

Private Rented Housing (Scotland) Bill

Groupings of Amendments for Stage 3

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

- the list of groupings (that is, the order in which amendments will be debated).
- the text of amendments to be debated at Stage 3, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Group 1: Minor and technical amendments

3, 4, 5, 6, 11, 12, 13, 14

Group 2: Refusal to consider an application for an HMO licence

7, 8, 9, 10

Group 3: Suitability of living accommodation for HMO licence

1

Debate to end no later than 20 minutes after proceedings begin

Group 4: Refusal to grant an HMO licence: overprovision

15

Group 5: Overcrowding statutory notices: reports

2

Debate to end no later than 45 minutes after proceedings begin

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Amendments in debating order

Group 1: Minor and technical amendments

Alex Neil

- 3 In section 5, page 4, line 17, leave out <refuses> and insert <decides to refuse>

Alex Neil

- 4 In section 8, page 6, line 11, leave out <house concerned> and insert <person>

Alex Neil

- 5 In section 9, page 6, line 39, after <with> insert <, in relation to any house within the local authority's area>

Alex Neil

- 6 In section 9, page 7, line 20, leave out <such house> and insert <house within the local authority's area>

Alex Neil

- 11 In section 24, page 16, line 17, after <serve> insert <notice of>

Alex Neil

- 12 In section 24, page 16, line 18, leave out <by a notice>

Alex Neil

- 13 In section 28, page 19, line 17, leave out <and>

Alex Neil

- 14 In section 29, page 21, line 4, leave out <and>

Group 2: Refusal to consider an application for an HMO licence

Alex Neil

- 7 In section 13, page 10, line 19, at end insert <by virtue of section 123(a) or (b) of that Act>

Alex Neil

- 8 In section 13, page 10, line 38, at end insert—

<(6) For the purposes of this Part, a refusal to consider an application under subsection (1) is not to be treated as a refusal to grant an HMO licence under section 129(2)(b).>

Alex Neil

- 9 In section 13, page 10, line 39, leave out subsection (3)

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Alex Neil

- 10 In section 13, page 11, line 18, leave out subsection (5)

Group 3: Suitability of living accommodation for HMO licence

Pauline McNeill

- 1 In section 13, page 10, line 38, at end insert—
- <() In section 131 of the 2006 Act (suitability of living accommodation), after subsection (2)(d) insert—
- “(da) whether any rooms within it have been subdivided,
 - (db) whether any rooms within it have been adapted and that has resulted in an alteration to the situation of the water and drainage pipes within it,”>

Group 4: Refusal to grant an HMO licence: overprovision

Ted Brocklebank

- 15 In section 13, page 10, line 38, at end insert—
- <() After section 131 of the 2006 Act insert—
- “131A Overprovision**
- (1) The local authority may refuse to grant an HMO licence if it considers that there is (or, as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated.
 - (2) In considering whether to refuse to grant an HMO licence under subsection (1), the local authority must have regard to—
 - (a) whether there is an existing HMO licence in effect in respect of the living accommodation,
 - (b) the views (if known) of—
 - (i) the applicant, and
 - (ii) if applicable, any occupant of the living accommodation,
 - (c) such other matters as the Scottish Ministers may by order specify.
 - (3) It is for the local authority to determine the localities within its area for the purpose of this section.
 - (4) In considering whether there is or would be overprovision for the purposes of subsection (1) in any locality, the local authority must have regard to—
 - (a) the number and capacity of licensed HMOs in the locality,
 - (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need,
 - (c) such other matters as the Scottish Ministers may by order specify.

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- (5) Before making an order under subsection (2)(c) or (4)(c), the Scottish Ministers must consult—
 - (a) local authorities,
 - (b) such persons or bodies as appear to them to be representative of the interests of—
 - (i) landlords,
 - (ii) occupiers of houses, and
 - (c) such other persons or bodies (if any) as they consider appropriate (which may include landlords or occupiers of houses).>

Group 5: Overcrowding statutory notices: reports

Mary Mulligan

2 After section 26A, insert—

<Reports

- (1) The Scottish Ministers must, as soon as practicable after the end of each 3 year period, publish a report containing the information referred to in subsection (2).
- (2) That is information, in relation to each local authority area, about—
 - (a) the number of overcrowding statutory notices served during the period to which the report relates,
 - (b) the extent to which service of the notices has reduced the overcrowding of houses,
 - (c) the extent to which persons have become homeless as a result of the service of the notices, and
 - (d) any other measures that have been taken or considered by the local authority during the period for the purpose of reducing the overcrowding of houses.
- (3) A local authority must provide the Scottish Ministers with such information as they may reasonably require to comply with subsection (1).
- (4) In subsection (1), “3 year period” means—
 - (a) the period of 3 years beginning with the day on which section 17 comes into force, and
 - (b) each subsequent period of 3 years.>