

POLICY NOTE

THE NOTICE TO LOCAL AUTHORITIES (SCOTLAND) AMENDMENT REGULATIONS 2017

SSI 2017/295

The purpose of these regulations is to make consequential provisions which we consider necessary to give full effect to policy intentions that underpin the Private Housing (Tenancies) (Scotland) Act 2016 (the Act) in relation to the Homelessness (Scotland) Act 2003 and the Notice to Local Authorities (Scotland) Regulations 2008.

Policy Objectives

The Act will introduce a new type of tenancy for all future lets in the private rented sector. The purpose of the new private residential tenancy is to improve security, stability and predictability for tenants and provide appropriate safeguards for landlords, lenders and investors.

The purpose of these Regulations is to make an amendment to the Notice to Local Authorities (Scotland) Regulations 2008 to give full effect to the policy intentions which underpin the Act. Under section 56(1) of the Act a landlord cannot apply to the First-tier Tribunal for Scotland for an eviction order without first notifying the local authority. Section 56(2) requires that the Notice to Local Authorities (Scotland) Regulations 2008 are amended to add the form and manner prescribed to give notice. Those Regulations already have notices in relation to ending other types of private tenancies, such as an assured tenancy.

Consultation

This Order makes provision which is incidental, consequential or transitional to the provisions and policy aims of the Act. Therefore, no additional consultation has been undertaken in relation to the Order.

The Scottish Government consulted extensively on the policy aims and provisions in the Act, including undertaking 2 public consultations which received over 10,000 responses in total.

Impact Assessments

An Equality Impact Assessment and a Children's Rights and Welfare Impact Assessment were undertaken in relation to the provisions in Private Housing (Tenancies) (Scotland) Bill prior to its introduction to the Scottish Parliament. The findings were:

Equality Impact Assessment

The Scottish Government found that none of the proposals are discriminatory and that there are no significant issues that we consider would impact negatively upon the various groups.

Children's Rights and Welfare Impact Assessment

The Scottish Government has found that none of the proposals impinge upon articles on the UNCRC or the indicators of wellbeing (SHANARRI) and that there are no issues that will impact negatively upon children and young people in the private rented sector.

Financial Effects

A Business and Regulatory Impact Assessment was undertaken in relation to the provisions in the Private Housing (Tenancies) (Scotland) Bill prior to its introduction to the Scottish Parliament.

The Scottish Government does not consider that these Regulations will impose additional costs on tenants or landlords.

Scottish Government
Directorate for Housing and Social Justice

September 2017