

POLICY NOTE

THE PRIVATE RESIDENTIAL TENANCIES (INFORMATION FOR DETERMINING RENTS AND FEES FOR COPIES OF INFORMATION) (SCOTLAND) REGULATIONS 2017

SSI 2017/296

The above instrument was made in exercise of the powers conferred by section 34(2) of the Private Housing (Tenancies) (Scotland) Act 2016 (the Act). The instrument is subject to negative procedure.

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.

Under the Act, on receipt of a rent increase notice from their landlord, a tenant with a private residential tenancy can apply to a Rent Officer for a determination of the amount of rent payable in respect of the let property. On receipt of the Rent Officer's provisional decision, a tenant or landlord can ask the Rent Officer to review their decision and both landlord and tenant have a final appeal to the First-tier Tribunal for Scotland Housing and Property Chamber (the Tribunal).

Section 34(1) of the Act requires Rent Officers and the Tribunal to make publically available information on the rents they have taken into account in determining open market rents and the rents they have determined.

This instrument outlines how that rent data should be made publically available by specifying the rent information to be published, the manner in which that information must be published and the fee that will be charged for supplying the information.

Regulation 2 specifies that a Rent Officer and the Tribunal must publish the amount of any rent determined by them and the address of the property to which that rent determination refers. They must also publish the amount of any rent which was used as a comparator when determining that rent and the location and description of the comparable property.

Regulation 3 sets out that all the information outlined in Regulation 2 must be published on a website.

Regulation 4 specifies that a fee of £3.00 will be charged for a hard copy of the information relating to a determination of rent for one let property. The information will include: the address of the let property; the amount of rent determined; the date of the determination; and details of any property used as a comparator in determining the amount of rent.

Consultation

The Scottish Government consulted extensively on the rent provisions in the Act, including undertaking 2 public consultations which received over 10,000 responses in total. The consultation analysis found that respondents wanted a structured and transparent rent adjudication process and the provisions contained in this instrument help achieve that aim by making data on rent decisions publically available.

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 it considers 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 PRS.

Financial Effects

The Scottish Government does not believe that implementation of these regulations will impose significant additional costs on Rent Officers or the Tribunal. Both currently publish their respective decisions on fair rents cases and assured tenancy regime rent adjudication cases.

Scottish Government
Directorate for Housing and Social Justice

September 2017