

Local Government, Housing and Planning Committee  
Tuesday 10 March 2026  
11th Meeting, 2026 (Session 6)

## Note by the Clerk on the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft]

### Overview

1. At this meeting, the Committee will take evidence from the Cabinet Secretary for Housing and officials on the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] before debating a motion in the name of the Cabinet Secretary inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

**Title of instrument:** [Investigation and Commencement of Repair \(Scotland\) Regulations 2026 \[draft\]](#)

**Laid under:** Section 27(2) and 109(2) of the [Housing \(Scotland\) Act 2001](#) and sections 20A(1) and (3) and 191(2) of the [Housing \(Scotland\) Act 2006](#)

**Laid on:** 5 February 2026

**Procedure:** Affirmative

**Lead committee to report by:** 16 March 2026

**Commencement:** If approved, the instrument comes into force on 6 October 2026

### Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
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. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.
6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
  - an evidence session with the Minister and officials, followed by
  - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

## **Delegated Powers and Law Reform Committee consideration**

8. The DPLR Committee considered the instrument on 17 February 2026 and [reported on it in its 19th Report, 2026](#). The DPLR Committee noted that the original draft of this instrument was withdrawn and the present version re-laid following [questions raised by the Committee with the Scottish Government](#).

## **Purpose of the instrument**

9. These Regulations amend the Housing (Scotland) Act 2006 (“the 2006 Act”) and the Scottish Secure Tenants (Right to Repair) Regulations 2002 (“the 2002 Regulations”) to introduce time-limits for the investigation and commencement of repairs to damp or mould in private residential tenancies, Scottish secure tenancies and short Scottish secure tenancies.
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:
  - [Equality Impact Assessment](#)
  - [Business & Regulatory Impact Assessment \(BRIA\)](#)
  - [Child Rights and Wellbeing Impact Assessment](#)
  - [Fairer Scotland Duty Assessment](#)
  - [Island Communities Impact Assessment](#)

## Evidence received

11. Ahead of an oral evidence session on 17 February 2026, covering various housing regulations the Committee invited stakeholders to submit written evidence. The following was received:

- [Scottish Association of Landlords \(SAL\)](#)
- [Glasgow West of Scotland Forum \(GWSF\)](#)
- [Existing Homes Alliance](#)
- [Association of Local Authority Chief Housing Officers \(ALACHO\) and SFHA](#)
- [ALACHO](#)
- [Shelter Scotland](#)
- In addition, Citizens Advice Scotland (CAS) noted they had [published a report](#) in June 2025 on experiences of damp and mould.

12. At its [meeting on 17 February 2026](#), the Committee took evidence from the following organisations:

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

## Report

13. Following today's meeting, a draft report will be prepared by the clerks. As the reporting deadline falls before the Committee's next meeting, the Committee should either:

- agree to consider the draft report by correspondence, and delegate to the Convener responsibility for resolving any differences of view (if members wish the report to make points of substance or recommendations); or

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- delegate to the Convener responsibility for approving the draft for publication (if members are content with a short, factual report only).

**Clerks to the Committee**  
**March 2026**

## **Annexe: Scottish Government Policy Note**

### **Investigation and Commencement of Repair (Scotland) Regulations 2026 (SSI 2026/Draft)**

The above instrument was made in exercise of the powers conferred by sections 20A(1) and 191(2) of the Housing (Scotland) Act 2006 asp 1 and section 27(2) and 109(2) of the Housing (Scotland) Act 2001. The instrument is subject to affirmative procedure.

#### **Summary Box**

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

#### **Policy Objectives**

Everyone in Scotland deserves the right to live in a warm, safe and secure home, free from disrepair.

Subject to Parliament's approval, the Scottish Government is committed to introducing an equivalent of Awaab's Law in the rented sector, starting with tackling damp and mould, to ensure landlords promptly address issues that are hazardous to tenants' health.

Whilst many landlords already have damp and mould policies in place and respond swiftly to household repairs, this is not consistent across the entire rented sector. By requiring landlords to promptly investigate reports of damp and mould and act accordingly within set timeframes, this legislation will provide greater certainty to tenants and seek to reduce instances of long-term exposure to damp and mould, which can pose significant risks.

Damp and mould will be the starting point, with other qualifying hazards to be included over time.

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

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 Investigation and Commencement of Repair (Scotland) Regulations 2026 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**

To inform the development of this instrument, a series of roundtables representing stakeholders across the rented sector were held in Autumn 2025. This included organisations representing landlords and tenants.

As a result of the engagement, general themes included that any regulation should be proportionate, build upon the existing housing framework in Scotland, have an appropriate lead in time for implementation to enable sufficient preparations, and be deliverable for urban, rural and island communities. Feedback did not raise any specific concerns around the general scope and timescales proposed, acknowledging existing practices and the need for prompt action. The content of this instrument has been informed by this engagement.

## **Impact Assessments**

A suite of impact assessments has been completed on the draft SSI and are attached. This includes Equality, Child Rights and Wellbeing, Fairer Scotland Duty, Island Communities, and Business and Regulatory impact assessments. A Strategic Environment Assessment was pre-screened out on the basis that the regulations were not deemed to significantly impact the environment.

Overall, this instrument is deemed to have a positive impact on tenants' health and wellbeing, including but not limited to children, young people, older people, disabled people, pregnant people and black and minority ethnic groups. No unlawful discrimination has been identified.

Subject to the approval of this SSI, the Scottish Government will develop guidance in collaboration with stakeholders in preparation for commencement and the impact assessments will be reviewed as appropriate.

## **Financial Effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. As this instrument builds upon landlords existing duties, this assessment does not determine that there will be a significant impact on businesses. We will continue to engage with the sector in the run up to commencement.

Scottish Government  
Local Government and Housing Directorate  
21 January 2026