

Social Justice and Social Security Committee
Thursday 29 January 2026
4th Meeting, 2026 Session 6

The Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026 and associated regulations

Introduction

The Committee will consider the following four SSI's:

- Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026
- Removing from Heritable Property (Form of Charge) Amendment (Scotland) Regulations 2025
- Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2025
- Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) (Scotland) Amendment Order 2025

The purpose of the regulations is to allow policy and procedures to improve the housing outcomes of domestic abuse victims living in social rented housing to operate as intended.

Background

The regulations are made under Domestic Abuse (Protection) (Scotland) Act 2021 (the '2021 Act') and other relevant legislation.

The policy objective of Part 2 of the 2021 Act is to improve the housing outcomes of domestic abuse victims living in social housing who wish to continue living in the family home, including through helping to avoid homelessness.

[Part 2 of the Act creates](#) a new ground for recovery of possession by a landlord, namely that the tenant, who is a sole tenant, has engaged in behaviour which is abusive of a partner or ex-partner. This is to allow the landlord to enter into a new tenancy with the partner or ex-partner who is the victim of the abusive behaviour.

Part 2 also allows a landlord to apply for an order terminating a tenant's interest in a Scottish secure tenancy, where that tenant is a joint tenant with the partner or ex-partner, and has engaged in behaviour which is abusive of the partner or ex-partner.

This change was introduced to improve current practice which can often involve the woman and children experiencing domestic abuse leaving their homes.

The Justice Committee in the previous parliamentary session was the lead committee on the Domestic Abuse Bill.

During the Social Justice and Social Security Committee's scrutiny of the homelessness prevention provisions in the Housing (Scotland) Bill in 2024 the Committee heard concerns from stakeholders that provisions in Part 2 of the 2021 Act had not yet been commenced. [The Committee's report noted that full commencement of the 2021 Act was, "very important to the success of the provisions for the success of the provisions in the Housing \(Scotland\) Bill."](#)

Purpose of the SSIs

- **The Domestic Abuse (Protection) (Scotland) Act 2021 (Consequential and Supplementary Amendments) Regulations 2026**

These Regulations would deliver the substantive changes to the law.

The Regulations apply to Scottish Secure Tenancies. These are the main type of tenancy offered by councils and housing associations.

Regulation 2 would create a new type of court action under Summary Cause court procedure relating to termination of an interest in a tenancy. Summary Cause is a relatively straight forward court procedure, currently used for Scottish Secure Tenancy eviction actions (where any related money claim is for not more than £5,000).

Regulation 3 would do the same thing for Simple Procedure court procedure (once the relevant legislation comes into force). Simple Procedure is the most accessible type of court procedure, designed to be used by non-lawyers.

Regulation 4 would amend the law so that a victim of domestic abuse's right to stay in a Scottish Secure Tenancy doesn't end because the abuser is evicted, where the intention is for the victim to continue the tenancy.

Regulation 5 would extend the requirement to notify qualified occupiers that eviction proceedings are in contemplation to victims of domestic abuse, where the intention is for the victim to continue the tenancy.

- **The Removing from Heritable Property (Form of Charge) Amendment (Scotland) Regulations 2025**
- **The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2025**

- **The Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) (Scotland) Amendment Order 2025**

These sets of regulations make minor changes to definitions and court notices to reflect the above reforms.

Given the purpose and the technical nature of these regulations SPICe has not suggested any themes for questions.

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