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Local Government, Housing and Planning Committee

Report on the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft]

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Local Government, Housing and Planning Committee

To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government, matters within the responsibility of the Cabinet Secretary for Housing, with the exception of matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services; and matters relating to local government boundaries, local governance review and democratic renewal.



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Introduction

1. This report concerns the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft], laid before the Parliament by the Scottish Government on 5 February 2026. [1]

2. The instrument, which was laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.

3. It is for the Local Government, Housing and Planning Committee, as lead committee, to decide whether or not to recommend approval.

Background

4. The Regulations are commonly referred to as Awaab's Law, named for Awaab Ishak, a two-year-old from Rochdale who died in December 2020 as a result of a severe respiratory condition caused by prolonged exposure to damp and mould. [2]

5. Following Awaab's death, his parents campaigned for a change in the law to ensure that no other child's life be put at risk due to hazards in the home.

6. Subsequently, in July 2023, the Social Housing (Regulation) Act 2023 received Royal Assent. An Act of the UK Parliament, it makes provision for the regulation of social housing in England and Wales, including provisions requiring the Secretary of State to set out in regulations new requirements for social landlords to address hazards in social housing. [3] Subsequent regulations identified damp and mould as a prescribed hazard. [4]

7. On 18 March 2025, the then Cabinet Secretary for Social Justice, Shirley-Anne Somerville announced the Scottish Government's intention to introduce an equivalent of Awaab's Law in Scotland. [5] The Housing (Scotland) Bill was amended at Stage 2 to provide Ministers with the power to introduce regulations to this effect. [6]

8. The Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] focus on the issue of damp and mould and have been described as the first set of regulations to implement Awaab's Law. [7]

9. A draft instrument under this name was initially laid before the Scottish Parliament on 21 January 2026 before being withdrawn on 4 February following questions raised by the Delegated Powers and Law Reform Committee. [8] This is explored further below.

10. The draft Regulations were re-laid on 5 February 2026. [9] A summary of the instrument, and the Committee's consideration of it, is provided below.

About the instrument

11. The Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] was re-laid on 5 February 2026. [10]

12. The instrument is made in exercise of the powers conferred by section 27(2) and 109(2) of the Housing (Scotland) Act 2001 and sections 20A(1) and (3), and 191(2) of the Housing (Scotland) Act 2006.

13. As set out in the policy note accompanying the Regulations:

> "This instrument introduces new duties on social and private landlords to investigate reports of damp and mould and commence any required repairs within a set timescale, unless, for reasons beyond the control of the landlord, the landlord is unable to do so." [11]

14. The Regulations make changes to existing legislation. For private rented housing, the Repairing Standard set out in the Housing (Scotland) Act 2006 is amended. [12] For social rented housing, the Regulations change the Right to Repair provisions set out in secondary legislation made under the Housing (Scotland) Act 2001. [13]

Consideration by the Delegated Powers and Law Reform Committee

15. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the "reporting grounds" set out in Rule 10.3 of the Parliament's standing orders.

16. On 21 January, an initial instrument under the name of 'Investigation and Commencement of Repair (Scotland) Regulations 2026 [Draft]' was laid before Parliament. [14] On 29 January, the DPLR Committee wrote to the Scottish Government to raised a number of questions about the draft regulations. [15] In response, the Scottish Government withdrew and then re-laid the regulations.

17. The DPLR Committee considered the re-laid instrument at its meeting on 17 February 2026, and agreed that it did not need to be drawn to the Parliament's attention on any of the reporting grounds. [16]

Consideration by the Local Government, Housing and Planning Committee

18. At its meeting on 27 January 2026, the Local Government, Housing and Planning Committee agreed to take written and oral evidence on the draft instrument from stakeholders. [17]

19. The Committee sought written evidence on the regulations, and received responses from the following organisations:

- Scottish Association of Landlords (SAL);
- Glasgow West of Scotland Forum (GWSF);
- Existing Homes Alliance;
- Association of Local Authority Chief Housing Officers (ALACHO) and the Scottish Federation of Housing Associations (SFHA);
- ALACHO; and
- Shelter Scotland (16 February and 6 March 2026)

20. In addition, Citizens Advice Scotland (CAS) noted they had published a report in June 2025 on experiences of damp and mould. [18]

21. At its meeting on 17 February, the Local Government, Housing and Planning Committee took evidence from the following stakeholders in relation to several items of subordinate legislation, including Awaab's Law.

- Existing Homes Alliance Scotland
- Scottish Land and Estates
- Chartered Institute of Housing Scotland (CIH)
- Scottish Federation of Housing Associations (SFHA)
- COSLA
- Citizens Advice Scotland
- Association of Local Authority Chief Housing Officers (ALACHO)
- Living Rent
- Energy Saving Trust

Witnesses were generally positive about the regulations and support the principle underpinning Awaab’s Law, while highlighting practical issues that need to be addressed. [19]

22. The Existing Homes Alliance highlighted fuel poverty as a major driver in many cases of damp and mould. They stated the need for a holistic strategy in response, including minimum energy efficiency standards for the private rented sector (PRS). [20] In the social sector, the SFHA also highlighted fuel poverty, noting high energy prices and low incomes. [21]

23. Scottish Land and Estates highlighted concerns about how the Regulations will impact on rural landlords, noting that rural properties are often more susceptible to damp and mould. [22] The organisation highlighted the need for flexibility in timescales for repairs, and the importance of communication between landlords and tenants. They pointed to supply chains and poor weather impacting how quickly repairs can be actioned, and to the potential for landlords to feel forced to find temporary solutions, rather than getting to the root of the problem. [23]

24. The SFHA felt that the timescales were broadly achievable, but they highlighted that some cases of damp and mould would be more challenging to diagnose and address in the time allowed. [24] They welcomed the inclusion in the Regulations for mitigations for landlords in relation to circumstances beyond their control, and felt that the Regulations broadly reflect conversations they have had with their members. [25]

25. The CIH highlighted the issue of temporary accommodation, and a lack of clarity over whether this will be covered in the Regulations. They identified the potential for confusion over lines of responsibility in cases where a private or local authority landlord is leasing homes to registered social landlords for temporary accommodation. [26] This point was echoed by Living Rent and Citizens Advice Scotland. [27] COSLA made the point that temporary accommodation must still align with the Scottish Housing Quality Standard. [28]

26. Citizens Advice Scotland pointed to enforcement of the Regulations, raising questions about responsibility for enforcement, monitoring and compensation. They highlighted that the tribunal process can be long and onerous for tenants without support, giving instances of non-payment of compensation. [29]

27. Living Rent noted its belief that tenants should be able to contest a landlord's report on required repairs, and the quality of the final repairs. They also suggested that repairs should be reviewed after six months. Both of these suggestions are to guard against “lick of paint” solutions that do not address underlying issues. They highlighted concerns about the quality of repairs and how the competency of tradespeople is defined in the Regulations. They further believe that stronger penalties are needed to encourage timeous repairs. They point to three related strands on compensation:

    - That tenants who experience substandard service should receive a rent rebate;
    - That landlords should face fines for not meeting requirements in the regulations; and
    - That individuals whose health is compromised due to exposure to damp and mould should receive compensation.

They highlighted the impact on tenants' physical and mental health of a system where they keep reporting issues with no resolution over a period that can stretch to years, leaving them feeling disempowered. [30]

28. In its evidence, COSLA noted the need to be mindful of the cumulative impact of regulations on the private rented sector. They note that it is an important part of the housing mix and the potential risk that small landlords disinvest due to regulations. [31]

29. Various witnesses pointed to the importance of guidance to ensure that the Regulations will deliver on the Scottish Government's policy aims, particularly considering the timelines involved (e.g. Scottish Land and Estates, SFHA, CIH, ALACHO, COSLA). Witnesses also noted the importance of communicating this effectively to tenants and landlords, with Citizens Advice Scotland calling for an "extensive awareness-raising programme". [32]

30. At its meeting on 10 March 2026, the Local Government, Housing and Planning Committee took evidence on the instrument from the Cabinet Secretary for Housing and officials. [33]

31. In relation to the scope of the regulations, the Cabinet Secretary noted that the Scottish Government has proceeded with Awaab's Law via secondary legislation in order to implement changes more quickly. [34]

32. Specific questions were raised regarding the extent to which the Regulations will cover people in temporary accommodation, and particularly children in temporary accommodation. The Cabinet Secretary provided assurances that all temporary accommodation provided under Short Scottish Secure Tenancies will be covered. She also noted that all social accommodation, including temporary accommodation must comply with the Tolerable Standard as set out in statutory guidance. [35]

33. The Cabinet Secretary acknowledged however that there will be specific types of tenancy arrangements that are not covered, and that work is underway to assess the extent of this in order to identify how to implement Awaab's Law in these circumstances. The Scottish Government's intention is to ensure that Awaab's Law protects tenants in all tenancies, and the Cabinet Secretary gave assurances that the Scottish Government will update the Parliament on progress in this area.

34. On the issue of compensation, the Cabinet Secretary set out the Government's intention that the Regulations will help to foster early dialogue between landlords and tenants to resolve hazards in homes without the need to resort to enforcement. However, she noted that the Regulations provide a backstop for tenants via existing schemes – namely the Repairing Standard guidance for private landlords and the Right to Repair scheme in the social sector. [36] [37]

35. Responding to questions on capacity within the tribunal system to handle enforcement, the Cabinet Secretary confirmed that the Scottish Government engages regularly with the Scottish Court Service to consider policy impacts.

36. Responding to questions regarding particular challenges faced by rural landlords to meet timescales, the Cabinet Secretary pointed to flexibility within the Regulations.

In particular, she emphasised the need for clear communication between landlords and tenants to notify of any delays, to set out next steps and to give indicative timescales for work to be completed.

37. Addressing questions about the availability of a skilled workforce to deliver repairs, particularly in rural areas, the Cabinet Secretary reassured the Committee that she is in discussion with ministerial colleagues to monitor skills requirements. [38]

38. A common theme throughout the evidence session was the importance of the guidance that will accompany the Regulations. The Cabinet Secretary provided assurances that the guidance would contain practical information for landlords and tenants regarding their rights and responsibilities. In addition, the guidance will contain clear definitions to help resolve disputes between landlords and tenants. [39]

39. The Cabinet Secretary noted the importance of effective communication to raise awareness of Awaab's Law to ensure that tenants are empowered. [40] In addition, the importance of additional support for tenants, including through elected representatives and advice services, was highlighted. [41]

40. The Cabinet Secretary confirmed that the Scottish Government has been working with stakeholders representing both landlords and tenants to develop appropriate guidance, and that their intention is to publish this by the end of the summer, ahead of the Regulations coming into force. [42]

41. Following the oral evidence, the Cabinet Secretary moved motion S6M-20535—

That the Local Government, Housing and Planning Committee recommends that the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] be approved.

42. The motion was agreed to.

Conclusion

43. **The Local Government, Housing and Planning Committee recommends to the Parliament that the draft Investigation and Commencement of Repair (Scotland) Regulations 2026 be approved.**

1 The Investigation and Commencement of Repair (Scotland) Regulations 2026 [Draft] (ISBN 978-0-11-106559-4).

2 Shelter England, 27 October 2025. Awaab's Law finally begins to take effect.

3 Social Housing (Regulation) Act 2023.

4 Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025

5 Scottish Government, 18 March 2025. Awaab's Law to come to Scotland.

6 Housing (Scotland) Act 2025 (asp 13). Section 46.

7 Scottish Government, 21 January 2026. Tenants to be better protected from damp and mould.

8 Delegated Powers and Law Reform Committee. Instrument Responses, 17 February 2026.

9 The Investigation and Commencement of Repair (Scotland) Regulations 2026 [Draft] (ISBN 978-0-11-106559-4).

10 The Investigation and Commencement of Repair (Scotland) Regulations 2026 [Draft] (ISBN 978-0-11-106559-4).

11 The Investigation and Commencement of Repair (Scotland) Regulations 2026 [Draft]. Policy Note.

12 Housing (Scotland) Act 2006 (asp 1).

13 Housing (Scotland) Act 2001 (asp 10).

14 The Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] (ISBN 978-0-11-106509-9).

15 Delegated Powers and Law Reform Committee. Instrument Responses, 17 February 2026.

16 Delegated Powers and Law Reform Committee, 19th Report. 2026 (Session 6). Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 17 February 2026 (SP Paper 1013).

17 Minute of the Local Government, Housing and Planning Committee meeting of 27 January 2026.

18 Citizens Advice Scotland, June 2025. Left in the cold Experiences of damp and mould in Scotland.

19 Local Government, Housing and Planning Committee, Official Report, 17 February 2026, Cols 6-12 and 28-33.

20 LGHP Committee, Official Report, 17 February 2026, Cols 7-8.

21 LGHP Committee, Official Report, 17 February 2026, Col 8.

22 LGHP Committee, Official Report, 17 February 2026, Cols 7.

23 LGHP Committee, Official Report, 17 February 2026, Cols 7-8.

24 LGHP Committee, Official Report, 17 February 2026, Cols 11-12.

25 LGHP Committee, Official Report, 17 February 2026, Col 8.

26 LGHP Committee, Official Report, 17 February 2026, Cols 9-10.

27 LGHP Committee, Official Report, 17 February 2026, Cols 30-31.

28 LGHP Committee, Official Report, 17 February 2026, Cols 32-33.

29 LGHP Committee, Official Report, 17 February 2026, Col 29.

30 LGHP Committee, Official Report, 17 February 2026, Cols 29-30 and 32-33.

31 LGHP Committee, Official Report, 17 February 2026, Col 33.

32 LGHP Committee, Official Report, 17 February 2026, Cols 31-32.

33 LGHP Committee, Official Report, 10 March 2026, Cols 2-18.

34 LGHP Committee, Official Report, 10 March 2026, Col 4.

35 Scottish Government (2024). Repairing Standard: statutory guidance for private landlords.

36 Scottish Government (2024). Repairing Standard: statutory guidance for private landlords.

37 Scottish Government (2013). Right to Repair.

38 LGHP Committee, Official Report, 10 March 2026, Col 12.

39 LGHP Committee, Official Report, 10 March 2026, Col 14.

40 LGHP Committee, Official Report, 10 March 2026, Cols 9-10.

41 LGHP Committee, Official Report, 10 March 2026, Cols 9-10.

42 LGHP Committee, Official Report, 10 March 2026, Col 16.

