

Housing (Scotland) Bill

2nd Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 41 to 57 Long Title	Schedule
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Amendments marked * are new (including manuscript amendments) or have been altered.

Section 41

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

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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