

Local Government, Housing and Planning Committee
Tuesday 18 November 2025
29th Meeting, 2025 (Session 6)

Note by the Clerk on the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order 2025 (SSI 2025/298)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: The [Title Conditions \(Scotland\) Act 2003 \(Rural Housing Bodies\) Amendment Order 2025 \(SSI 2025/298\)](#)

Laid under: [Title Conditions \(Scotland\) Act 2003](#)

Laid on: 30 October 2025

Procedure: Negative

Deadline for committee consideration: 1 December 2025 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 8 December (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 13 January 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 11 November 2025 and reported on it in its [84th Report 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of the SSI is to designate two bodies as Rural Housing Bodies – Tìree Community Development Trust and Woodhaven Housing Company Ltd.
9. As Rural Housing Bodies, both organisations will then be able to create ‘rural housing burdens’ over rural land, which then gives them the right to purchase it when being sold, enabling them to control future sales. The Policy Note explains that the objective is to maintain the stock of affordable homes in rural areas.
10. The [Policy Note](#) accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [Business and regulatory impact assessment \(BRIA\)](#)
 - [Child rights and wellbeing impact assessment \(CRWIA\)](#)
 - [Equalities impact assessment \(EQIA\)](#).

Committee consideration

11. So far, no motion recommending annulment has been lodged.
12. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

13. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
14. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
November 2025

Annexe A: Accompanying material

Scottish Government Policy Note

THE TITLE CONDITIONS (SCOTLAND) ACT 2003 (RURAL HOUSING BODIES) AMENDMENT ORDER 2025 - SSI 2025/298

The above instrument was made in exercise of the power conferred by section 43(5) of the Title Conditions (Scotland) Act 2003 (“the 2003 Act”). The instrument is subject to negative procedure.

Summary Box

To prescribe two bodies as Rural Housing Bodies: Tiree Community Development Trust and Woodhaven Housing Company Limited.

Policy Objectives

Section 43(5) of the 2003 Act provides that the Scottish Ministers may prescribe such body as they think fit to be a Rural Housing Body (RHB). Section 43(6) of the Act provides that the power conferred by subsection (5) may be exercised in relation to a body only if the object, or function, of the body (or, as the case may be one of its principal objects or functions) is to provide housing or land for housing.

Section 43(1) of the 2003 Act allows for the creation of a real burden over rural land which comprises a right of pre-emption in favour of an RHB. This is known as a rural housing burden. The imposition of such a burden means that when such land is being sold, the RHB has the right to purchase it, or re-purchase it. This enables the RHB to control future sales. The policy objective underpinning the legislation is to maintain the stock of affordable homes in rural areas.

A rural housing burden can only be created over rural land. Section 43(9) of the 2003 Act provides that rural land means land other than excluded land. Excluded land has the same meaning as in Part 2 of the Land Reform (Scotland) Act 2003, which, following amendments made by the Community Empowerment (Scotland) Act 2015, now means “land consisting of a separate tenement [i.e. interest in land] which is owned separately from the land in respect of which it is exigible”. This definition is subject to exceptions for land consisting of salmon fishings and certain mineral rights.

This Order amends the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Order 2004 (S.S.I. 2004/477) by adding two bodies, Tiree Community Development Trust and Woodhaven Housing Company Limited, to the schedule of prescribed RHBs.

Tiree Community Development Trust and Woodhaven Housing Company Limited both comply with the requirements of section 43(6) of the 2003 Act.

Previous amending Orders designating RHBs were made in 2004, 2006, 2007, 2008, 2013, 2014, 2017, 2019, 2023 and 2024. The attached Annex provides a list of all currently prescribed rural housing bodies to date.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 ("the Act"), the Scottish Ministers certify that, in their view, the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

No formal consultation was required to be carried out in relation to this Order. Applicants either meet the terms of the legislation or they do not.

Impact Assessments

An Equality Impact Assessment (EQIA), Child Rights and Wellbeing Impact Assessment (CRWIA) and Business and Regulatory Impact Assessment (BRIA) have been completed. No equality issues have been identified and the impact on children's rights and wellbeing has been assessed as neutral. The impact on business is as set out below.

Financial Effects

Overall, this policy will have a positive impact on existing businesses in the area. By providing affordable housing, this will work towards retaining local people who may contribute to businesses as employees. It may also attract new people to the area which will boost the community as a whole. This may support business growth and contribute to sustaining existing businesses and possibly have the potential to attract new businesses.

**Scottish Government
Justice Directorate
October 2025**

ANNEX: LIST OF PRESCRIBED RURAL HOUSING BODIES

Albyn Housing Society Limited	Kilfinan Community Forest Company
Argyll & Bute Council	Lochaber Housing Association Limited
Argyll Community Housing Association	Muirneag Housing Association Limited
Arran Development Trust	Mull and Iona Community Trust
Barra and Vatersay Housing Association Limited	North West Mull Community Woodland Company Limited
Berneray Housing Association Limited	Orkney Islands Council
Buidheann Taigheadais na Meadhanan Limited	Pentland Housing Association Limited
Buidheann Tigheadas Loch Aillse Agus An Eilein Sgitheanaich Limited	Rural Stirling Housing Association Limited
Cairn Housing Association Limited	Shapinsay Development Trust
Colonsay Community Development Company	Taighean Ceann a Tuath na'Hearadh Limited
Comhairle nan Eilean Siar	Tayvallich Initiative Ltd
Community Self-Build Scotland Limited	The Highland Housing Alliance
Craignish Community Company Limited	The Highlands Small Communities' Housing Trust
Dormont Passive Homes (Scotland) Ltd	The Isle of Eigg Heritage Trust
Down to Earth Solutions Community Interest Company	The Isle of Gigha Heritage Trust
Dumfries and Galloway Small Communities Housing Trust	The North Harris Trust
Dunbritton Housing Association Limited	Tighean Innse Gall Limited
Ekopia Resource Exchange Limited	Urras Oighreachd Ghabhsainn
Fyne Homes Limited	West Harris Trust
Fyne Initiatives Limited	West Highland Housing Association Limited
Hebridean Housing Partnership Limited	West Highland Rural Solutions Limited
HIFAR Limited	Yuill Community Trust C.I.C.
Isle of Jura Development Trust	

**Civil Law and Legal System Division
October 2025**