginning with the day of Royal Assent.>

**Màiri McAllan**

251 In section 51E, page 81, line 20, leave out from <must> to <that> in line 26 and insert <—

( ) must include the manner in which any such determination is communicated, and

( ) may include such other matters as>

**Ross Greer**

359 In section 51E, page 81, line 25, at end insert—

<( ) the number of days per year for which a residential property is—

(i) available for let,

(ii) let in a manner which leads to liability for non-domestic rates instead of liability for council tax,>

**Màiri McAllan**

252 In section 51E, page 81, line 27, leave out subsection (3) and insert—

- <(3) 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.>

**Màiri McAllan**

253 In section 51E, page 81, line 33, at end insert—

- <( ) In subsection (1), “class of self-catering holiday accommodation” means the class of lands and heritages described as self-catering holiday accommodation that is prescribed as such by regulations under section 72(4) of the Local Government Finance Act 1992.>

**Màiri McAllan**

254 Move section 51E to after section 51B

**After section 51E**

**Ariane Burgess**

114\* After section 51E, 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
  - (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.”.>

**Ariane Burgess**

**113\*** After section 51E, 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,
  - (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.”.>

**Ariane Burgess**

**360** After section 51E, insert—

*<Land and buildings transaction tax*

**Report on Land and Buildings Transaction Tax for community led housing**

- (1) The Scottish Ministers must, within 2 years of Royal Assent, prepare and publish a report on Land and Buildings Transaction Tax in relation to co-operatives and other forms of community led housing.
- (2) A report under subsection (1) must include consideration of the impact on the availability and provision of quality, affordable housing, of—
  - (a) Additional Dwelling Supplement on—
    - (i) housing co-operatives,
    - (ii) community housing bodies,
  - (b) Land and Buildings Transaction Tax in connection with community land trusts dealing with housing co-operatives,
  - (c) Land and Buildings Transaction Tax on purchases by housing co-operatives.
- (3) If a report under subsection (1) determines that relief from Land and Buildings Transaction Tax or Additional Dwelling Supplement would be appropriate, the Scottish Ministers must as soon as practicable lay a statement before the Scottish Parliament containing—
  - (a) what steps the Scottish Ministers will take to introduce such relief, or
  - (b) if the Scottish Ministers do not intend to take such steps, why not.
- (4) For the purposes of this section—

“community housing body” means a not-for-profit organisation providing housing—

  - (a) that has an explicit purpose of benefiting a defined local community,
  - (b) that uses any surplus funds for the benefit of that local community,
  - (c) that, in relation to its housing activities—
    - (i) provides for the participation of the local community in defining local housing needs and demands, and
    - (ii) uses those defined needs and demands as a basis for its housing activities,

“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 whose rules—

  - (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,

“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**

**361** After section 51E, 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.
- (3) In schedule 16A (visiting forces and international military headquarters reliefs), paragraph 1, after “transaction” insert “, other than a residential property transaction,”.>

**Ross Greer**

**362** After section 51E, insert—

*<Land and buildings transaction tax*

**Crown application**

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 69 (crown application), after “Act” insert “, other than where it applies to residential property transactions,”.>

**Ross Greer**

**363** After section 51E, 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
- (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

364 After section 51E, 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**

**365** After section 51E, insert—

*<Land and buildings transaction tax*

**Additional amount surcharge: areas of linguistic significance**

- (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: areas of linguistic significance*

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 an area of linguistic significance designated under section 1A of the Gaelic Language (Scotland) Act 2005, and
- (d) the Scottish Ministers have not prescribed in regulations under sub-paragraph (4) that this paragraph does not apply to the area of linguistic significance in which the dwelling is situated,

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 areas of linguistic significance designated under section 1A of the Gaelic Language (Scotland) Act 2005 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.”.>

## Section 51F

**Mark Griffin**

**366** Leave out section 51F and insert—

**<Power to make provision about the declaration of a national housing emergency**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the declaration of a national housing emergency by the Scottish Ministers.
- (2) Regulations under subsection (1) may, in particular, make provision about—
  - (a) the meaning of a national housing emergency for the purpose of the regulations,
  - (b) the circumstances in which a national housing emergency may or must be declared by the Scottish Ministers,
  - (c) the effect of declaring a national housing emergency, including any action that may or must be taken by the Scottish Ministers following such a declaration,
  - (d) the conferral of powers on the Scottish Ministers to obtain information for the purpose of, or in connection with, enabling or assisting the Scottish Ministers in taking any such action,
  - (e) the enforcement of these powers,
  - (f) the circumstances in which a national housing emergency that has been declared ceases to apply.
- (3) The Scottish Ministers must, before the end of the period of 18 months beginning with the day on which subsection (1) comes into force, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.>

## After section 51F

**Maggie Chapman**

**255\*** After section 51F, insert—

*<Compulsory sale and lease review*

**Compulsory sale and lease review**

- (1) Within 1 year of Royal Assent, the Scottish Ministers must consult on giving a power to local authorities to enable them to require the owners of derelict land and buildings to offer for sale or let such land or buildings for use as residential housing.
- (2) The Scottish Ministers must publish a report on the results of the consultation.
- (3) A report under subsection (2) must specify what action the Scottish Ministers propose to take in response to the consultation.>

**Maggie Chapman**

**256\*** After section 51F, insert—

*<Compulsory sale and lease*

**Compulsory sale and lease**

- (1) Within 4 years of Royal Assent, the Scottish Ministers must bring forward legislation to give local authorities the power to require the owners of derelict land and buildings to offer for sale or let such land or buildings for use as residential housing.
- (2) The Scottish Ministers may by regulations give a power to local authorities to require the owners of derelict land and buildings to offer for sale or let such land or buildings for use as residential housing.
- (3) The Scottish Ministers may by regulations substitute the number in subsection (1) with another number, but not a number higher than 6.
- (4) Regulations under subsection (3) may be made only once.>

**Maggie Chapman**

**21** After section 51F, 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,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.>

### **Mark Griffin**

**367** After section 51F insert—

#### **<Guidance for local authorities about a local housing emergency**

- (1) The Scottish Ministers may issue guidance to local authorities about the declaration of a local housing emergency by a local authority.
- (2) The guidance may, in particular, include provision about—
  - (a) the meaning of a local housing emergency,
  - (b) the circumstances in which a local housing emergency may be declared by a local authority,
  - (c) the effect of a local authority declaring a local housing emergency, including any action that may be taken by the local authority following such a declaration,
  - (d) the circumstances in which a local housing emergency that has been declared ceases to apply, and
  - (e) any other matter relating to a local housing emergency as the Scottish Ministers consider appropriate.

- (3) A local authority must, in the exercise of its functions in relation to housing, have regard any guidance issued under subsection (1).
- (4) Before issuing any guidance under subsection (1), the Scottish Ministers—
  - (a) must consult local authorities, and
  - (b) may consult any other person they consider appropriate.
- (5) The Scottish Ministers must publish any guidance issued under subsection (1) in such manner as they consider appropriate.>

**Paul Sweeney**

**115** After section 51F, 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.
- (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.>

**Edward Mountain**

**257\*** After section 51F, insert—

*<Antisocial behaviour: register of tenants*

**Antisocial behaviour: register of tenants**

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) After section 81, insert—

## “PART 7A

### HOUSING: ANTISOCIAL BEHAVIOUR REGISTER

#### **81A Antisocial behaviour: register of tenants**

- (1) The Scottish Ministers must, by regulations, make provision for each local authority to prepare and maintain a register of tenants with a history of antisocial behaviour.
  - (2) Regulations under subsection (1) must—
    - (a) make provision about—
      - (i) the form in which a register is to be kept,
      - (ii) the information to be specified in an entry in the register,
      - (iii) applications to be entered on the register,
      - (iv) amending an entry,
      - (v) the enforcement of the register,
    - (b) make provision to require persons mentioned in subsection (3) to ensure that they are entered on the register and that their entry on the register is up to date,
    - (c) make provision for landlords to request information held on the register in relation to a tenant or prospective tenant.
  - (3) The persons are tenants and prospective tenants who—
    - (a) are, or have been, subject to an antisocial behaviour order under Part 2 in relation to behaviour within, or in the locality of, a property let by the tenant,
    - (b) have been evicted from a previous tenancy on the grounds of engaging in antisocial behaviour,
    - (c) meet any other criteria specified by Scottish Ministers in regulations under subsection (1).
  - (4) Regulations under subsection (1) may—
    - (a) make any other such provision the Scottish Ministers consider appropriate,
    - (b) modify any enactment (including this Act).”.
- (3) In section 141 (orders and regulations), in subsection (4)(b), after “26(2)” insert “or 81A(1)”.>

#### **Rachael Hamilton**

**368** After section 51F, insert—

*<Adaptations to non-primary residences*

#### **Adaptations to non-primary residences**

- (1) The Housing (Scotland) Act 2006 is modified as follows.

- (2) In section 52 (right to adapt rented houses)—
- (a) in subsection (2)(a)—
    - (i) the words from “occupies” to the end of the paragraph become sub-paragraph (i), and
    - (ii) after sub-paragraph (i), insert—
      - “(ii) spends or intends to spend a significant amount of time in the house for the purpose of receiving care or support from a person living in that house, or”,
  - (b) after subsection (2) insert—
    - “(2ZA) Subsection (2)(a)(ii) does not apply to the extent that the care is or would be provided—
      - (a) under or by virtue of a contract, or
      - (b) as voluntary work.”.
- (3) In section 73 (when assistance must be provided)—
- (a) in subsection (1)(b)—
    - (i) the words from “a disabled” to the end of the paragraph become sub-paragraph (i), and
    - (ii) after sub-paragraph (i), insert “or,
      - (ii) a place where the disabled person spends a significant amount of time for the purpose of receiving care or support from a person living in that house.”,
  - (b) after subsection (1) insert—
    - “(1A) Subsection (1)(b)(ii) does not apply to the extent that the care is or would be provided—
      - (a) under or by virtue of a contract, or
      - (b) as voluntary work.”.>

**Meghan Gallacher**

**369** After section 51F, insert—

*<Right to adapt rented housing*

**Right to adapt rented housing**

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 52 (right to adapt rented houses), after subsection (2) insert—
  - “(2ZA) For the purposes of subsection (2), a house is suitable for the accommodation, welfare or employment of any disabled person where it is designed and constructed to allow for safe, convenient, and unassisted access into and throughout the house for occupants with varying needs and disabilities, including wheelchair users.”.>

**370** After section 51F, insert—

*<Purpose-built student accommodation*

**Purpose-built student accommodation strategy**

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 89 (local housing strategies)—
  - (a) in subsection (2)(b), after “area” insert “, including students,”,
  - (b) in subsection (5A), after paragraph (c) insert—
    - “(d) a strategy for purpose-built student accommodation, including—
      - (i) the local authority’s objectives with regards to purpose-built student accommodation,
      - (ii) the local authority’s plans for meeting those objectives (including priorities for action),
      - (iii) arrangements for monitoring progress towards meeting the objectives.”,
  - (c) after subsection (5A) insert—

“(5B) A local authority must have regard to guidance issued by Scottish Ministers under section 89A when preparing the strategy mentioned in subsection (5A)(d).”.
- (3) After section 89, insert—

**“89A Guidance on local housing strategies: purpose-built student accommodation**

  - (1) The Scottish Ministers must, as soon as reasonably practicable, issue guidance about preparing a strategy for purpose-built student accommodation under section 89(5A)(d).
  - (2) Guidance issued under subsection (1) may set out the Scottish Ministers’—
    - (a) aims for the ratio of student residential tenancies to other types of tenancy in any given area of a local authority,
    - (b) view on the role of purpose-built student accommodation within the available housing stock in any given area of a local authority,
    - (c) approach to engaging with landlords and tenants of student residential tenancies in decision making,
    - (d) advice on how to collect data on student residential tenancies to support decision making.
  - (3) In preparing guidance issued under subsection (1), 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.
- (4) The Scottish Ministers must from time to time review guidance issued under subsection (1) and may revise the guidance.
- (5) The Scottish Ministers must, as soon as reasonably practicable after issuing—
  - (a) guidance under subsection (1), or
  - (b) revised guidance under subsection (4),
 publish and lay the guidance before the Scottish Parliament.”.>

**Pam Duncan-Glancy**

371 After section 51F, 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.

- (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.>

**Ross Greer**

372 After section 51F, insert—

*<Student residential tenancies*

**Bringing student residential tenancies to an end**

- (1) The Scottish Ministers may, by regulations, make such provision as they consider necessary to confer the right on categories of tenant to be specified in the regulations to bring a student residential tenancy to an end.
- (2) 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 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,
- “tenancy” includes sub-tenancy,
- “tenant” includes sub-tenant.>

**Ross Greer**

373 After section 51F, 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) For the avoidance of doubt, the model terms and conditions mentioned in subsection (1) may include reference to model procedures prepared by—
- (a) relevant stakeholders, or
- (b) providers of student residential tenancies.
- (3) The model terms and conditions mentioned in subsection (1)—
- (a) must include provisions on the rent payable, including the affordability of the rent payable,
- (b) may include provisions on any other matters the Scottish Ministers consider appropriate.
- (4) 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.
- (5) 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**

374 After section 51F, 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) For the avoidance of doubt, the model complaints procedure mentioned in subsection (1) may include reference to model procedures prepared by—
  - (a) relevant stakeholders, or
  - (b) providers of student residential tenancies.
- (3) 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.
- (4) 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,
- (5) The Scottish Ministers may, by regulations, make provision to require landlords of student residential tenancies to comply with the model complaints procedure.>

**Meghan Gallacher**

375 After section 51F, 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.”>

**Rachael Hamilton**

376 After section 51F, insert—

<Visitor levy

**Visitor levy: impact on housing**

- (1) The Scottish Ministers must review the impact of the Visitor Levy (Scotland) Act 2024 on issues related to housing for residents of areas where a visitor levy scheme is in place.
- (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.>

**Rachael Hamilton**

377 After section 51F, insert—

<Visitor levy

**Visitor levy: housing**

- (1) The Visitor Levy (Scotland) Act 2024 is amended as follows.
- (2) In section 13 (prior consultation on scheme)—
  - (a) in subsection (2), at the beginning, insert “Subject to subsection (2A),”,
  - (b) after subsection (2), insert—

“(2A) The objectives of a proposal may also relate to mitigating any adverse effect of persons visiting the scheme area for leisure or business purposes on housing in the scheme area.”.>

**Section 52**

**Edward Mountain**

258 In section 52, page 82, line 36, 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)>

**Jamie Halcro Johnston**

259 In section 52, page 82, line 36, after <(4)> insert <or (*Direct emission heating systems: residential housing*)(2)>

**Maggie Chapman**

260 In section 52, page 82, line 36, after <(4)> insert <or (*Compulsory sale and lease*)(3)>

**Maggie Chapman**

39 In section 52, page 83, line 1, after <(7A)> insert <, 16A(6A)>

**Maggie Chapman**

40 In section 52, page 83, line 1, after <(7A)> insert <, 17A(6A)>

**Emma Roddick**

- 262 In section 52, page 83, line 1, leave out second <or> and insert <, (*Power to require landlords to provide information*)(1), (5) or (6),>

**Graham Simpson**

- 263 In section 52, page 83, line 1, after <18(1)> insert <, (*Publication of information on rent*)(1)>

**Maggie Chapman**

- 22 In section 52, page 83, line 1, 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**

- 264 In section 52, page 83, line 1, after <18(1)> insert <, (*Mid-market rent: definition*)(1)>

**Maggie Chapman**

- 266 In section 52, page 83, line 1, after <18(1)> insert <, (*Eviction: notice periods*)(1)>

**Maggie Chapman**

- 265 In section 52, page 83, line 1, after <18(1)> insert <, (*Protection against eviction within first 12 months of a tenancy*)(1)>

**Maggie Chapman**

- 50 In section 52, page 83, line 1, after <18(1)> insert <, or (*Protection against eviction: winter*)(1)>

**Maggie Chapman**

- 378 In section 52, page 83, line 1, after <18(1)> insert <, (*Power to require payment of removal costs*)(1)>

**Ross Greer**

- 379 In section 52, page 83, line 1, after <18(1)> insert <, (*Guarantor scheme where tenant is estranged*)(1)>

**Pam Duncan-Glancy**

- 116 In section 52, page 83, line 1, after <18(1)> insert <, (*Student residential tenancies: power to enable tenant to bring tenancy to an end*)(1)>

**Ariane Burgess**

- 380 In section 52, page 83, line 1, after <18(1)> insert <, (*Housing standards: local authority inspections: renewal*)(3),>

**Ariane Burgess**

- 381 In section 52, page 83, line 1, after <18(1)> insert <, (*Housing standards: local authority inspections*)(3),>

**Edward Mountain**

- 382 In section 52, page 83, line 1, after <18(1)> insert <, (*Homelessness following loss of employment linked accommodation*)(1)>

**Mark Griffin**

- 383 In section 52, page 83, line 1, after <18(1)> insert <, (*Power to restate provisions of 1987 Act dealing with homelessness*)(1)>

**Maggie Chapman**

- 385 In section 52, page 83, line 1, after <18(1)> insert <, (*Right to keep a pet in homeless accommodation*)(1)>

**Maggie Chapman**

- 384 In section 52, page 83, line 1, after <18(1)> insert <, (*Right to Housing First*)(1),>

**Maggie Chapman**

- 48 In section 52, page 83, line 1, after <18(1)> insert <, or (*Referral for removal from register*)(1),>

**Maggie Chapman**

- 49 In section 52, page 83, line 1, after <18(1)> insert <, or (*Appointment and removal*)(3),>

**Maggie Chapman**

- 261 In section 52, page 83, line 1, after <18(1)> insert <, (*Compulsory sale and lease*)(2),>

**Mark Griffin**

- 387 In section 52, page 83, line 1, leave out <51F(1) or (5)> and insert <(Power to make provision about the declaration of a national housing emergency)(1)>

**Ross Greer**

- 386 In section 52, page 83, line 1, after <(5)> insert <, or (*Council tax: collection arrangements*)>

**Maggie Chapman**

- 51 In section 52, page 83, line 1, after <(5)> insert <, or (*Compulsory sale or lease orders*)(2) or (4)>

**Paul Sweeney**

- 117 In section 52, page 83, line 1, after <(5)> insert <, or (*Local authorities: purchase of poor quality let property*)(1)>

**Ross Greer**

- 388 In section 52, page 83, line 1, after <(5)> insert <, or (*Bringing student residential tenancies to an end*)(1)>

**Ross Greer**

- 389 In section 52, page 83, line 1, after <(5)> insert <, or (*Development of model terms and conditions*)(4)>

**Ross Greer**

- 390 In section 52, page 83, line 1, after <(5)> insert <, or (*Development of model complaints procedure*)(5)>

**Section 56**

**Maggie Chapman**

- 118 In section 56, page 83, line 22, at end insert—  
<( ) Section (*Rent control: transitional provision*) comes into force on the day of Royal Assent.>

**Maggie Chapman**

- 23 In section 56, page 83, line 23, at beginning insert <Section (*Rent control: transitional provision*) and>

**Jeremy Balfour**

- 119 In section 56, page 83, line 25, at end insert—  
<( ) But no provision of Part 5 may be brought into force before the day on which the Scottish Ministers have laid before the Scottish Parliament a report on the outcome of the pilots undertaken on homelessness prevention.>

**Before schedule**

**Maggie Chapman**

- 24 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,
  - (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—

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

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.”.

*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—

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,
  - “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**

25 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.
- (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),
    - (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,
- “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,

“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—

“(iiia) 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.
- (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,
    - (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.”.
- (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,
- (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, 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*

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
  - (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”.>

**Maggie Chapman**

**120** 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 amended as follows.
- (2) After section 33ZA (power to modify Chapter 2) insert—

*“Duty to modify Chapter*

**33ZB Duty to modify Chapter**

- (1) As soon as reasonably practicable after the Bill for the Housing (Scotland) Act 2025 receives Royal Assent, the Scottish Ministers must by regulations make provision equivalent to regulation 2 of the Rent Adjudication (Temporary Modifications) (Scotland) Regulations 2024.
- (2) Regulations under subsection (1) may make such other provision as the Scottish Ministers consider appropriate.
- (3) The following provision applies to regulations under subsection (1)—
  - (a) section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply,

- (b) the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as practicable after they are made, and
  - (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.
- (4) In calculating the period of 28 days mentioned in subsection (3)(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.
  - (5) Regulations ceasing to have effect by virtue of subsection (3)(c) neither—
    - (a) affects anything previously done under the regulations before they ceased to have effect, nor
    - (b) prevents new regulations being made.
  - (6) Regulations under subsection (1) must include provision for them to expire on a day specified in the regulations.”.

*Assured tenancies*

2 (1) The Housing (Scotland) Act 1988 is amended as follows.

(2) After section 25ZA (power to modify this Part) insert—

**“25ZAA Duty to modify this Part**

- (1) As soon as reasonably practicable after the Bill for the Housing (Scotland) Act 2025 receives Royal Assent, the Scottish Ministers must by regulations make provision equivalent to regulation 3 of the Rent Adjudication (Temporary Modifications) (Scotland) Regulations 2024.
- (2) Regulations under subsection (1) may make such other provision as the Scottish Ministers consider appropriate.
- (3) The following provision applies to regulations under subsection (1)—
  - (a) section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply,
  - (b) the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as practicable after they are made, and
  - (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.
- (4) In calculating the period of 28 days mentioned in subsection (3)(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.
- (5) Regulations ceasing to have effect by virtue of subsection (3)(c) neither—
  - (a) affects anything previously done under the regulations before they ceased to have effect, nor
  - (b) prevents new regulations being made.
- (6) Regulations under subsection (1) must include provision for them to expire on a day specified in the regulations.”.>

## Schedule

### Mark Griffin

**391** In the schedule, page 84, line 10, at end insert—

<( ) In section 90 (interpretation of Part VIII), after subsection (3) insert—

“(4) For the avoidance of doubt, it is hereby declared that a charge for water, sewage, gas, electricity, broadband, district heating or other domestic supplies is not a premium for the purposes of this Part of this Act.”.>

### Mark Griffin

**392** In the schedule, page 85, line 11, at end insert—

<( ) In section 20 (no premiums, advance payments, etc.), after subsection (2) insert—

“(3) For the avoidance of doubt, a charge for water, sewage, gas, electricity, broadband, district heating or other domestic supplies is not a premium.”.>

### Maggie Chapman

**26** In the schedule, page 85, line 35, after <62(1)(d),> insert <64A(6),>

### Maggie Chapman

**27** In the schedule, page 85, line 35, after <64B(1)(b),> insert <64B(2),>

### Maggie Chapman

**267** In the schedule, page 86, line 3, leave out <, 17C(1)>

### Maggie Chapman

**28** In the schedule, page 86, line 3, after <19(1)(a)> insert <, 19A(1)>

### Maggie Chapman

**29** In the schedule, page 86, line 4, after <43G(1)(b)(i),> insert <43GA(1),>

### Maggie Chapman

**41** In the schedule, page 86, line 4, after <43G(1)(b)(i), > insert <43M(4A),>

**Maggie Chapman**

- 42 In the schedule, page 86, line 4, after <43G(1)(b)(i),> insert <43P(4A),>

**Maggie Chapman**

- 43 In the schedule, page 86, line 4, after <43G(1)(b)(i),> insert <43R(4A),>

**Màiri McAllan**

- 121 In the schedule, page 86, line 4, after <43G(1)(b)(i),> insert <43U(1),>

**Maggie Chapman**

- 268 In the schedule, page 86, line 25, leave out from <or> to end of line 27

**Màiri McAllan**

- 122 In the schedule, page 86, line 27, leave out <regulations under>

**Maggie Chapman**

- 269 In the schedule, page 86, line 29, leave out from <and> to end of line 30

**Meghan Gallacher**

- 393 In the schedule, page 86, line 30, at end insert—

<*The Antisocial Behaviour etc. (Scotland) Act 2004*

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows.
- (2) In section 83 (application for registration)—
  - (a) in subsection (1)(a), for “relevant person” substitute “owner”,
  - (b) after subsection (1)(a) insert—
    - “(aa) the name and address of the relevant person if different to (1)(a),”
  - (c) in subsection (1)(b), for “owns” substitute “(who may or may not be the owner)”,
  - (d) in subsection (8), in the definition of “relevant person”, after first “who” insert “has granted the lease or occupancy arrangement and is in receipt of the benefit whether by rent or otherwise but notwithstanding that, who”.>

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