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Social Justice and Social Security Committee

Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 [draft]



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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, and matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services within the responsibility of the Cabinet Secretary for Housing.



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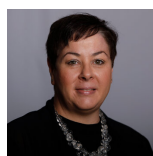
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Introduction

1. This report sets out the Social Justice and Social Security Committee's consideration of the Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 [draft] at its meeting on 29 January 2026.
2. The minutes of the meeting have been published on the Committee's [web page](#). The [Official Report](#) of the meeting is available on the Scottish Parliament's website.

Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 [draft]

3. The [Domestic Abuse \(Protection\) \(Scotland\) Act 2021 \(Consequential and Supplementary Amendments\) Regulations 2026 \[draft\]](#) were laid on 18 December 2025. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
4. According to the [Policy Note](#), the purpose of the instrument is to amend and update court and housing legislation to facilitate eviction of abusive joint tenants through appropriate procedures, protect victims and their families from removal, and ensure victims are recognised as qualifying occupiers with rights in eviction proceedings.
5. The Regulations are expected to come into force on 1 August 2026 and are intended to ensure the eviction process operates effectively to safeguard victims while transferring tenancy rights to them.

Consideration by the Delegated Powers and Law Reform Committee

6. The Delegated Powers and Law Reform Committee (DPLR) considered the Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 [draft] on [13 January 2026](#) and reported on it in its [6th report, 2026](#) and raised no points in relation to the instrument.

Consideration by the Social Justice and Social Security Committee

7. At its meeting on 29 January 2026, the Social Justice and Social Security Committee heard from Màiri McAllan, Cabinet Secretary for Housing and supporting Scottish Government officials.
8. In her opening statement, the Cabinet Secretary stated that domestic abuse is a leading cause of women's homelessness in Scotland and social landlords have a vital role to play in keeping tenants safe.
9. The Cabinet Secretary stated that the regulations strengthen the protections for victims of domestic abuse in social housing. The measures enable social landlords to apply to the court to transfer a tenancy to a victim, ensuring perpetrators can be removed from the home rather than forcing victims and their families to flee.
10. The Regulations make necessary consequential changes, introduce new statutory notice forms, and ensure that only the abusive tenant is removed unless others are explicitly named in a court order. They also guarantee that victims and qualifying occupiers are properly notified, informed of their rights, and able to participate in proceedings.
11. The Cabinet Secretary confirmed that implementation of the proposed changes has been complex and required close collaboration with stakeholders, including social landlords and the Scottish Courts and Tribunals Service, as well as updates to court rules and guidance. Guidance is due to be published in spring and commencement set for 1 August. The Cabinet Secretary told the Committee that the package represents a significant step in tackling domestic abuse, preventing homelessness, and supporting victims to remain safely in their homes.
12. During the evidence session, Members sought clarification on three points: the timing of statutory guidance, stakeholder involvement in awareness and enforcement, and the grounds for eviction under the new provisions.
13. The Cabinet Secretary confirmed that statutory guidance, developed with stakeholders, will be published in spring and in advance of the regulations coming into force on 1 August 2026. She emphasised the important role of organisations such as Scottish Women's Aid in shaping the policy and supporting victims, alongside ongoing engagement with the Scottish Courts and Tribunals Service and other partners. On eviction grounds, officials explained that the instrument would amend the Housing (Scotland) Act 2001 to allow social landlords to seek termination of a tenancy or recovery of possession where a tenant has engaged in abusive behaviour towards a partner or ex-partner. A criminal conviction is not required, and behaviour falling short of criminality may be sufficient.
14. Members highlighted the heightened risk faced by women during periods of transition in abusive relationships. They stressed the importance of clear guidance to ensure social landlords and support organisations understand the complexity of such cases and act only with the consent and comfort of the victim, rather than taking unilateral action.

15. The Cabinet Secretary agreed, emphasising that while the regulations create an important option for victims to remain in their homes, their effectiveness depends on victims feeling able to engage with the process. She confirmed that forthcoming guidance, developed with stakeholders, will promote a gendered, victim-centred approach, recognise a broad range of evidence of abuse, and ensure that social landlords act in partnership with victims, keeping them as far as possible in control of decisions affecting them.
16. Members raised concerns about potential unintended consequences of the regulations, including whether social landlords might become more reluctant to let properties to couples, and how false or malicious allegations of abuse would be safeguarded against. Members also asked about the burden of proof and the training that would be provided to social landlords.
17. The Cabinet Secretary reassured the Committee that the measures should not deter landlords from renting to couples, as abuse can arise in any household and allocations must continue to be based on housing need. On evidence and safeguards, the Cabinet Secretary and her officials explained that proceedings are civil, not criminal, and rely on the balance of probabilities rather than a criminal standard of proof. A wide range of evidence may be considered, without requiring a conviction, reflecting the realities faced by victims.
18. On training and implementation, the Cabinet Secretary confirmed that statutory guidance will be published in spring ahead of commencement in August, and that guidance, alongside new domestic abuse policy requirements in the Housing (Scotland) Act 2025, will support social landlords to develop the skills and understanding needed to apply the regulations appropriately.
19. Following the evidence session, the Cabinet Secretary for Housing moved motion S6M-20309. The motion was agreed to without division.

Recommendation

20. The Social Justice and Social Security Committee recommends that the Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 [draft] be approved.

