



The Scottish Parliament  
Pàrlamaid na h-Alba

SPICe

The Information Centre  
An t-Ionad Fiosrachaidh

SPICe Briefing

Pàipear-ullachaidh SPICe

# Housing (Scotland) Bill: Consideration prior to Stage 3

Kate Berry, Laura Haley

This briefing seeks to inform Stage 3 proceedings of the Housing (Scotland) Bill. It outlines the main changes made to the Bill at Stage 2.



18 July 2025  
SB 25-31

# Contents

<b>Summary</b>	<b>3</b>
<b>Homelessness: meaning, duties and actions</b>	<b>10</b>
<b>Homelessness: information sharing and coordination among relevant bodies</b>	<b>12</b>
<b>Homelessness: duty to ask and act relevant bodies</b>	<b>13</b>
<b>Homelessness: intentionality</b>	<b>14</b>
<b>Homelessness: other debate</b>	<b>15</b>
<b>Designation of rent control areas: assessments, reports and designation</b>	<b>16</b>
<b>Student tenancies and accommodation</b>	<b>18</b>
<b>Rent control areas: amount of rent cap</b>	<b>20</b>
<b>Rent control areas : exempt properties</b>	<b>22</b>
<b>Rent control areas: collection and use of information</b>	<b>23</b>
<b>Rent increase procedure</b>	<b>25</b>
<b>Information to tenants</b>	<b>27</b>
<b>Rent controls: other groupings where no amendments were agreed</b>	<b>28</b>
<b>Taxes and local government finance</b>	<b>29</b>
<b>Repairs and standards</b>	<b>30</b>
<b>Right to keep a pet and personalise a rented home</b>	<b>32</b>
<b>Dealing with evictions</b>	<b>35</b>
<b>Private residential tenancies: ending a joint tenancy</b>	<b>37</b>
<b>Tenancy deposits</b>	<b>38</b>
<b>Succession to tenancies</b>	<b>39</b>
<b>Property factors</b>	<b>40</b>
<b>Scottish housing regulation</b>	<b>42</b>
<b>Mobile homes</b>	<b>43</b>
<b>Other topics</b>	<b>45</b>
<b>Bibliography</b>	<b>47</b>

# Summary

The [Housing \(Scotland\) Bill](#) is a Scottish Government Bill introduced in the Parliament on 26 March 2024. The Bill deals mainly with rented, particularly private rented, accommodation and homelessness prevention.

A large number of amendments, nearly 700, were lodged at Stage 2. The amendments were considered by the Local Government, Housing and Planning Committee and the Social Justice and Social Security Committee over 10 meetings.

The following summarises some of the more notable amendments agreed to.

## Homelessness

Amendments agreed to included those that would:

- provide more detail on the 'ask and act duty' and a right to review for certain local authority decisions
- facilitate information sharing and coordination amongst relevant bodies in the discharge of their 'ask and act duty'
- expand the list of relevant bodies to whom the 'ask and act duty' applies to effectively include Social Security Scotland.
- amend the local authority process for assessing homelessness applications to provide for the removal of the local authority power to assess whether someone is intentionally threatened with homelessness.

A range of other amendments covering topics such as further changes to the 'ask and act' duty and protection of persons experiencing domestic abuse were debated. The Minister for Housing agreed to further discussion with Members on some of the proposed amendments prior to Stage 3.

## Rent control areas

Scottish Government amendments would set out the formula for the rent cap to be applied in rent control areas on the face of the Bill as Consumer Price Index (CPI) + 1% up to a maximum of 6%. The Bill had provided that the detail of the rent cap would be set out in regulations.

Non-Government amendments, not supported by the Scottish Government, included those that would:

- change the approval process for a rent control area designation
- require that regulations proposing a rent control area designation provide that the amount specified must be calculated with reference to the quality, state of repair, and energy efficiency of a property
- provide that rent payable means the amount that is payable in rent, excluding any charges for water, sewage, gas, or electricity which are directly payable to the landlord under the tenancy agreement

- include student tenancies into various provisions in Part 1 of the Bill
- provide that if the landlord intends to raise the rent they must provide a clear explanation for the increase.

There was also debate about exemptions to rent cap, and circumstances in which rents could be increased above the rent cap. The Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP, indicated her view that such detail was better left to regulations. She noted the need for clarity on this issue, and the ongoing Scottish Government consultation on the matter.

### **Data and information**

- Scottish Government amendments sought to strengthen the data collection powers in Chapter 1 of the Bill. This included giving Scottish Ministers, in addition to local authorities, powers to collect data from landlords on the private landlord register.

### **Rent increases outwith a rent control area**

- Scottish Government amendments would extend the time which a tenant with a private residential tenancy has to request a rent officer adjudication on a rent increase notice from 21 to 30 days.

### **Taxation and local government finance**

Non-Government amendments, supported by the Scottish Government, would:

- require Scottish Ministers to review the impact of joint and several liability for council tax arrears on domestic abuse victims and survivors
- make changes to the operation of local authorities' Housing Revenue Accounts and council tax legislation on unoccupied dwellings.

### **Keeping pets and personalisation of rented homes**

- Scottish Government amendments sought to provide more certainty on the potential content of secondary regulations relating to keeping pets and personalisation of rented homes.

### **Succession**

- Scottish Government amendments would reduce the qualifying period for succession to a Scottish Secure Tenancy and a Private Residential Tenancy (PRT) by a qualifying occupier from 12 months to 6 months.

### **Evictions**

- Scottish Government amendments would change the penalties landlords can be ordered to pay by the First-tier Tribunal for Scotland for wrongfully ending a private residential tenancy and change the process for determining damages for an unlawful eviction.

Other Members lodged a range of amendments on this topic. The Cabinet Secretary indicated that some of the issues raised during the discussion might best be considered as part of future wider review of eviction grounds under the PRT, which the Scottish

Government had committed to undertake.

### **Housing quality**

- Scottish Government amendments would enable regulations for an "Awaab's law" for social rented housing in Scotland so that social landlords must deal with certain disrepair issues, including dampness, in a timely manner.

### **Mobile Homes**

- A non-Government amendment, not supported by the Scottish Government, would transfer the functions for the resolution of disputes between park home owners and residents from the sheriff court to the First-tier Tribunal for Scotland.

### **Scottish Housing Regulator**

- A non-Government amendment, supported by the Scottish Government would create an independent appeals process for decisions by the Scottish Housing Regulator to the First-tier Tribunal for Scotland.

### **Property factors**

- Scottish Government amendments would make changes to the registration and removal process for the Scottish Property Factors Register.

### **Further discussion before Stage 3**

Some of non-Government amendments were not pressed by Members on the basis that there would be further discussions with the Government prior to Stage 3. The Cabinet Secretary wrote to the [Local Government, Housing and Planning Committee on 11 June 2025](#), stating:

“ It is clear further work is required in some areas, and I would welcome working with members of the Committee, and other members, to progress these issues. It may be that we can find solutions together which can be proposed at Stage 3 and other areas which are best dealt with outside of the Bill process. Below I have set out examples of the topic, aspects of which, I am keen to progress during the summer. I offered to work with members of the Committee and other members, and I will aim to engage early with these members on these matters:”

- Homelessness prevention measures”
- Student tenancies”
- Data collection”
- Rent control exemptions and use of modified rent cap”
- Evictions ”
- Repairs and standards”
- Keeping pets and making changes to let property ”
- Mobile homes”
- Cooperatives”

Source:Scottish Government, 2025<sup>1</sup>

# Overview of the Bill and parliamentary proceedings

The [Housing \(Scotland\) Bill](#) is a Scottish Government Bill introduced in the Parliament on 26 March 2024.

The Bill deals mainly with rented, particularly private rented, accommodation and homelessness prevention. The Scottish Government states that the package of reforms "will help ensure people have a safe, secure, and affordable place to live .... while contributing to the ambition to end homelessness in Scotland."

The following provides a summary of the main parts of the Bill as it was introduced. Further details are contained in the [SPICe Briefing on the Bill](#).<sup>2</sup>

Part 1 relates to rent paid by private tenants. Provisions include duties on local authorities to assess and report on rent conditions in their area and powers for Scottish Ministers to introduce rent control areas and place limits on rent increases for tenants with a private residential tenancy

Part 2 of the Bill deals with evictions. It places a duty on the First-tier Tribunal for Scotland and the courts to consider whether to delay when an eviction can be carried out. It also changes how damages for unlawful eviction are calculated.

Part 3 introduces new rights for private and social housing tenants to request to keep a pet and for private housing tenants to make changes to the property they are renting.

Part 4 makes changes to other matters affecting tenants, including:

- allowing unclaimed deposits to be paid to the Scottish Ministers or into another fund so that they can be used to provide support to private tenants across Scotland
- allowing a single joint tenant to end a joint tenancy
- giving Scottish Ministers the power to convert assured tenancies into private residential tenancies.

Part 5 of the Bill relates to homelessness prevention and would introduce an 'ask and act duty' on relevant public bodies, with the aim of making homelessness prevention a shared responsibility across the public sector, and extend the time by which someone would be considered as threatened with homelessness. It also requires social landlords to have a policy which sets out how they will support tenants who are at risk of homelessness due to domestic abuse.

Part 6 deals with other housing matters including: changing the way mobile home pitch fees are presumed to be calculated; changing the reporting and consultation requirements in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019; and allowing the Scottish Public Services Ombudsman (who investigates, reports on and helps settle complaints) to share information with the New Homes Ombudsman for the UK.

All the Bill documents are [available on the Scottish Parliament website](#).

## Stage 1 proceedings

The [Local Government, Housing and Planning Committee](#) ('the Committee') was the lead Committee on the Bill and scrutinised Parts 1-4 of the Bill.

The Committee published its [Stage 1 Report on the Bill on 18 June 2024](#)<sup>3</sup>, with the [Scottish Government responding on 27 November 2024](#).

The [Social Justice and Social Security Committee](#) was designated as a secondary Committee on the Bill and took evidence on Parts 5-6 of the Bill. The Social Justice and Social Security Committee published its Stage 1 Report on the Bill on [20 September 2024](#)<sup>4</sup>, with the Scottish Government responding on [18 November 2024](#).

The Scottish Parliament agreed to the general principles of the Bill during the [Stage 1 debate on 24 June 2024](#).

## Stage 2 proceedings

Stage 2 is an amending stage where amendments are considered and voted on in Committee.

Overall, there were a high number of amendments, almost 700, proposed to the Bill. The [Marshalled Lists and Groupings of amendments can be viewed on the Parliament website](#).

The Social Justice and Social Security Committee considered the amendments to Parts 5 and 6 of the Bill over three meetings:

- [day 1, 20 March 2025](#)
- [day 2, 27 March 2025](#)
- [day 3, 24 April 2025](#).

The Local Government, Housing and Planning Committee considered amendments to Parts 1 to 4 of the Bill over seven meetings:

- [day 1, 6 May 2025](#)
- [day 2, 13 May 2025](#)
- [day 3, 14 May 2025](#)
- [day 4, 20 May 2025](#)
- [day 5, 27 May 2025](#)
- [day 6, 29 May 2025](#)
- [day 7, 3 June 2025](#).

The Bill as amended at [Stage 2 is available on the Scottish Parliament website](#).

The Minister for Housing, Paul McLennan MSP, attended the first meetings, with the Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP, attending the latter meetings

The following sections of this briefing are not an exhaustive account of the changes to the Bill or the debates at Stage 2. The purpose is to highlight the main changes, the main areas of debate, and the areas where the Cabinet Secretary has agreed to work with other Members to develop amendments prior to Stage 3.

# Homelessness: meaning, duties and actions

At Stage 2, Scottish Government amendments agreed to would provide more detail on the 'ask and act duty' and a right to review for certain local authority decisions.

The grouping of amendments on 'meaning of homeless' were debated by the Social Justice and Social Security Committee [on day 1, 20 March 2025](#). A Scottish Government amendment would give Scottish Government Ministers regulation-making powers to adjust the meaning of a person who is homeless or threatened with homelessness within existing homeless legislation.

The groupings of amendment on 'homelessness: duties and actions' were debated during [day 2, 27 March 2025](#).

One of the main themes arising from the [Committee's Stage 1 report](#) was on the level of detail in the Bill in relation to the 'ask and act duty' and how the duty might be implemented in practice.

Scottish Government amendments agreed to would:

- provide a right to request a review of a decision taken by a local authority under the 'ask and act duty'
- give Scottish Ministers regulation-making powers to specify additional actions that a relevant body must undertake to fulfil its 'ask and act duty' in relation to a person who is threatened with homelessness. Relevant bodies must be consulted on the regulations. The Minister for Housing, Paul McLennan MSP, indicated that this would be "an important and flexible way to achieve the level of detail that we have been asked to provide, through regulations that are developed in consultation with stakeholders".

Other amendments not moved or disagreed to, included those that sought to:

- requiring Scottish Ministers to set out a statement of principles that would apply to the 'ask and act duty'.
- ensuring that when a local authority has taken all the relevant steps to remove a threat of homelessness and the applicant still does not have stable accommodation, the applicant should be considered homeless. The Minister argued that this is already provided for in existing legislation.
- creating a right to review the actions of every relevant body under the 'ask and act duty'. The Minister argued that such an amendment would require new review processes to be created by the relevant bodies, which would require further consultation with them.
- introducing a right to review the effectiveness and appropriateness of the assistance that is provided to someone who is threatened with homelessness and, specifically, whether it has fulfilled the intention of removing or minimising the threat of

homelessness.

# Homelessness: information sharing and coordination among relevant bodies

At Stage 2, Scottish Government amendments agreed to seek to facilitate information sharing and coordination amongst relevant bodies in the discharge of their 'ask and act duty'.

The [Committee's Stage 1 report](#) noted the need for information sharing and co-operation between relevant bodies to ensure the new 'ask and act duty' was effective and did not just become a duty to defer to local authority housing departments.

The grouping of amendments on 'homelessness: information sharing, and coordination among relevant bodies' was debated by the Social Justice and Social Security Committee on [day 3, 24 April 2025](#).

Scottish Government amendments agreed to would:

- enable relevant bodies to share information with each other in connection with the 'ask and act duty'
- require relevant bodies to consult and cooperate with each other as appropriate in relation to the 'ask and act duty' in relation to a person who is threatened with homelessness.

A technical amendment in the name of Jeremy Balfour MSP was also supported by the Scottish Government and agreed to.

Jeremy Balfour MSP also lodged other amendments on information sharing, but did not move these after debate. He indicated that there was still some lack of clarity about how information sharing would work in practice and stated "I would appreciate it if we could get some kind of briefing from the Scottish Government about what its understanding of the law is, so that, when we take the provisions forward, we are clear about what we can expect a relevant body to have to share."

An amendment in the name of Sarah Boyack MSP sought to establish a national register of homeless households, which would help to understand the scale of the national housing emergency. After debate, the amendment was not moved.

# Homelessness: duty to ask and act relevant bodies

At Stage 2, Scottish Government amendments agreed to expand the list of relevant bodies to whom the 'ask and act duty' applies to effectively include Social Security Scotland.

The grouping of amendments on 'homelessness: duty to ask and act - relevant bodies' was debated by the Social Justice and Social Security Committee on [day 3, 24 April 2025](#).

Section 41 of the Bill as introduced would place a duty on relevant bodies, such as councils, health boards and the police, to ask whether an individual is homeless or at risk of homelessness and to take action if they are. During Stage 1 proceedings, the Committee considered views on the need for additional bodies to be added to the list of relevant bodies.

A Scottish Government amendment agreed to expanded the list of relevant bodies to include Scottish Ministers in so far as they have functions relating to social security. This includes those functions that are carried out on behalf of the Scottish Ministers by Social Security Scotland.

Non-Government amendments, which were not moved or not agreed to, also sought to expand the list of relevant bodies by including, for example, higher education institutions and private providers of Purpose-Built Student Accommodation), GPs, MSPs and the Scottish Fire and Rescue Service. Bob Doris MSP also noted that the role that Home Office and Department for Work and Pensions (DWP) might have to play and the need for partnership working with them to prevent homelessness.

The Minister for Housing, Paul McLennan MSP, explained that the Bill already includes a power for Scottish Ministers to extend the list of relevant bodies by secondary legislation. He also stated that he was:

“ ... willing to consider adding any appropriate body to the list of relevant bodies where there is evidence that that will help to achieve the objective of preventing homelessness. Not all bodies in Scotland will have that role. When a body’s role is identified, it should be included only following discussions with that body.”

Source: Scottish Parliament Social Justice and Social Security Committee, 2025<sup>5</sup>

The Minister offered to meet members further to discuss the points that were raised during the debate.

# Homelessness: intentionality

At Stage 2, the local authority process for assessing homelessness applications was changed to provide for the removal of the local authority power to assess whether someone is intentionally threatened with homelessness.

The grouping of amendments on 'homelessness: removal of the intentionality test' was debated by the Social Justice and Social Security Committee [during day 1 deliberations on 20 March 2025](#).

Homelessness legislation, as set out in the Housing (Scotland) Act 1987, allows local authorities to decide whether someone is intentionally homeless or intentionally threatened with homelessness when they assess the application for homelessness assistance.

The Bill as introduced did not make amendments to the intentionality test in the 1987 Act.

Maggie Chapman MSP lodged amendments, supported by Crisis, with the aim of repealing the intentionality test and introducing a much tighter concept of deliberate manipulation of the homelessness system arguing that there is a:

“... long-standing injustice in our homelessness system — that is, the assessment of people as intentionally homeless. Although some actions might seem intentional, they often stem from trauma, violence and disadvantage, and, looked at from that point of view, they are absolutely not about choosing to become homeless. Rather, such actions could be taken to escape abuse, to get away from dangerous or compromising situations or to keep people safe.”

Source: Scottish Parliament Social Justice and Social Security Committee , 2025<sup>6</sup>

The Minister did not support the amendment, arguing it would be insufficient to remove the test for persons who are homeless or threatened with homelessness. Although the Minister indicated that the Scottish Government's long term aim was to replace the test for intentionality with a new test that focuses on deliberate manipulation of the system, he stated that:

“ The test for intentionality should not be removed entirely without proper consultation with local authorities. That is even more important at a time when councils are responding to the housing emergency. An informal survey of a small number of councils showed that they had grave concerns about removing the test for intentionality entirely. They were, however, more relaxed about removing the test for intentionality when someone is threatened with homelessness.”

Source: Scottish Parliament Social Justice and Social Security Committee , 2025<sup>6</sup>

Amendments in the name of Kevin Stewart MSP, agreed to and supported by the Scottish Government, would remove the test for intentionality when someone is threatened with homelessness.

# Homelessness: other debate

An amendment in the name of Bob Doris MSP, debated during the Local Government, Housing and Planning Committee's deliberations on [day 7, 3 June 2025](#) provides a three-year backstop for the commencement of the homelessness prevention provisions in Part 5 of the Bill. The Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP, supported the amendment and it was agreed to without division.

A range of other amendments were lodged which were not moved or withdrawn. These covered areas including:

- providing a review of the measures in Part 1 of the Bill within a certain period of time
- requiring the Scottish Ministers to provide an update (including the financial cost) to the Parliament on progress to implement the duty to ask and act within six months of the bill receiving Royal Assent
- requiring the Scottish Ministers to produce an action plan to end rough sleeping by 31 December 2029 and to provide a report on progress at specified dates
- requiring that local authority housing strategies should include consideration of student provision.

## Domestic abuse

The grouping of amendments on 'protection of persons experiencing domestic abuse' was debated on [day 2, 27 March 2025](#) and day 3 [24 April 2025](#). Amendments included those that sought to:

- strengthen the proposed new requirement for social housing providers to take account of a domestic abuse policy
- enable a review of women's refuge provision
- enable the public debt of domestic abuse survivors (for example, rent arrears) to be written off
- expand the definition of domestic violence to cover coercive control and other aspects such as threatening, degrading and violent behaviour
- provide a stronger link to the Scottish Social Housing Charter
- oblige a relevant body to ask whether a person is homeless or threatened with homelessness as a result of abuse.

The Minister agreed to further discussion with Members on some of the proposed amendments prior to Stage 3. The relevant amendments were either withdrawn or not moved.

# Designation of rent control areas: assessments, reports and designation

At Stage 2, Scottish Government amendments agreed to would extend the date by which local authorities must submit their first report on rent conditions in their area to the Scottish Government.

Other non-Government amendments agreed to, but not supported by the Scottish Government, include those that relate to the production of Scottish Government guidance, and changes that seek to ensure that the effects of rent controls in rural areas are considered. In addition, one amendment would change how the designation of a rent control area would be approved.

The grouping of amendments on 'designation of rent control areas' were debated by the [Local Government, Housing and Planning Committee on Day 1, 6 May 2025](#).

Scottish Government amendments agreed to would:

- extend the date by which local authorities must submit their first report on rent conditions in their area to the Scottish Government to 31 May 2027, compared to the 30 November 2026 in the Bill as introduced
- allow for the Scottish Government's consultation requirements in relation to the production of guidance on local authority assessments of rent conditions and local authority reports to be met through consultation before the requirements come into force.

A non-Government amendment in the name of Edward Mountain MSP, and supported by the Scottish Government, was agreed to. It would amend section 7 of the Bill as introduced to require Scottish Ministers to issue guidance to local authorities about reports that are prepared following their assessment of local rent conditions.

Another amendment in the name of Edward Mountain MSP, not supported by the Scottish Government but agreed to on division, would require the Scottish Ministers to include in guidance to local authorities eligible reasons why a local authority could make recommendations about rent control areas when reporting their assessment of rent conditions.

Other non-Government amendments, not supported by the Scottish Government, were also agreed to by division. These amendments included:

- where a local authority has recommended that part of the area should be designated as a rent control area (under section 2 of the Bill), the authority must specify the part by reference to the street or the ward.
- a local authority's assessment of rent conditions in its area (under section 1 of the Bill) must include information on the impact that the level of rent and rate increase in rent payable under relevant tenancies of properties has on properties, tenants and landlords in rural areas within the local authority, where applicable . The Minister's

view was that this amendment was not necessary because of the Bill's requirements for local authorities to assess rent levels and the rate of rent increases in their area.

- a requirement on the Scottish Ministers to consult “persons who appear to them to understand the impact of rent increases on rural areas” before issuing guidance to local authorities on carrying out assessments of rent conditions.
- changes to the procedure for designating a rent control area. The Bill as introduced [provided a procedure for how a rent control area would be designated](#). The effect of amendments would be to require the Scottish Government to introduce a rent control area through regulations unless it brings a motion to the Parliament on not doing so. Maggie Chapman MSP argued that her amendments "would respect local decision making while guarding against any unlikely scenarios where a proposed rent control area is fundamentally flawed." The Minister for Housing, Paul McLennan MSP, stated "I cannot support those amendments, because I believe that the Scottish ministers' duty to consider the necessity and proportionality of rent control measures should apply to every decision about whether to designate an area as a rent control area." The amendment was agreed to on division 4 for and 3 against).

Other amendments not moved or disagreed to included those that would:

- require all local authorities to submit their reports on rent conditions to Scottish Ministers on a specified date
- change the reporting period for local authorities to assess rent conditions in their areas
- reduce the period of time a rent control area could be in force
- oblige all local authorities to establish rent boards.

During a later grouping, amendments in the name of Meghan Gallacher MSP sought to remove the rent control area provisions of the Bill, given the Scottish Conservatives opposition to rent controls in principle. The amendments were disagreed to on division (2 for, 5 against).

# Student tenancies and accommodation

At Stage 2, non-Government amendments agreed to, but not supported by the Scottish Government, would bring student tenancies within the scope of the Bill's provisions relating to the assessing rent conditions and local authority reports on the outcome of those assessments. Student tenancies would also have to be included when a Minister makes a decision about designating a rent control area.

It is likely that the position of student tenancies in relation to the Bill will be revisited at Stage 3. The Scottish Government may also bring forward an amendment to allow a regulation-making power to establish a 28-day notice period for a student tenancy to terminate that tenancy in specified circumstances.

The grouping of amendments on student tenancies and accommodation was debated by the [Local Government, Housing and Planning Committee on day 1, 6 May 2025](#).

Students living in Purpose-Built Student Accommodation (PBSA) and university/college halls of residence are specifically excluded from the PRT regime under the Private Housing (Tenancies) (Scotland) Act 2016 and do not feature in the rent control area provisions of the Bill as introduced.

A number of MSPs lodged amendments with the purpose of give students living in such accommodation more protection.

Graham Simpson MSP raised the work of the [Scottish Parliament Cross-Party Group on housing, who had produced a report on student housing and homelessness](#). He stated the Scottish Conservatives were against rent controls but "if we are going to have them, there ought to be a comprehensive system, and it would be very unfair if they were not covered."

Amendments 51, 52, and 53 in the name of Graham Simpson MSP were not supported by the Scottish Government but were agreed to on division (4 for, 3 against). The effect of the amendments of 51 and 52 are to include 'student residential tenancies' (which is given a definition) into the scope of the local authority assessment of rent conditions in their area and the report to Scottish Ministers as a result of that assessment. Amendment 53 provides that student tenancies must be included when a Minister makes a decision about designating a rent control area.

The Minister for Housing, Paul McLennan MSP, stated that he understood concerns about the affordability of student accommodation but said there were 'significant concerns' about bringing such accommodation into the scope of rent control areas:

“ ... due to its lack of alignment with how the student accommodation sector operates in practice... Student accommodation provision operates on a different basis from the wider private rented sector, taking account of the needs of students... As such, student accommodation cannot be considered as part of the wider supply of rented housing that is available to all tenants. In addition, rental costs for PBSA and university halls of residence usually cover more than just rent. As a result, generally, student accommodation costs are not directly comparable with mainstream rents...”

Source: Scottish Parliament, 2025<sup>7</sup>

A range of other non-Government amendments relating to student tenancies and accommodation (which were either not moved, or disagreed to) were debated. These included amendments that would:

- create a “guarantor scheme for non-UK domiciled students” whereby “a public body” would “act as guarantor” for international students
- require the Scottish Government to undertake a review of tenancy deposits for international students
- bring all student residential tenancies and PBSA into line with private residential tenancies regarding a landlord's power to increase rent and the protocol to be followed
- introduce a requirement on Scottish Ministers to publish a purpose built student accommodation strategy
- require Scottish Ministers to publish a set of model terms and conditions for student residential tenancies
- give tenants in student residential tenancies the right to bring their tenancy to an end after 28 days notice. In a letter to the Committee, the Scottish Government stated that "it will work with committee members ahead of Stage 3 to create a regulation-making power to establish a 28-day notice period for a tenancy in a student tenants to terminate that tenancy in specified circumstances."

The Minister referred to ongoing work to implement the recommendations arising from the [Purpose-Built Student Accommodation](#) Review and that it was important that the work be allowed to conclude before any decisions are made. He said that he would engage with Members on their amendments and on the work of the Review Group.

It is likely that the student tenancy issue will be revisited at Stage 3.

Further details of the [Scottish Government's position on certain matters related to student tenancies are set out in a letter to the Committee.](#)<sup>8</sup>

# Rent control areas: amount of rent cap

At Stage 2, Scottish Government amendments agreed set out the formula for the rent cap to be applied in rent control areas on the face of the Bill. The Bill as introduced provided that the detail of the cap would be set out in regulations.

Other non-Government amendments, not supported by the Scottish Government, were also agreed to. These would provide that regulations made in connection with the designation of a rent control area must be calculated with reference to the quality, state of repair, and energy efficiency of a property. Additionally, any charges for water, sewage, gas, or electricity which are directly payable to the landlord under the tenancy agreement would be excluded from the rent cap.

The grouping of amendments on 'rent control areas: amount of rent cap' was debated by the [Local Government, Housing and Planning Committee during Day 2, 13 May 2025](#). There were a large number of amendments in this grouping, many of which were technical changes reflecting the decision to specify the rent cap formula on the face of the Bill. The following does not summarise all amendments in this grouping.

## Rent cap formula

The Scottish Government had announced its decision to lodge amendments at Stage 2 [to specify the formula for the rent cap to be applied in rent control areas on the face of the Bill in October 2024](#). The Local Government, Housing and Planning Committee took evidence on the broad proposals on 29 January 2025.

The Scottish Government's amendments agreed to provide that the formula for the rent cap to be applied is the Consumer Price Index (CPI) + 1% to a maximum of 6%. If the total percentage determined under the formula is less than 0 per cent, the rent cap would be set instead at 0 per cent.

Scottish Ministers would also have the power to make regulations (following consultation) to change the economic index used and the specified percentage. Such changes would only be made if they were considered necessary and proportionate for the purposes of protecting the social and economic interest of tenants in an area and were a necessary and proportionate control of landlords' use of their property in the area.

The Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP, outlined her view that setting a ceiling on the rent cap increase of 6% protects tenants from spikes in inflation caused by economic shocks, but will also provide clarity and certainty for landlords and investors on rent increases in rent control areas. The relevant amendments were agreed to on division (5 for, 1 against).

## Other amendments agreed to

Another Scottish Government amendment agreed to sets out the requirement in the Bill on Scottish Ministers to consult before laying regulations specifying properties that might be subject to a modified rent cap may be met by consultation before the relevant section comes into force.

The Scottish Government's consultation on how powers within the Bill could be used to exempt certain types of properties from rent control and the circumstances where rents could be increased above the level of any introduced rent cap was [published in April with a closing date of 18 July 2025](#).<sup>9</sup>

Non-Government amendments, not supported by the Scottish Government, were also agreed to by division:

- an amendment in the name of Edward Mountain MSP provides that regulations made in connection with the designation of a rent control area (under section 9 of the Bill) must be calculated with reference to the quality, state of repair, and energy efficiency of a property. The Cabinet Secretary argued that by bringing forward a suite of amendments that provide a formula on the face of the Bill for a fixed rent cap that the amendments would be rendered obsolete. The amendment was agreed to by division (4 for and 3 against).
- an amendment in the name of Rachael Hamilton MSP would exclude any charges for water, sewage, gas, or electricity which are directly payable to the landlord under the tenancy agreement from the rent cap. The Cabinet Secretary did not support, this arguing that "the amendment of the rent cap to a fixed formula would impact on the amendment itself, making it redundant." She also referred to the ongoing consultation which asks for views for how such costs should be treated. The amendment was agreed to by division (4 votes for and 3 against).

### **Other amendments debated**

A range of other non-Government amendments were debated but not agreed to. For example, these included amendments that would:

- change the formula to cap rents at the lowest of CPI or earnings growth up to a maximum of 6%
- allow the rent cap to be set at a negative percentage in certain circumstances which would reduce the existing rent of a property
- allow landlords to charge more than permitted rent in a range of circumstances
- allow rents to be increased to recoup costs related to the maintenance, improvement or regulatory compliance of a property.

The Cabinet Secretary argued that such issues were best considered in regulations following consultation but recognised that there was a need for clarity and certainty to investors.

# Rent control areas : exempt properties

At Stage 2, Scottish Government technical amendments to this section were agreed to. The amendments do not alter the policy of the Bill.

A range of non-Government amendments, all of which were not moved or disagreed to, proposed potential exemptions from rent control areas on the face of the Bill. These included, for example, mid-market rental properties and build to rent properties. Members argued that there needed to be clarity on the Government's position so as not to adversely affect investment in private rented homes.

The Cabinet Secretary repeated the Scottish Government's view that there was a need, where appropriate, to exempt certain categories of property from rent control and referred to the ongoing consultation on the matter. She could not say whether the Scottish Government's position on exemptions would become clear before Stage 3, but made the point that future decisions on exemptions would be set out in future regulations and the Government was committed to moving "at pace" on this issue to provide clarity.

# Rent control areas: collection and use of information

At Stage 2, Scottish Government amendments agreed to sought to strengthen the data collection powers in Chapter 1 of the Bill.

The grouping of amendments on 'rent control areas: collection and use of information' were discussed at the Local Government, Housing and Planning Committee during [day 2, 13 May 2025](#).

Sections 15, 16 and 17 of the Bill as introduced provide local authorities with the power to request certain data from landlords on the private landlord register where it provides relevant information in connection with its duties to assess and report on rent conditions in its area.

The [Committee's Stage 1 report](#)<sup>3</sup> highlighted the importance of local data to inform assessments of rents in their area, the potential resource implications for councils to collect and analyse this data, in addition to identifying the need for a national approach to data collection.

The Cabinet Secretary indicated her view that the Scottish Government amendments would facilitate partnership working and data sharing between local authorities and the Scottish Government.

The Scottish Government amendments agreed to include those that:

- allow local authorities to also request information from a sub-landlord
- give Scottish Ministers powers to collect information from the landlord or sub-landlord
- add new information that the local authority (and Scottish Ministers) can seek from landlords such as the date of the rent increase and the amount and frequency
- clarify the purpose for which information that might be requested from a landlord by a local authority or the Scottish Ministers and the frequency of such requests
- clarify the purposes for which information can be shared between local authorities with the aim of minimising the number of requests that are made of landlords
- provide the Scottish Ministers with powers to conduct research and inquiries, publish statistics or other information in connection with information obtained under Chapter 1 of the Bill and to encourage others (such as local authorities) to do these things. This could only be done for the purpose of assisting the Scottish Ministers' functions or assisting a local authority's functions. This provision allows the Scottish Ministers to publish anonymised aggregate statistics generated from the data collected from landlords. This would not authorise the Scottish Ministers to publish personal information obtained from landlords.

A range of non-Government amendments, either not moved or not agreed to, were also

debated including amendments that would:

- increase the penalty for landlords that do not comply with requests to provide specified information
- add the information that is requested by local authorities to the private landlord register
- provide that local authorities must request additional data from landlords
- require local authorities to provide the tenant with a copy of the information that they have obtained from a landlord.

The Cabinet Secretary noted the cross-party consensus on the need for robust data and invited Members who had lodged amendments on data collection to join the Government's planned engagement with local authorities over the coming months. This may potentially be an area where there may be further amendments lodged at Stage 3.

# Rent increase procedure

At Stage 2, Scottish Government amendments agreed to would lengthen the timescale for challenging rent increases in areas that are not rent controlled from 21 days to 30 days. It is possible the Scottish Government may seek to extend this period again at Stage 3.

A non-Government amendment, not supported by the Scottish Government, would require rent increase notices for private residential tenancies in rent control areas to set out the reasons for the proposed rent increase.

The grouping of amendments on 'rent increase procedure' were debated by the Local Government, Housing and Planning Committee on [day 4, 20 May 2025](#).

The Private Housing (Tenancies) (Scotland) Act 2016 sets out the procedure for rent increase for tenants with a private residential tenancy. When a tenant receives a rent increase notice, they have the right to appeal to a rent officer for adjudication within 21 days of receiving the notice. During Stage 1 considerations, some witnesses argued that the 21 day period was not long enough.

Scottish Government amendments agreed to would lengthen the timescale for challenging rent increases in areas that are not rent controlled to 30 days.

Non-Government Members also lodged amendments that would extend the time period within which tenants could challenge a rent increase. The Cabinet Secretary indicated that she recognised the concerns of other Members and indicated that "we have perhaps not quite got that balance correct yet ... I am happy to discuss with members what might be necessary to ensure that tenants have enough time to challenge the increase but in a way that does not create undue uncertainty for tenants and landlords".

A non-Government amendment in the name of Rachael Hamilton was agreed to on division (4 for, 3 against). It would require that rent increase notices for private residential tenancies in rent control areas set out the reasons for the proposed rent increase. The Cabinet Secretary stated that this would be an "unnecessary intrusion into the landlord's privacy with no obvious benefit to tenants, and there would clearly be an increase in the bureaucracy and requirements for private landlords. In addition, there would be significant resource implications in relation to the administration of such information."

A range of other non-Government amendments were debated and either not moved or disagreed to, including those that would:

- provide the rent officer with discretion to take into account quality, energy efficiency and other relevant standards when considering a rent challenge
- provide for penalties for landlords that increase the rent beyond what would be allowed in a rent control area
- change the provisions that regulate how frequently the rent may be increased for a property in a rent control area
- exempts mid-market rent properties from the rental increase frequency proposals with

the purpose of smoothing out the administration procedures for registered social landlords and their subsidiaries.

The Cabinet Secretary offered to work with Members on possible Stage 3 amendments around penalties on landlords who do not comply with their duties under the rent control area provisions of the bill.

# Information to tenants

Scottish Government amendments agreed to on [day 4, 20 May 2025](#) seek to clarify the requirements for adverts for property to let on a PRT in a rent control area to contain certain information. The information to be contained in adverts varies depending on whether the property was previously let.

Other non-Government amendments, either not moved or disagreed to, sought to require landlords to provide additional information to tenants and to provide that landlords and tenants agree an inventory on the day that the tenancy starts. A key theme underpinning the proposed amendments was around improving awareness of tenants' rights. The Cabinet Secretary did not support the amendments but stated "I recognise that we will need to raise awareness of new rights and changes and update tenancy documents and information as part of the implementation of the bill."

## Rent controls: other groupings where no amendments were agreed

A range of other amendments were debated during the Local Government, Planning and Committee's Stage 2 sessions which were either withdrawn, not moved or disagreed to. This included groupings of amendments relating to:

- emergency, special and transitional rent control provisions, debated on [day 2, 13 May 2025](#)
- rent controls outwith rent control areas, debated on [day 3, 14 May 2025](#)
- rent control areas: changes to between tenancy rent controls, on [day 3, 14 May 2025](#).

# Taxes and local government finance

At Stage 2, non-Government amendments agreed to would require Scottish Ministers to review the impact of joint and several liability for council tax arrears on domestic abuse victims and survivors.

Other amendments agreed to would make changes to the operation of local authorities' Housing Revenue Accounts (HRAs) and council tax legislation on unoccupied dwellings.

A grouping of amendments on 'taxes and local government finance' was debated by the [Local Government, Housing and Planning Committee on day 1, 6 May 2025](#).

The Bill as introduced did not contain any provisions regarding taxation or local government finance. Non-Government amendments agreed to include:

- an amendment in the name of Ross Greer MSP would require Scottish Ministers, no later than six months after the Bill obtains Royal Assent, to **undertake a review of the impact of joint and several liability for council tax arrears on domestic abuse victims and survivors**. Ministers must lay a report of the review, including a statement on the action they are going to take. The Minister indicated that the Government supported this amendment but may seek to adjust the timescale at Stage 3.
- amendments in the name of Ross Greer MSP, and supported by the Scottish Government, that would require amounts transferred from the General Fund of a local authority to the HRA to be carried to the credit of the HRA account. The amendments would also **remove the need for local authorities to obtain Ministerial consent to transfer amounts to the HRA**.
- amendment 191 in the name of Ross Greer MSP, and supported by the Scottish Government, would **remove a cap on increasing council tax for unoccupied dwellings by means for regulations** under section 33 (1) of the Local Government in Scotland Act 2003. The Minister agreed, arguing that local authorities should have greater flexibility in relation to the council tax that applies to unoccupied dwellings in their areas. This would mean that in future regulations could allow councils to increase council tax for unoccupied dwellings by more than 100% (which is the current limit).

A range of other amendments sought to make various changes, particularly around council tax and land and building transaction tax (LBTT) and non-domestic rates. For example, some of the amendments in the name of Ross Greer MSP sought to reduce the number of properties that are second and holiday homes or that are used as short-term lets. An amendment in the name of Rachael Hamilton MSP sought to remove the LBTT additional dwelling supplement in its entirety; while an amendment in the name of Ariane Burgess MSP sought to exempt registered housing co-operatives from the Additional Dwelling Supplement.

The Minister stated that changes on such taxes would normally be dealt with in tax-specific legislation and would normally involve consultation. He also referred to an ongoing review of LBTT that would include some of the issues highlighted.

# Repairs and standards

At Stage 2, a Scottish Government amendment agreed to would allow Scottish Ministers to introduce an "Awaab's law" for social rented housing in Scotland so that social landlords must deal with certain disrepair issues in a timely manner.

A grouping of amendments on 'repairs and standards' were considered by the [Local Government, Housing and Planning Committee on day 4 20 May 2025](#). The Bill as introduced did not contain any provisions regarding repairs and standards.

During Stage 1 considerations, the Committee heard evidence about the relatively poor quality of some rented homes. Other work by the Committee on [housing quality had also raised issues about how dampness and mould were addressed in rented homes](#). This work was undertaken in the context of the [death of Awaab Ishak, a boy who died in 2020](#) as a result of a severe respiratory condition due to prolonged exposure to mould in his housing association home in England and the UK Government's plans to improve the law in England as a response. On [18 March 2025, the Scottish Government announced](#) its plans to introduce an "Awaab's law" for Scotland.<sup>10</sup>

A Scottish Government amendment agreed to would amend existing powers in section 27 of the Housing (Scotland) Act 2001 that allow Scottish Ministers to make regulations regarding repairs to social rented homes. This will allow Ministers to impose timeframes on social landlords to investigate disrepair and commence repairs. The regulations may also provide for compensation to be paid to the tenant if the requirements are not. The Cabinet Secretary indicated that the Scottish Government would "take forward further engagement with stakeholders this year about the types of repairs and timescales."

Amendments in the name of Graham Simpson MSP sought to oblige the Scottish Ministers to make regulations to ensure that, in relation to damp or mould, private landlords would be under repairing obligations equivalent to those of social landlords. The Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP stated that the amendments were not necessary as there are powers in existing legislation that can be modified, and that the Government was committed to bringing forward equivalent requirements in the private rented sector after further consultation.

Other non-Government amendments debated (which were either, not moved, withdrawn or disagreed to) sought to drive up the quality and standards in private rented housing. These included amendments that would:

- provide that rent for PRTs in a rent control area cannot not be increased unless the property meets minimum standards specified by the Scottish Ministers in regulations
- prohibit any rent being payable on a property unless it meets minimum standards specified by the Scottish Ministers in regulations
- place a duty on Ministers to create a new lettable standard that all residential properties must meet
- give local authorities powers to undertake inspections of homes on the private landlord register in connection with compliance with housing standards

- require Scottish Ministers to publish an accessible home standard and require guidance on housing for varying needs
- enable the First-tier Tribunal for Scotland to consult an independent person when considering whether a landlord has complied with certain aspects of the repairing standard
- extend the ban on combustible cladding in buildings.

During the debate, reference was made to existing legislative requirements on repairs and standards in rented housing and a potentially confusing regulatory landscape. The Cabinet Secretary recognised that existing tenants' rights "are meaningful only if tenants and relevant bodies know how to use them and if there are no barriers to using them" and that:

“ It is important that, as long as we are looking at how the regulatory framework can be improved— for example, through primary or secondary legislation—we also look at what additional non-legislative support can be put in place. We can explore a range of options with the potential to better enable tenants to exercise their rights, such as raising further awareness of existing rights and providing routes of redress such as third-party reporting, where the local authority applies to the tribunal to enforce necessary repairs on behalf of a tenant. Other forms of practical support and advice are available to help tenants navigate the tribunal process. I am keen to work with stakeholders and members to consider what additional interventions would be feasible and effective to achieve the policy objectives behind many of the amendments in this group. I still do not believe that primary legislative change is required here, but work definitely is, and I hope that that work will allow us to meet those policy objectives”

Source: Scottish Parliament , 2025<sup>11</sup>

# Right to keep a pet and personalise a rented home

At Stage 2, amendments were passed with the aim of providing more certainty on the potential content of secondary regulations relating to keeping pets and personalisation of rented homes.

The grouping of amendments on 'tenants' right to make changes to let property' and 'tenant's right to keep a pet' were debated on [day 5 of the Stage 2 deliberations](#) by the Local Government, Housing and Planning Committee.

The Bill as introduced aimed to introduce greater flexibility for tenants with private residential tenancies to make changes to their homes. It also proposed to introduce a new right for tenants to request to keep a pet and for tenants' requests not to be unreasonably refused by the landlord.

One of the main themes arising from the Committee's Stage 1 report was that the detail of any future secondary regulation under the relevant sections of the Bill would have a significant impact on the practical implications of these new rights. The report said that it is "essential there is more clarity on the face of the Bill."

On the topic of the right to keep a pet, several non-Government amendments, not supported by the Scottish Government, were agreed to by division. These included:

- **The landlord is deemed to have consented if they do not reply to the tenant's request to keep a pet within the required timescale.** An amendment in the name of Maggie Chapman MSP aims to ensure that the system for requesting a pet in private rental tenancies mirrors section 30 of the Bill for tenants in social housing. This would mean that if the landlord does not reply to the request for a private rental tenant to keep a pet within the prescribed timescale, they will have been deemed to have consented to the request.
- **'Duties' rather than 'powers'.** Several amendments in the name of Edward Mountain MSP strengthened the language of the Bill to state that the Scottish Ministers have a 'duty' to do something rather than the 'power' to do it. These were:
  - An amendment made it a **duty** for the Scottish Ministers to make provision about when it is reasonable for a landlord to refuse to consent to a tenant keeping a pet
  - An amendment made it a **duty** for the Scottish Ministers to make provision about when a landlord's consent condition for keeping a pet at a let property is "reasonable"
  - An amendment made it a **duty** for the Scottish Ministers to make provision about the consent conditions for keeping a pet and what makes them "reasonable."
- **'Must rather than 'may'.** Three further amendments also changed the language of the Bill to state that the Scottish Ministers 'must' do something instead of 'may' do it. These were:

- an amendment in the name of Maggie Chapman MSP which states that Scottish Ministers **must** make use of the regulation-making powers in the Bill to set out when it is reasonable for a landlord to refuse to consent to a tenant keeping a pet
- an amendment in the name of Edward Mountain MSP states that Scottish Ministers **must**, by regulations “make provision about when a condition specified in a landlord’s notice is reasonable.”
- an amendment in the name of Edward Mountain MSP states that Scottish Ministers **must** by regulations make provision about when a condition for keeping a pet is reasonable.

There were also three areas of debate where non-Government amendments were not passed, but where further discussion before Stage 3 is likely.

The first of these was on the topic of **the appropriate timescale for a landlord to respond** to requests to keep a pet. The Bill currently sets this timescale as 42 days for private landlords and one month for social landlords. Amendments were submitted at Stage 2 to shorten this to either 28 days (amendments in the name of Emma Roddick MSP) or 14 days (amendment in the name of Maggie Chapman MSP). In response to these amendments, the Cabinet Secretary said that she was "happy to work with both members to consider the timescale before stage 3."

There was also a debate regarding the amendments put forward by Edward Mountain MSP on the topic of appropriate **cleaning when a tenant who has had pets vacates a property**. The Cabinet Secretary noted that there were several areas relating to these amendments that she would be willing to discuss with him before Stage 3.

The final topic which is likely to lead to more discussions before Stage 3 was a series of amendments submitted by Maggie Chapman MSP relating to **assistance animals** and the perceived difficulties of using the Equality Act 2010 to ensure that their owners can be housed without discrimination. The Cabinet Secretary suggested that the Equality Act 2010 was sufficient to protect the rights of disabled people who use assistance animals. However, Meghan Gallacher MSP agreed with Maggie Chapman MSP that there was potentially more that the Bill could do in this area, and committed to discussing this with her ahead of Stage 3.

Similar language changes were made to the sections of the Bill that set out new rights to personalise a rental home. These were also non-Government amendments, not supported by the Scottish Government, which were agreed to by division. These included:

- **Structural changes to let property.** Edward Mountain MSP submitted an amendment that specifies that any regulations must not categorise structural changes as category 1 changes. He also added an amendment that adds that regulations must provide that it is reasonable for a landlord to refuse consent to any structural changes to the property.
- **'Duties' rather than 'powers'.** Several amendments in the name of Edward Mountain MSP strengthened the language of the Bill to state that the Scottish Ministers have a 'duty' to do something rather than the 'power' to do it. These were:
  - an amendment would make it a **duty** on the Scottish Ministers to specify changes to a let property that may be made by the tenant

- an amendment would make it a **duty** on the Scottish Ministers to make provision in relation to when it is reasonable to refuse consent for a category 2 change.
- **'Must rather than 'may'**. Three further amendments by Edward Mountain MSP also changed the language of the Bill to state that the Scottish Ministers 'must' do something instead of 'may' do it. These were:
  - an amendment would specify that the Scottish Ministers **must** make regulations specifying the types of changes that can be made to let property
  - an amendment specifies that Scottish Ministers **must** make provision about when it is reasonable for a landlord to refuse consent to the making of a new category 2 change to a let property.

There was a further commitment from Meghan Gallacher MSP to work with Maggie Chapman MSP on additional amendments relating to disabled renters and changes to property to make it accessible. The debate on these amendments mirrored that relating to assistance animals. The Scottish Government stated that the Equality Act 2010 was sufficient to protect renters who require accessibility adaptations, while Maggie Chapman MSP expressed the concern that in practice these provisions were very difficult to uphold.

# Dealing with evictions

At Stage 2, Scottish Government amendments agreed to would change the penalties landlords can be ordered to pay by the First-tier Tribunal for Scotland ('the Tribunal') for wrongfully ending a private residential tenancy; and change the process for determining damages for an unlawful eviction.

The grouping of amendments on 'dealing with evictions' was debated by the Local Government, Housing and Planning Committee on [day 5, 27 May 2025](#).

## Wrongful termination

Under the 2016 Act (section 59) tenants with a PRT can apply to the Tribunal to seek a wrongful termination order. This applies if the Tribunal is misled into issuing an eviction order or when a tenant is misled into leaving their home after receiving notice to leave. For example, where a landlord uses the eviction ground that they want to sell their home, but the home is not sold and instead is re-let.

If the Tribunal makes a wrongful termination order it can require the landlord to pay the tenant an amount not exceeding six months' rent.

Scottish Government amendments agreed to would change this amount to between three to 36 times the relevant sum, taking into account the manner of the wrongful termination and the impact it has had on the person who made the application for the order. The relevant sum is the monthly rent or £840, whichever is higher. The Tribunal could reduce this amount to lower than three times the rent if it considers appropriate to do so having regard to all the circumstances of the case).

## Damages for unlawful evictions

The Housing (Scotland) Act 1988 (section 37) provides for the determination of damages for unlawful eviction. Section 28(3) of the Bill substitutes a new section 37 into the 1988 Act so that the court or the First-tier Tribunal for Scotland may, taking into account the manner of the unlawful eviction and its impact, determine the amount of damages as a multiple of the monthly rent.

Scottish Government amendments agreed to modify the new section so that amount of damages may be a multiple of the "relevant sum" (this being the higher of the monthly rent or £840).

Other non-Government amendments, which were either not moved or not agreed to, included those that sought to:

- strengthen protection from eviction for tenants and families suffering from terminal illness
- amend the notice period for eviction grounds for private rented tenancies
- ban the enforcement of 'winter' eviction orders during (1 November to 31 March)
- give the Tribunal power to order the landlord to pay a tenant removal costs where an

eviction order has been approved on certain eviction grounds

- ensure that the Tribunal concludes the eviction after a set period of time
- prevent The tribunal and courts from ordering a delay to an eviction of longer than three months
- create further exceptions to the proposed new duty for the Tribunal to consider a delay to the eviction when the property is needed for religious purposes and when “the landlord is the Church of Scotland”
- add to the list of the circumstances in which the Tribunal can approve a wrongful termination order to include that the landlord used the ground intent to sell the property but has not sold it within a year of the tenant ceasing to occupy the property
- introduce a new offence, with the potential for a prison sentence, for landlords who are found to have misled the tribunal or misled a tenant into ending a tenancy.

The Cabinet Secretary indicated that she was willing to work, and have further conversations, with Members prior to Stage 3, particularly to ensure that terminal illness is taken into account in the eviction process, and should there be a situation where Members think that tenants' rights are lesser in Scotland than they are in other parts of the UK.

The Cabinet Secretary also indicated that some of the issues raised during the discussion might best be considered as part of future wider review of eviction grounds under the PRT, which the Scottish Government had committed to undertake. The timescale for this review is not yet known.

# Private residential tenancies: ending a joint tenancy

At Stage 2, Scottish Government amendments agreed to sought to support the operation of the provisions in section 38 of the Bill regarding the ending of joint PRTs.

The grouping of amendments on 'joint tenancies' was debated by the Local Government, Housing and Planning Committee on [day 5, 27 May 2025](#).

The Bill as introduced (section 38) contains provisions that would allow a a joint PRT tenancy to be ended by one of the tenants giving landlord notice. The tenant would have to give a pre-notice to every other joint tenant and the landlord.

Scottish Government amendments agreed to provide that:

- two months is the minimum pre-notice period and that three months is the maximum pre-notice period; Scottish Ministers would also have powers to make regulations to amend the pre-notice period
- following serving of the notice to leave, the departing tenant would have seven days to provide a copy of the notice to the remaining tenants and a statement to the landlord saying that that has been done.

# Tenancy deposits

At Stage 2 Scottish Government amendments agreed to make relatively minor amendments to the sections of the bill concerned with how unclaimed tenancy deposits could be used.

The grouping of amendments on 'tenancy deposits and guarantors' was debated by the Local Government, Housing and Planning Committee during [day 5 deliberations on 27 May 2025](#).

The Housing (Scotland) Act 2006 and associated regulations provides the framework for tenancy deposit legislation. If a landlord receives a tenancy deposit from a tenant they must lodge it in one of the approved tenancy deposit schemes. At the end of a tenancy, some tenancy deposits remain unclaimed.

Section 31 of the Bill as introduced would amend the 2006 Act with the intention of allowing Scottish Ministers to use unclaimed tenancy deposits for the benefit of tenants living in private rented homes.

Scottish Government amendments agreed to include those that would:

- allow unclaimed tenancy deposits to be used for prospective new tenants as well as existing tenants
- remove the enabling powers for Scottish Ministers to change the purpose for which unclaimed deposits are used and the associated consultation duty
- clarify that the provisions apply to existing and potential tenants or PRTs under the 2016 Act or student tenancies.

## Other amendments

A range of non-Government amendments were debated (and were either not moved or withdrawn). For example, amendments sought to:

- remove requirements for foreign students to be required to have a UK based guarantor who either owns property or earns more than a certain amount of money
- require Scottish Ministers to establish a scheme for young people aged 26 and under and estranged from their families
- add a fund for improving or securing the provision of social housing to the list of possible uses for transferred unclaimed deposits
- require deposits to be paid directly by the tenant to a deposit protection scheme.

On the first two amendments outlined above, the Cabinet Secretary outlined her preference for a non-legislative approach to see what can be done with existing schemes and that "...if members feel that we still require an additional piece of the jigsaw to make that work, they can bring back amendments at stage 3."

# Succession to tenancies

At Stage 2, Scottish Government amendments agreed to reduce the qualifying period for succession to a Scottish Secure Tenancy (SST) and a Private Residential Tenancy (PRT) by a qualifying occupier from 12 months to six months.

The grouping of amendments on 'succession to tenancies' was debated by the Local Government, Housing and Planning Committee on [day 5, 27 May 2025](#).

The Bill as introduced did not contain any provisions regarding succession to rented tenancies. Current legislation provides that when a tenant passes away, certain qualifying occupiers (including partners and spouses) have succession rights when they have lived in the let property for 12 months prior to the tenants' death.

During Stage 1 proceedings, [Marie Curie](#) raised the issue of succession in the context of people who had terminal illness, arguing that that the current qualifying period contributes to housing insecurity which "increases distress and trauma on terminally ill people, their families and carers as well as causing profound emotional and practical disruption at time when people are at their most vulnerable."

Scottish Government amendments agreed to reduce the qualifying period for succession to a Scottish Secure Tenancy (SST) and a PRT from 12 months to six months.

Other amendments lodged by Meghan Gallacher MSP would also have lengthened the period of time someone in such circumstances has to leave the property where a succeeding tenant declines the tenancy. The Cabinet Secretary committed to further considering this change prior to Stage 3 for social rented housing but argued that it would not reduce existing rights for private rented tenants.

The amendments would also introduce a new requirement on landlords to give reasonable assistance to the tenant to find alternative accommodation. The Cabinet Secretary argued that was not necessary for social landlords, and private landlords would not usually have the necessary training or resources to provide housing options advice and assistance to tenants. She suggested that a more effective approach would be to work with Marie Curie and other relevant stakeholders to develop a practice note that would support private landlords whose tenant has a terminal illness or dies. The relevant amendments were not moved.

# Property factors

At Stage 2, Scottish Government amendments agreed to would make various changes to assist with the operation of the property factors registration system.

The grouping of amendments on 'property factors' was debated by the Local Government, Housing and Planning Committee on [day 6, 29 May 2025](#).

The Bill as introduced did not contain any provisions regarding property factors. [The Property Factors \(Scotland\) Act 2011 regulates factors in Scotland](#). Scottish Ministers operate a register of property factors and property factors must pass a fit and proper person test to be registered. The Tribunal deals with property factor disputes.

Scottish Government amendments, all agreed to, sought to make the registration regime work more coherently and effectively. In particular, the amendments:

- clarify the scenarios where a property factor number must be displayed
- amend the list of factors that Scottish Ministers must consider as part of the fit and proper person test
- expand the Scottish Ministers' power to remove a property factor from the register where the property factor no longer exists and clarify the duty to notify property factors who are removed from the register where such notifications are not possible
- provide for a duty for Scottish Ministers to note on the register a refusal or removal
- enable property factors to apply themselves to be removed from the register
- introduce powers for Scottish Ministers to request information and to carry out inspections.

Other Members lodged amendments that sought to bring more fairness to the relationships between property factors and homeowners using their services.

The Cabinet Secretary recognised the intention behind many of the amendments in the grouping. However, she was concerned about considering issues in isolation from one another without engaging with stakeholders and stated:

“ I would like to look at any issues in the round and engage with stakeholders to review the system in its entirety to identify what improvements can be made. I wish to take the time to do that work properly and would welcome members contributing to it, instead of pressing forward with the range of amendments that are before us today.”

Source: Scottish Parliament , 2025<sup>12</sup>

Members withdrew or did not move their amendments after debate. Mark Griffin MSP stated:

“ I do not intend to press amendment 507 at this point, but I plan to bring a suite of amendments at stage 3. I hope that the Government has heard loud and clear from members around the table the real desire for change to factoring arrangements. The status quo is simply not an option. Residents have waited for a long time for change from the Government, but it has not been forthcoming. I therefore hope to work with the Government between stages 2 and 3 to give residents a more solid list of the changes that we would like to see to support them.”

Source:Scottish Parliament , 2025<sup>12</sup>

# Scottish housing regulation

At Stage 2, a non-Government amendment, supported by the Scottish Government, creates an independent appeals process for decisions by the Scottish Housing Regulator to the First-tier Tribunal for Scotland.

The grouping of amendments on "Scottish housing regulation" was debated by the Local Government, Housing and Planning Committee on [day 5, 27 May 2025](#).

The **Bill** as introduced did not contain any provisions on social housing regulation. The Committee has undertaken scrutiny of the Scottish Housing Regulator [and heard calls for an independent appeals mechanism](#) for Scottish Housing Regulator decisions.

Evelyn Tweed MSP lodged an amendment with the aim of introducing a clear and independent right of appeal against decisions made by the Scottish Housing Regulator. As she explained:

“ It builds on the current appeals process and brings fairness, transparency and accountability to housing regulation in Scotland. It moves the existing right of appeal for some decisions from the Court of Session to the First-tier Tribunal and introduces a new right of appeal to the tribunal on a range of decisions that were previously considered internally by the regulator. The new appeal process will cover a wide range of decisions, including those on registration, enforcement notices, financial management directions and the appointment or removal of individuals in key roles. Affected parties will be entitled to request an internal review and, if necessary, to escalate their case to the First-tier Tribunal, adding independent oversight. The amendment has received strong backing from sector bodies, including the Scottish Federation of Housing Associations, the Glasgow and West of Scotland Forum of Housing Associations and Share. The regulator has welcomed the development of an appeals process that is appropriate, objective and independent.”

Source: Scottish Parliament , 2025<sup>12</sup>

The Cabinet Secretary agreed with the amendment and welcomed that it was supported by stakeholders.

# Mobile homes

At Stage 2, a non-Government amendment, not supported by the Scottish Government, would transfer the dispute resolution mechanism between park home owners and residents from the sheriff court to the First-tier Tribunal for Scotland.

The [grouping of amendments on 'mobile homes' was debated on day 5, 27 May 2025](#).

The [Bill as introduced](#) (part 6) proposes to change the ways that pitch fee increases in residential mobile home sites are calculated, from a presumption that increases should be no more than the Retail Price Index to the Consumer Price Index (CPI).

A Scottish Government technical amendment agreed to would align the definition of the CPI that is used in the mobile homes provisions in the bill with the definition used in the rent control provisions in the Bill. The new definition does not change the substance of what was in the previous definition.

The rights of mobile home owners living permanently on protected residential sites are governed by provisions in the Mobile Homes Act 1983. Under the Act, the sheriff court has a dispute resolution role. A non-Government amendment, in the name of Murdo Fraser MSP, would transfer this role to the First-tier Tribunal for Scotland. He argued the current situation is:

“ ... extremely unsatisfactory for a number of reasons. The cost of going to the sheriff court is substantial. Legal advice is absolutely essential. It is extremely difficult to find any lawyer anywhere in Scotland with the required degree of expertise in the law around park homes. As I am sure that members of the committee are aware from work elsewhere, it is extremely difficult, if not impossible, to obtain civil legal aid to pursue such cases. Therefore, although the remedy might be to go to the sheriff court, in practice that remedy is almost worthless because of the barriers that are put in the way.”

Source: Scottish Parliament , 2025<sup>12</sup>

He argued that the Tribunal would provide a "... much lower-cost and quicker resolution route, without the need to involve lawyers or apply for legal aid".

The Cabinet Secretary stated that she could not support the amendment arguing further work needed to be done, considering the complexity of the legislation. As an example, she indicated that it might not be appropriate for all case types under the 1983 Act to move to the Tribunal rather than a court. The amendment was agreed to on division (4 for, 3 against). It may be that this issue is revisited at Stage 3 of the Bill.

Murdo Fraser MSP also lodged an amendment which would require Scottish Ministers to bring forward regulations that would require assistance for housing adaptations to be offered to people living in park homes. He argued that some disabled park home residents were being told by councils they were not eligible for grants for adaptations. The Cabinet Secretary stated that the amendments were not necessary given existing legislation and that the Minister for Housing, Paul McLennan MSP, wrote to council leaders and heads of housing on 22 April 2025 to confirm the basis for adaptations of mobile homes in legislation.

She also added that the Scottish Government plans to undertake a review of the current housing adaptation system, which will include issues relating to adaptations to park and mobile homes, and will make recommendations on how best to improve and streamline the system and better target resources. Murdo Fraser MSP's amendment was not moved.

## Other topics

The Local Government, Housing and Planning Committee also considered a range of other amendments on [day 6, 29 May 2025](#).

These included groupings on:

- **housing availability**

A non-Government amendment in the name of Mark Griffin MSP, agreed to by division, **would place a duty on Scottish Ministers to define conditions that would constitute a housing emergency or an exit from an emergency.** If such conditions are met, Ministers would need to declare a housing emergency, publish a strategy to end the emergency and report on the progress of that strategy.

Other amendments in this group were either not moved, or disagreed to. Those include amendments that sought to:

- remove current restrictions that relate to the number and size of units that can be developed through permitted development rights, which allow certain developments to go ahead without the need for a planning application. The Cabinet Secretary indicated that the Scottish Government will carry out a public consultation this summer on the potential role of permitted development rights in delivering more homes, including in rural areas.
- outline conditions for the introduction of compulsory sale or lease orders by local authorities. The Cabinet Secretary confirmed that the government intended to consult on compulsory sale or lease orders before the end of this parliamentary session.
- reform the register of persons seeking to acquire land to build homes on.

- **private rented sector**

Amendments debated included those that sought to require the Scottish Ministers to publish and review a private rented sector strategy and to publish a private rented sector charter, which would include standards and outcomes which landlords should aim to achieve when performing housing activities in relation to a private residential tenancy. No amendments were agreed to.

- **non-domestic rates**

A non-Government amendment in the name of Rachael Hamilton, not supported by the Scottish Government, was agreed on division. It provides that the **Scottish Ministers must, within two years of Royal Assent, review the assessment and classification of properties which could be used as housing, for the purpose of liability for non-domestic rates.** It would prescribe the factors to be considered in carrying out the review, and would require that Ministers publish and lay before Parliament a report that includes a statement of what action, if any, is to be taken. As the Member explained the context for this amendment was the growing number of self-catering properties being removed from the non-domestic rates register, sometimes with no formal notification which had led to "backdated council tax bills—often at double rates—and significant distress for businesses that have had no opportunity to respond, appeal or defend their compliance."

On day 7, 3 June 2025, the Committee debated amendments in the name of Ariane Burgess MSP on co-housing and co-operatives. Amendments included those that sought to require the Scottish Government to publish guidance on co-housing; to provide a definition of co-housing via regulations; and to establish a housing co-operative advisory function within an existing body. The amendments aimed to create a basis on which such housing in Scotland could be scaled up.

The amendments were withdrawn or not moved following debate. The Cabinet Secretary indicated that there was no need for a statutory obligation to publish guidance and she committed to publishing such guidance. She also stated that she was " more than happy to discuss what else could be done to ensure that we not only protect, support and encourage existing housing co-operatives, but encourage further development of the housing co-operative model."

# Bibliography

- 1 Scottish Government. (2025, June 11). Letter to Arianne Burgess, Convener, Local Government, Housing and Planning Committee. Retrieved from <https://www.parliament.scot/-/media/files/committees/local-gov/correspondence/2025/cabinet-secretary-for-social-justice--housing-scotland-bill--10-june-2025.pdf> [accessed 7 July 2025]
- 2 Berry, K., & Haley, L. (2024, June 6). The Housing (Scotland) Bill . Retrieved from <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2024/6/6/c86fccb3-a5f3-47fd-9e3d-56c2f5d4d680> [accessed 2 July 2025]
- 3 Scottish Parliament, Local Government, Housing and Planning Committee. (2024, November 14). Housing (Scotland) Bill Stage 1 Report . Retrieved from <https://digitalpublications.parliament.scot/Committees/Report/LGHP/2024/11/14/ce816963-d470-47f0-9950-57477b7fd798#846c3522-bfe9-4943-afcd-51d86518a05b.dita> [accessed 30 June 2025]
- 4 Social Security and Social Justice Committee. (2024, September 27). Stage 1 Report on Housing (Scotland) Bill: Part 5 (homelessness prevention) and Part 6 (other housing matters - fuel poverty). Retrieved from <https://digitalpublications.parliament.scot/Committees/Report/SJSS/2024/9/20/7286ef8d-9a54-420d-8b77-33ca9447e4a1#Introduction> [accessed 2 July 2025]
- 5 Scottish Parliament Social Justice and Social Security Committee. (2025, April 24). Official Report, Thursday 24 April 2025. Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16378> [accessed 2 July 2025]
- 6 Scottish Parliament Social Justice and Social Security Committee . (2025, March 20). Social Justice and Social Security Official Report, 20 March 2025. Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16333> [accessed 2 July 2025]
- 7 Scottish Parliament. (2025, May 6). Local Government, Housing and Planning Committee Official Report, Tuesday 6 May 2025. Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16404> [accessed 2 July 2025]
- 8 Scottish Government. (2025, May 12). Letter to Arianne Burgess, Convener, Local Government, Housing and Planning Committee. Retrieved from <https://www.parliament.scot/-/media/files/committees/local-gov/correspondence/2025/housingbillstage2letterfromcabsecsj.pdf> [accessed 30 June 2025]
- 9 Scottish Government . (2025). Housing (Scotland) Bill: consultation. Retrieved from <https://www.gov.scot/publications/housing-scotland-bill-consultation/> [accessed 23 June 2025]
- 10 Scottish Government . (2025, March 18). Awaab’s Law to come to Scotland. Retrieved from <https://www.gov.scot/news/awaabs-law-to-come-to-scotland/> [accessed 17 June 2025]
- 11 Scottish Parliament . (2025, May 20). Local Government, Housing and Planning Committee, Official Report 20 May 2025. Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16441> [accessed 2 July 2025]

- 12 Scottish Parliament . (2025). Local Government, Housing and Planning Committee, Official Report 29 May . Retrieved from <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=16464> [accessed 2 July 2025]

Scottish Parliament Information Centre (SPICe) Briefings are compiled for the benefit of the Members of the Parliament and their personal staff. Authors are available to discuss the contents of these papers with MSPs and their staff who should contact Kate Berry on telephone number 85370 or [kate.berry@parliament.scot](mailto:kate.berry@parliament.scot), Laura Haley on telephone number 85449 or [laura.haley@parliament.scot](mailto:laura.haley@parliament.scot).

Members of the public or external organisations may comment on this briefing by emailing us at [SPICe@parliament.scot](mailto:SPICe@parliament.scot). However, researchers are unable to enter into personal discussion in relation to SPICe Briefing Papers. If you have any general questions about the work of the Parliament you can email the Parliament's Public Information Service at [sp.info@parliament.scot](mailto:sp.info@parliament.scot). Every effort is made to ensure that the information contained in SPICe briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

