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**Delegated Powers and Law Reform Committee
Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh
Lagh**

**Housing (Amendment) (Scotland) Bill
after Stage 2**



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Email: sp.info@parliament.scot

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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) any—
 - (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
 - (ii) [deleted]
 - (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
- (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
- (c) general questions relating to powers to make subordinate legislation;
- (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
- (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;
- (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;
- (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
- (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
- (i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



dplr.committee@parliament.scot



0131 348 5212

Committee Membership



Convener
Graham Simpson
Scottish Conservative
and Unionist Party



Deputy Convener
Stuart McMillan
Scottish National Party



Tom Arthur
Scottish National Party



Neil Findlay
Scottish Labour



Alison Harris
Scottish Conservative
and Unionist Party

Introduction

1. At its meeting on 22 May 2018, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Housing (Amendment) (Scotland) Bill as amended at Stage 2 ("the Bill").ⁱ The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
2. This Government Bill was introduced on 4 September 2017 by the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP. The Local Government and Communities Committee is the lead committee.
3. The Bill makes several technical amendments of the Housing (Scotland) Act 2010 ("*the 2010 Act*"), in respect of powers that the Scottish Housing Regulator ("*the Regulator*") exercises over registered social landlords (and in the case of part of section 1 in respect of social landlords generally). It also enables the Scottish Ministers, by regulations, to modify the functions of the Regulator, and to reduce local authority influence over registered social landlords ("*RSLs*"). The Regulator independently regulates RSLs and local authority housing services, and has an objective to safeguard the interests of tenants of social landlords. Its board was established under the 2010 Act. It is an office-holder within the Scottish Administration.
4. The general purpose of the Bill is to ensure that the influence the Regulator and local authorities can exercise over RSLs is compatible with RSLs being classified by the Office for National Statistics ("ONS") as private sector bodies, in the UK's national accounts.
5. The Committee published its Stage 1 Report on the Bill on 28 November 2017.ⁱⁱ
6. Amendments were made to the Bill at Stage 2, which was completed on 9 May 2018.
7. The Government has provided the Parliament with a supplementary memorandum ("SDPM") on the delegated powers provisions in the Bill after Stage 2.ⁱⁱⁱ

ⁱ The Housing (Amendment) (Scotland) Bill as amended at Stage 2 can be found [here](#).

ⁱⁱ The report, 57th Report, 2017 (Session 5) is available [here](#).

ⁱⁱⁱ The Supplementary Delegated Powers Memorandum can be found [here](#).

Delegated Powers

8. The Committee considered the delegated powers provisions in the Bill as amended at Stage 2.
9. The Committee determined that it did not need to draw the Parliament's attention to the delegated powers in the following provision:
 - Section 9A - Duration of powers conferred by sections 8(1) and 9(1).

