



Housing (Scotland) Act 2025

2025 asp 13

Explanatory Notes have been produced to assist in the
understanding of this Act and are available separately

£24.40



Housing (Scotland) Act 2025

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Housing (Scotland) Act 2025

2025 asp 13

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 30th September 2025 and received Royal Assent on 6th November 2025

An Act of the Scottish Parliament to make provision about housing, including provision about rent control; evictions and damages for unlawful evictions; residential tenants keeping pets and making changes to let property; unclaimed tenancy deposits; registration of letting agents; ending of joint tenancies; delivery of notices by social landlords; conversion of assured tenancies; homelessness prevention; mobile homes; fuel poverty; the new homes ombudsman; and for connected purposes.

PART 1

RENT

CHAPTER 1

DESIGNATION OF RENT CONTROL AREAS

Rent conditions: assessments and reports

1 Periodic assessment of rent conditions

- (1) Each local authority must, by no later than the end of each reporting period—
 - (a) carry out an assessment of—
 - (i) the level of rent payable under relevant tenancies of properties in the area of the local authority,
 - (ii) the rate of increase in rent payable under relevant tenancies of properties in the area of the local authority, and
 - (iii) the impact that the level of rent and rate of increase in rent payable under relevant tenancies of properties has on properties, tenants and landlords in rural areas within the local authority where applicable, and
 - (b) prepare and submit a report in relation to the assessment to the Scottish Ministers (see section 2).

- (2) In subsection (1), “reporting period”—
 - (a) in the case of the first report of a local authority under that subsection, means the period ending with 31 May 2027,
 - (b) in the case of each subsequent report of a local authority under that subsection, means the period of 5 years beginning with the day following the end of the reporting period relating to the local authority’s previous report under that subsection.
- (3) The Scottish Ministers may by regulations amend subsection (2)(a) to, for the date specified in that subsection, substitute another date.
- (4) The Scottish Ministers may by regulations amend subsection (2)(b) to—
 - (a) for the time period for the time being specified in that subsection—
 - (i) substitute another time period by which one or more subsequent reports must be submitted,
 - (ii) specify a date (or dates) by which one or more subsequent reports must be submitted,
 - (b) for the date (or dates) for the time being specified in that subsection (such specification having been made as mentioned in paragraph (a)(ii)), substitute a date (or dates) by which one or more subsequent reports must be submitted.
- (5) In this Chapter—
 - “assessment of rent conditions” means an assessment of the matters mentioned in subsection (1)(a),
 - “relevant tenancy” means a private residential tenancy, or an assured tenancy under the Housing (Scotland) Act 1988.

2 Report to Scottish Ministers following periodic assessment

- (1) A local authority’s report under section 1(1) must—
 - (a) include details of the assessment of rent conditions carried out by the local authority,
 - (b) state—
 - (i) whether or not it recommends to the Scottish Ministers that they designate all or any part of the area of the local authority as a rent control area under section 9(1), and
 - (ii) the reasons for any such recommendation.
- (2) In its report under section 1(1), a local authority may recommend the designation of any area as a rent control area only if the local authority is of the opinion that the introduction of measures to control the rate at which rent payable under private residential tenancies of properties in the area is increasing is necessary to protect the social and economic interests of tenants in the area.
- (3) Where a local authority recommends under subsection (1)(b)(i) that part of the area of the local authority should be designated as a rent control area, the authority may, where the authority considers it appropriate, specify the part (including its boundary) by

reference to a street, all or part of an electoral ward or another appropriate existing boundary.

- (4) Where a report includes a recommendation as mentioned in subsection (2) that an area be designated as a rent control area, the report must include a plan identifying the boundary of the area.
- (5) In this Chapter, “rent control area” means an area that is designated as a rent control area by regulations under section 9(1).

3 Interim assessment and reports by local authorities

- (1) Subsection (2) applies where a local authority considers that, since the submission of the most recent report under section 1(1) in relation to the area of the local authority—
 - (a) there has been a significant change in—
 - (i) the level of rents under relevant tenancies in the area (or any part of it), or
 - (ii) the rate of increase in rents under relevant tenancies in the area (or any part of it), and
 - (b) the change may affect the need to designate the area (or any part of it) as a rent control area.
- (2) The local authority may (in addition to the duty to carry out a periodic assessment of rent conditions and to submit a subsequent report under section 1(1)) carry out an interim assessment of rent conditions in relation to its area of (either or both)—
 - (a) the level of rents in the area (or any part of it),
 - (b) the rate of increase in rents in the area (or any part of it).
- (3) Where a local authority is carrying out an interim assessment of rent conditions under subsection (2), it must inform the Scottish Ministers in writing of that fact.
- (4) Subsection (5) applies where the Scottish Ministers consider that, since the submission by a local authority of its most recent report under section 1(1), there has been a significant change in—
 - (a) the level of rents under relevant tenancies in the area of the local authority (or any part of it), or
 - (b) the rate of increase in rents under relevant tenancies in the area of the local authority (or any part of it).
- (5) The Scottish Ministers may direct the local authority (in addition to the duty to carry out a periodic assessment of rent conditions and to submit a subsequent report under section 1(1)) to carry out an interim assessment of rent conditions in relation to its area of (either or both)—
 - (a) the level of rents in the area (or any part of it),
 - (b) the rate of increase in rents in the area (or any part of it).
- (6) Where a local authority has carried out an interim assessment of rent conditions under subsection (2), it must prepare a report relating to the assessment and submit it to the Scottish Ministers as soon as is reasonably practicable following the completion of the interim assessment.

- (7) Where a local authority has carried out an interim assessment of rent conditions under subsection (5), it must prepare a report relating to the assessment and submit it to the Scottish Ministers in accordance with any time limit specified in the Scottish Ministers' direction given under that subsection.
- (8) A direction under subsection (5) must—
 - (a) be given in writing, and
 - (b) be published in such manner as the Scottish Ministers consider appropriate.

Consideration of rent conditions reports

4 Scottish Ministers to review local authority report

The Scottish Ministers must consider a report received from a local authority under—

- (a) section 1(1),
- (b) section 3(6), or
- (c) section 3(7),

as soon as reasonably practicable after receipt of the report.

5 Further assessment of rent conditions and report by local authority

- (1) Subsection (2) applies if the Scottish Ministers, having considered a report from a local authority as mentioned in section 4, or pursuant to a direction under subsection (2), are of the opinion that—
 - (a) the assessment of rent conditions to which the report relates was not adequate, or
 - (b) the local authority did not have regard to the Scottish Ministers' relevant guidance in connection with—
 - (i) the carrying out of its assessment of rent conditions on which the report is based, or
 - (ii) the preparation of the report.
- (2) The Scottish Ministers may direct the local authority to carry out a further assessment of rent conditions and submit a further report in relation to that assessment.
- (3) A direction under subsection (2) must—
 - (a) be given in writing, and
 - (b) specify the timing and manner of the local authority's further assessment and report.
- (4) A requirement to submit a further report in accordance with a direction under subsection (2) does not affect the duty of a local authority to submit a periodic report under section 1(1).
- (5) In subsection (1)(b), "relevant guidance" means—
 - (a) in relation to the carrying out of an assessment, guidance issued under section 6(1),
 - (b) in relation to the preparation of a report, guidance issued under section 7(1).

Ministerial guidance on local authority assessments and reports

6 Ministerial guidance on assessments of rent conditions

- (1) The Scottish Ministers may issue guidance to local authorities about the carrying out of assessments of rent conditions under section 1(1), 3(2) or (5), or 5(2).
- (2) Guidance issued under subsection (1) may, in particular, include provision about—
 - (a) the nature of an assessment of rent conditions including different stages of an assessment,
 - (b) the matters to be considered by a local authority in carrying out an assessment,
 - (c) action to be taken by a local authority in the course of carrying out an assessment,
 - (d) matters to be taken into account in identifying discrete parts of the area of the local authority that are to be considered individually as part of an assessment,
 - (e) matters to be taken into account by a local authority in assessing whether the level of rent payable under relevant tenancies of properties in an area is to be considered by the local authority as being too high,
 - (f) matters to be taken into account by a local authority in assessing whether the rate at which rent payable under relevant tenancies of properties in an area is increasing is to be considered by the local authority as being too high.
- (3) Before issuing guidance under subsection (1), the Scottish Ministers must consult—
 - (a) local authorities,
 - (b) persons who appear to them to represent the interests of tenants and landlords, and
 - (c) persons who appear to them to represent the interests of rural communities.
- (4) The requirement to consult under subsection (3) may be met by consultation carried out before this section comes into force.
- (5) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.
- (6) In carrying out an assessment of rent conditions mentioned in subsection (1), a local authority must have regard to any guidance issued under that subsection.

7 Ministerial guidance on reports following assessments of rent conditions

- (1) The Scottish Ministers must issue guidance to local authorities about reports to be prepared under section 1(1), 3(6) or (7), or 5(2).
- (2) The first guidance about reports to be prepared under each of the provisions mentioned in subsection (1) must be issued within the period of 9 months beginning with the day on which the provision in question comes into force.
- (3) Guidance under subsection (1) may, in particular, include provision about—
 - (a) the form in which a report is to be prepared,
 - (b) the information to be included in a report, including—
 - (i) the reasons for recommending the designation of an area as a rent control area,

- (ii) any documents to be submitted with the report,
 - (c) the anonymising of—
 - (i) information to be included in the report,
 - (ii) documents to be submitted with the report,
 - (d) matters to be considered by local authorities in deciding whether to recommend the designation of an area as a rent control area,
 - (e) the identification of such an area with reference to a plan,
 - (f) any other criteria or thresholds applying to a recommendation to designate an area as a rent control area.
- (4) Before issuing guidance under subsection (1), the Scottish Ministers must consult—
- (a) local authorities, and
 - (b) persons who appear to them to represent the interests of tenants and landlords.
- (5) The requirement to consult under subsection (4) may be met by consultation carried out before this section comes into force.
- (6) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.
- (7) In preparing and submitting a report mentioned in subsection (1), a local authority must have regard to any guidance issued by the Scottish Ministers under that subsection.

Ministers' decision on whether to designate rent control area

8 Scottish Ministers' duty to report

- (1) The Scottish Ministers, having considered a report from a local authority under section 4 or a further report mentioned in section 5(2), must prepare and publish a report—
- (a) stating—
 - (i) whether or not they propose to lay a draft of a Scottish statutory instrument containing regulations under section 9(1) designating all or part of the area of the local authority as a rent control area, and
 - (ii) the reasons for their decision,
 - (b) including an explanation of such other matters as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers must publish the report prepared by them—
- (a) as soon as reasonably practicable after receiving the relevant local authority report,
 - (b) in such manner as they consider appropriate.

9 Power to designate rent control area

- (1) Having considered a report from a local authority under section 4, or a further report mentioned in section 5(2), the Scottish Ministers may by regulations designate all or part of the area of the local authority as a rent control area.

- (2) But the Scottish Ministers may designate under subsection (1) all or part of the area of a local authority only if they are satisfied that restricting the rate of increase in rent payable under private residential tenancies in the area to be designated—
 - (a) is necessary and proportionate for the purpose of protecting the social and economic interests of tenants in the area, and
 - (b) is a necessary and proportionate control of landlords' use of their property in the area.
- (3) Any regulations under subsection (1) cease to have effect on the expiry of the period of 5 years beginning with the day on which the regulations come into force (unless they are revoked before the expiry of that period).

10 Designation of rent control area: consultation

- (1) Before laying a draft of a Scottish statutory instrument containing regulations under section 9(1) designating an area as a rent control area ("the proposed rent control area"), the Scottish Ministers must consult—
 - (a) the local authority within whose area the proposed rent control area is situated,
 - (b) persons who appear to them to represent the interests of tenants and landlords under relevant tenancies of properties in the proposed rent control area.
- (2) The Scottish Ministers must—
 - (a) consult the persons referred to in subsection (1) in relation to the specification of the area forming the proposed rent control area,
 - (b) allow a period of not less than 8 weeks for any representations to be made in response to the consultation.
- (3) When laying a draft of a Scottish statutory instrument containing regulations mentioned in subsection (1) before the Scottish Parliament, the Scottish Ministers must also lay before the Parliament a report—
 - (a) setting out the reasons why they consider that the regulations should be made including the reasons for the specification of the area to be designated as a rent control area,
 - (b) describing—
 - (i) the consultation carried out under subsection (1),
 - (ii) any representations received in response to the consultation, and
 - (iii) the changes (if any) from what was originally proposed as a result of those representations.

11 Duty to keep rent control area under review

- (1) The Scottish Ministers must keep under review the designation and size of each rent control area designated by existing regulations under section 9(1).
- (2) Where the Scottish Ministers consider that it is no longer necessary or proportionate to designate all or part of a rent control area as such, the Scottish Ministers must as soon

as reasonably practicable lay a draft of a Scottish statutory instrument containing regulations under section 9(1) before the Scottish Parliament to—

- (a) revoke the existing regulations, or
- (b) vary the existing regulations to reduce the size of the rent control area as they consider appropriate.

12 Variation of rent controls in existing rent control area: consultation

- (1) This section applies where the Scottish Ministers propose to reduce the size of a rent control area designated by regulations under section 9(1).
- (2) Before laying a draft of a Scottish statutory instrument containing regulations under section 9(1) before the Scottish Parliament to provide for that variation, the Scottish Ministers must—
 - (a) consult—
 - (i) the local authority within whose area the rent control area is situated,
 - (ii) persons who appear to them to represent the interests of tenants and landlords under relevant tenancies of properties in the rent control area, and
 - (b) allow a period of not less than 8 weeks for any representations to be made in response to the consultation.
- (3) When laying a draft of a Scottish statutory instrument containing regulations mentioned in subsection (2) before the Scottish Parliament, the Scottish Ministers must also lay before the Parliament a report—
 - (a) setting out the reasons why they consider that the size of the rent control area should be reduced, and
 - (b) describing—
 - (i) the consultation carried out under subsection (2),
 - (ii) any representations received in response to the consultation, and
 - (iii) the changes (if any) from what was originally proposed as a result of those representations.

Properties subject to modified restrictions

13 Properties subject to modified rent control area restrictions

- (1) The Scottish Ministers may by regulations make provision for or in connection with a landlord under a private residential tenancy of a specified property in a rent control area—
 - (a) to increase, with approval from such person as may be specified in the regulations, the rent payable under the tenancy by more than the permitted rate,
 - (b) to increase, without such approval, the rent payable under the tenancy by more than the permitted rate.
- (2) In subsection (1)—

“permitted rate” has the meaning given by section 43D of the 2016 Act,

“specified property” means a property—

- (a) that is not an exempt property (within the meaning given by section 17D(1) of the 2016 Act), and
 - (b) that is defined in regulations under subsection (1) by reference to such matters (or a combination of matters) as the Scottish Ministers consider appropriate including, in particular—
 - (i) a description of the circumstances relating to the landlord of the property,
 - (ii) a description of the circumstances relating to the tenant of the property,
 - (iii) a description of the property according to its type.
- (3) Regulations under paragraph (a) of subsection (1) may, in particular, specify the process by which a landlord may seek approval from a decision maker (such as a rent officer or the First-tier Tribunal) to increase the rent payable under the tenancy by an amount referred to in that paragraph.
- (4) Regulations under subsection (1) may modify an enactment, so far as it relates to a specified property, for or in connection with—
 - (a) the method by which a landlord of a specified property may increase the rent payable under a private residential tenancy of a property in the area,
 - (b) any review or appeal—
 - (i) in connection with such an increase, or
 - (ii) of a decision relating to such an increase.
- (5) In this section, references to increases in the rent payable under a private residential tenancy include references to—
 - (a) setting the initial rent under the tenancy (within the meaning of section 43G of the 2016 Act), and
 - (b) increasing the rent payable under the tenancy following a rent-increase notice (within the meaning of section 43L(1) of the 2016 Act).
- (6) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
 - (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
 - (b) may consult any other person they consider appropriate.
- (7) The requirement to consult under subsection (6)(a) may be met by consultation carried out before this section comes into force.

Power to seek information relating to tenancies

14 Information that may be sought by local authority or the Scottish Ministers

- (1) A local authority may request the information mentioned in subsection (3), in relation to any house for which information is included in a person's entry in the authority's landlord register, from—
 - (a) the person whose entry in the register includes information in relation to the house, or
 - (b) any other person acting as landlord under a tenancy or occupancy arrangement granted by that person to which the house (or part of it) is subject.
- (2) The Scottish Ministers may request the information mentioned in subsection (3), in relation to any house for which information is included in a person's entry in the landlord register of any local authority, from—
 - (a) the person whose entry in the register includes information in relation to the house, or
 - (b) any other person acting as landlord under a tenancy or occupancy arrangement granted by that person to which the house (or part of it) is subject.
- (3) The information referred to in subsections (1) and (2), in relation to any house (or part of the house) mentioned in either of those subsections, is—
 - (a) the address of the house,
 - (b) a description of the type of tenancy or occupancy arrangement to which the house (or part of it) is subject,
 - (c) the amount and frequency of rent payable under any relevant tenancy to which the house (or part of it) is subject,
 - (d) whether the rent payable includes payment of any costs associated with the house and, if it does, the amount of each such cost and the matter to which it relates,
 - (e) in relation to the most recent increase in the rent payable under any relevant tenancy to which the house (or part of it) is subject—
 - (i) the date of the rent increase, and
 - (ii) the amount and frequency of the rent payable under the tenancy immediately before the rent increase took effect,
 - (f) the size of the house (or where the tenancy or occupancy arrangement relates to part of the house, the size of that part of the house) including—
 - (i) the number of each of the following rooms in the house (or part of it)—
 - (A) bedrooms,
 - (B) public rooms,
 - (C) kitchens,
 - (D) bathrooms,
 - (E) other rooms,
 - (ii) the number of storeys in the house (or part of it), and
 - (iii) the floor area of the house (or part of it),

- (g) whether the house (or part of it) is fully furnished, partially furnished or unfurnished by the landlord and, if it is partially furnished, a brief description of the furnishings provided by the landlord,
 - (h) the type of the house (such as whether it is a detached, semi-detached, terraced or flatted property),
 - (i) whether the house (or part of it) is subject to a tenancy or occupancy arrangement granted by a person other than the person entered in the relevant landlord register and, if it is, the name and address of, and other contact information for, the person acting as landlord under the tenancy or occupancy arrangement,
 - (j) the quality, state of repair, and energy efficiency of the house.
- (4) A local authority or the Scottish Ministers may not exercise the power under subsection (1) or (2) (as the case may be) more than once in a 12 month period in respect of the same person in relation to the same information about the same house (or the same part of a house that is subject to more than one tenancy or occupancy arrangement).
- (5) In addition, a local authority or the Scottish Ministers may request the information mentioned in subsection (3) in relation to a house mentioned in subsection (1) or (2) (as the case may be) from a person with a right to use the house (or part of it) under a tenancy or occupancy arrangement.
- (6) The power conferred by subsection (1) or (5) may be exercised by a local authority—
 - (a) for the purpose of—
 - (i) enabling or assisting the exercise of any of its functions under this Chapter,
 - (ii) assisting the Scottish Ministers in the exercise of any of their functions under this Chapter,
 - (b) subject to subsection (4) and any guidance under subsection (8), at such times and intervals as it considers appropriate.
- (7) The power conferred by subsection (2) or (5) may be exercised by the Scottish Ministers—
 - (a) for the purpose of or in connection with—
 - (i) enabling or assisting the exercise of any of their functions under this Chapter,
 - (ii) assisting a local authority in the exercise of any of its functions under this Chapter,
 - (b) subject to subsection (4), at such times and intervals as the Scottish Ministers consider appropriate.
- (8) In making a request under subsection (1) or (5), a local authority must have regard to any guidance given by the Scottish Ministers about the form, content and frequency of such a request.
- (9) In this section—
 - “house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,
 - “landlord register”, in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act,
 - “occupancy arrangement” has the meaning given by section 101(1) of that Act,

“relevant tenancy” has the meaning given by section 1(5) of this Act,

“tenancy” includes a sub-tenancy.

- (10) The Scottish Ministers may by regulations modify this section so as to add or remove information that may be requested by a local authority or by them under—
 - (a) subsection (1) or (2) (as the case may be), or
 - (b) subsection (5).
- (11) The Scottish Ministers may by regulations modify this section so as to add or remove descriptions of persons from whom information may be sought by local authorities or the Scottish Ministers under subsection (1) or (2) (as the case may be).

15 Information sharing and cooperation between local authorities and the Scottish Ministers

- (1) A local authority may share any information obtained by it under any provision of this Chapter with—
 - (a) the Scottish Ministers for the purpose of or in connection with—
 - (i) assisting the Scottish Ministers in the exercise of any of their functions under this Chapter, or
 - (ii) enabling or assisting the local authority in the exercise of any of its own functions under this Chapter, or
 - (b) another local authority for the purpose of or in connection with—
 - (i) assisting the other local authority in the exercise of any of its functions under this Chapter, or
 - (ii) enabling or assisting the local authority in the exercise of any of its own functions under this Chapter.
- (2) The Scottish Ministers may share any information obtained by them under any provision of this Chapter with a local authority for the purpose of or in connection with—
 - (a) assisting the local authority in the exercise of any of its functions under this Chapter, or
 - (b) enabling or assisting the Scottish Ministers in the exercise of any of their own functions under this Chapter.
- (3) In this section, references to sharing information obtained by a person under any provision of this Chapter include references to sharing information so obtained that has been collated, analysed or otherwise processed by (or on behalf of) the person.
- (4) In exercising their powers under section 14(1) or (2), local authorities and the Scottish Ministers must cooperate with each other to seek to ensure that so far as possible they collectively do not make a request more than once in a 12 month period for the same information from the same person about the same house (or the same part of a house for which there is more than one tenancy or occupancy arrangement).

16 Information holder’s failure to provide information sought

- (1) This section applies if—
 - (a) a requester issues a request for information to a person (“the information holder”) under section 14(1) or (2) (as the case may be), and
 - (b) the information holder fails to provide all of the information within the period of 28 days beginning with the day on which the information holder received the request (in this section, the information that has not been so provided by the information holder is referred to as “the outstanding information”).
- (2) The requester may give notice in writing to the information holder of its intention to apply to the First-tier Tribunal for an order under subsection (6) unless the requester is satisfied that the information holder has provided all of the outstanding information to the relevant person during the relevant period.
- (3) The requester may apply to the First-tier Tribunal for an order under subsection (6) only if it has given notice under subsection (2) to the information holder and either—
 - (a) the period of 28 days beginning with the day on which the information holder received the notice has ended and the information holder has not notified the requester in writing that the information holder has provided all of the outstanding information to the relevant person during the relevant period, or
 - (b) the information holder has notified the requester in writing within that 28 day period that the information holder has provided all of the outstanding information to the relevant person during the relevant period and the requester, having carried out a review and considered any written representations made by or on behalf of the information holder, is satisfied—
 - (i) on the conclusion of the review, that the information holder—
 - (A) has failed to provide it with any of the outstanding information, and
 - (B) has not provided this information to the relevant person during the relevant period, and
 - (ii) that the information holder does not have a reasonable excuse for the failure.
- (4) But the requester may not apply to the First-tier Tribunal for an order under subsection (6) after the end of the period of 12 months beginning with the day on which the information holder received the request from the requester under section 14(1) or (2).
- (5) Where an application is made by the requester under subsection (3), the First-tier Tribunal may make an order under subsection (6) if—
 - (a) at the time the First-tier Tribunal receives the application, the information holder—
 - (i) has failed to provide the requester with any of the outstanding information, and
 - (ii) has not provided this information to the relevant person during the relevant period, and
 - (b) the First-tier Tribunal is satisfied that the information holder does not have a reasonable excuse for the failure.
- (6) An order under this subsection is one requiring the information holder to pay the requester an amount not exceeding £1,000.

- (7) In making an order under subsection (6), the First-tier Tribunal may, if it considers it to be appropriate, also order the information holder to provide any of the outstanding information to the requester.
- (8) In giving notice under subsection (2), a local authority must have regard to any guidance given by the Scottish Ministers about the form and content of such notices.
- (9) In this section—
 - “relevant period”, in relation to the request made by the requester, means the period of 12 months ending with the day on which the information holder received the request,
 - “relevant person”—
 - (a) where the requester is a local authority, means the Scottish Ministers,
 - (b) where the requester is the Scottish Ministers, means the local authority for the area in which the house that is the subject of the requester’s request is situated,
 - “requester” means—
 - (a) in the case of a request under section 14(1), the local authority that made the request,
 - (b) in the case of a request under section 14(2), the Scottish Ministers.

17 Information holder’s provision of false information

- (1) This section applies if—
 - (a) a requester issues a request for information to a person (“the information holder”) under section 14(1) or (2) (as the case may be), and
 - (b) the information holder provided information in response to the request which the requester considers must have been known by the information holder to be false in a material way.
- (2) The requester may give notice in writing to the information holder of its intention to apply to the First-tier Tribunal for an order under subsection (6).
- (3) The requester may apply to the First-tier Tribunal for an order under subsection (6) only if it has given notice under subsection (2) to the information holder and either—
 - (a) the period of 28 days beginning with the day on which the information holder received the notice has ended and the information holder has not made a request in writing to the requester during that period that the requester carry out a review of its intention to apply to the First-tier Tribunal, or
 - (b) the information holder made a request in writing for such a review by the requester within that period and the requester, having carried out the review and considered any written representations made by or on behalf of the information holder, is satisfied that the information holder provided information in response to its request under section 14(1) or (2) that the information holder must have known to be false in a material way.

- (4) But a requester may not apply to the First-tier Tribunal for an order under subsection (6) after the end of the period of 12 months beginning with the day on which the information holder received the request from the requester under section 14(1) or (2).
- (5) Where an application is made by a requester under subsection (3) following a request for information made to an information holder under section 14(1) or (2), the First-tier Tribunal may make an order under subsection (6) if it is satisfied that the information holder, in purporting to comply with the request, provided information to the requester that the information holder must have known to be false in a material way.
- (6) An order under this subsection is one requiring the information holder to pay the requester an amount not exceeding £1,000.
- (7) In giving notice under subsection (2), a local authority must have regard to any guidance given by the Scottish Ministers about the form and content of such notices.
- (8) In this section, “requester” has the meaning given by section 16.

18 Scottish Ministers’ request for landlord information from local authorities

- (1) The Scottish Ministers may request from a local authority—
 - (a) the name and address of, and other contact information for, each person who is entered in the authority’s landlord register (“a registered person”),
 - (b) the name and address of, and other contact information for, any other person who is included in a registered person’s entry in the authority’s landlord register,
 - (c) the address of each house that is entered in each registered person’s entry in the authority’s landlord register, and
 - (d) the name, address and letting agent registration number (if any) of a letting agent of a registered person.
- (2) The Scottish Ministers may exercise the power under subsection (1) for the purpose of or in connection with—
 - (a) enabling or assisting the exercise of any of their functions under this Chapter,
 - (b) assisting a local authority in the exercise of any of its functions under this Chapter.
- (3) A local authority must provide the information requested by the Scottish Ministers under subsection (1) by no later than the end of the period of 28 days beginning with the day on which the local authority received the request.
- (4) In subsection (1)—
 - “house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,
 - “landlord register”, in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act,
 - “letting agent”, in relation to a registered person, means a person who is specified in the registered person’s entry in the landlord register of a local authority as acting for the registered person in relation to a lease or occupancy arrangement to which a house included in that entry is subject,

“letting agent registration number”, in relation to a letting agent, means the number allocated to the letting agent under section 36(1) of the Housing (Scotland) Act 2014.

Power to require landlords to provide information

19 Power to require landlords to provide information

- (1) The Scottish Ministers may by regulations make provision for or in connection with a requirement for relevant information, relating to a house for which information is included in a local authority’s landlord register, to be provided by a relevant person to either—
 - (a) the Scottish Ministers, or
 - (b) the local authority (but not both).
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) the times at which relevant information is to be provided,
 - (b) the purposes for which the information provided may be used by recipients of it,
 - (c) the sharing of the information, including among recipients of the information,
 - (d) the keeping, maintenance and accessibility of the information,
 - (e) the enforcement of any obligation imposed on a relevant person under the regulations,
 - (f) appeals against any decision taken or obligation imposed under the regulations,
 - (g) the conferral of powers to require a relevant person to pay a financial penalty or compensation for a failure to comply with an obligation imposed under the regulations.
- (3) Regulations under subsection (1) may not require a relevant person to provide the same information in relation to the same house more than once in a 12 month period.
- (4) In this section—

“house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,

“landlord register”, in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act,

“occupancy arrangement” has the meaning given by section 101(1) of that Act,

“relevant information”, in relation to a house mentioned in subsection (1), means information specified in regulations made under that subsection—

 - (a) relating to the address, type and size of the house,
 - (b) about the type of tenancy or occupancy arrangement to which the house (or part of it) is subject,
 - (c) about any furnishings provided under the tenancy,
 - (d) about the amount and frequency of rent payable under any relevant tenancy to which the house (or part of it) is subject,
 - (e) about any costs associated with the house that are included as part of the rent payable, or

- (f) about the most recent increase in the rent payable under any relevant tenancy to which the house (or part of it) is subject,

“relevant person”, in relation to a house mentioned in subsection (1), means—

- (a) the person whose entry in the local authority’s landlord register includes information relating to the house, or
- (b) any other person acting as landlord under a tenancy or occupancy arrangement granted by that person to which the house (or part of it) is subject,

“relevant tenancy” has the meaning given by section 1(5) of this Act,

“tenancy” includes a sub-tenancy.

- (5) The Scottish Ministers may by regulations modify the meaning of “relevant information” in subsection (4) so as to add or remove descriptions of information.
- (6) The Scottish Ministers may by regulations modify the meaning of “relevant person” in subsection (4) so as to add or remove descriptions of persons.

Expiry of rent control area: power to modify law

20 Power to modify law in connection with the expiry of rent control area

- (1) In connection with the expiry or revocation of regulations under section 9(1) (meaning that an area of a local authority ceases to be designated as a rent control area), the Scottish Ministers may by regulations make provision for or in connection with—
 - (a) the method by which a landlord may increase the rent payable under a private residential tenancy of a property in the area,
 - (b) any review or appeal—
 - (i) in connection with such an increase, or
 - (ii) of a decision relating to such an increase.
- (2) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
 - (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
 - (b) may consult any other person they consider appropriate.
- (3) Regulations under subsection (1)—
 - (a) may modify any enactment (including this Act),
 - (b) cease to have effect on the expiry of a period of 12 months from the day on which the regulations come into force (unless they are revoked before the expiry of that period).

*Scottish Ministers: information and research***21 Scottish Ministers: information and research**

- (1) The Scottish Ministers may, for the purpose of or in connection with the matters mentioned in subsection (2)—
 - (a) conduct research and inquiries,
 - (b) publish statistics or other information in connection with the information obtained by them under any provision of this Chapter,
 - (c) encourage or assist other persons to do any of the things mentioned in paragraphs (a) and (b).
- (2) The matters are—
 - (a) enabling or assisting the exercise of any of their functions under this Chapter,
 - (b) assisting the exercise of any of the functions of a local authority under this Chapter.

CHAPTER 2

RENT CONTROL AREAS: MODIFICATIONS OF THE 2016 ACT

*Information about rent to be included in advertisements***22 Prospective landlords' duty to include information about rent in advertisements**

- (1) The 2016 Act is modified as follows.
- (2) After section 17 insert—

*“Information about rent to be included in advertisements***17A Prospective landlords' duty to include information about rent in advertisements: property is not exempt property**

- (1) A person—
 - (a) who proposes to let a property that is not an exempt property in a rent control area (“the advertised property”) on an agreement that may give rise to a private residential tenancy, and
 - (b) who is communicating with another person by way of advertisement in writing with a view to entering into such an agreement,
 must include the information mentioned in subsection (2) in the advertisement.
- (2) The information referred to in subsection (1)—
 - (a) where the advertised property was let previously, is—
 - (i) the rent payable under the previous tenancy,
 - (ii) whether there was a relevant rent increase during the period of 12 months before the date on which the advertisement of the advertised property is published,
 - (iii) if there was such an increase, the date on which the most recent increase took effect,

- (iv) the rent that the prospective landlord proposes to be payable under the tenancy (but see also subsection (3)),
 - (v) confirmation that the property is in a rent control area,
 - (b) where the advertised property was not let previously, is—
 - (i) the rent that the prospective landlord proposes to be payable under the tenancy,
 - (ii) confirmation that the property is in a rent control area.
- (3) The information about the rent that the prospective landlord proposes to be payable under the tenancy (which must be included in the advertisement under subsection (2)(a)(iv)) must also mention that this proposed rent may change according to any variation in the consumer prices index before the start of any tenancy (in accordance with section 43G).
- (4) For the purpose of subsection (2), subject to subsection (5), an advertised property was let previously if—
 - (a) there was a previous private residential tenancy or assured tenancy of property that is the same or substantially the same as the advertised property (“the previous tenancy”),
 - (b) the previous tenancy immediately preceded the proposed let of the advertised property, and
 - (c) the previous tenancy ended no more than 12 months before the date on which the advertisement of the advertised property is published.
- (5) But an advertised property was not let previously if—
 - (a) the person who is to become the landlord under the proposed tenancy purchased the property with vacant possession, and
 - (b) the proposed tenancy is to be the first private residential tenancy of the property to be granted by that person since the purchase.
- (6) The Scottish Ministers may by regulations—
 - (a) modify subsection (2) to add or remove information to be included in an advertisement referred to in subsection (1),
 - (b) modify subsection (4) or (5) to adjust the meaning of the expressions included in those subsections.
- (7) In this section—
 - “advertisement” includes any form of advertising whether—
 - (a) to the public generally,
 - (b) to any section of the public, or
 - (c) individually to selected persons,
 - “assured tenancy” means an assured tenancy under the Housing (Scotland) Act 1988,

“consumer prices index” means—

- (a) the all items consumer prices index published by the Statistics Board, or
- (b) if that index is not published for a month, any substituted index or figures published by the Board,

“exempt property” has the meaning given by section 17D(1),

“relevant rent increase”, in relation to the advertised property, means—

- (a) an increase in the amount payable in rent under a private residential tenancy or an assured tenancy of a property that is the same or substantially the same as the advertised property (“a relevant tenancy”),
 - (b) a setting of the amount payable in rent at the start of a relevant tenancy (“tenancy A”) if—
 - (i) that amount exceeded the amount payable in rent at the end of the relevant tenancy immediately preceding tenancy A (“tenancy B”),
 - (ii) tenancy B ended no more than 12 months before the start of tenancy A, and
 - (iii) tenancy A was not the first private residential tenancy or assured tenancy of the property granted by the landlord under the tenancy following the landlord’s purchase of the property with vacant possession.
- (8) For the purpose of this section, whether property let (or to be let) under a tenancy is the same or substantially the same as property let under an earlier tenancy is to be determined with reference to a comparison between the description of each property in the terms applying to each tenancy.”.

- (3) After section 17A (inserted by subsection (2)) insert—

“17B Prospective landlords’ duty to include information about property in advertisements: exempt property

- (1) Subsection (2) applies where a person—
 - (a) is proposing to let a property that is an exempt property in a rent control area on an agreement that may give rise to a private residential tenancy, and
 - (b) is communicating with another person by way of advertisement in writing with a view to entering into such an agreement.
- (2) The person must include in the advertisement—
 - (a) a statement that the property is an exempt property,
 - (b) information about the manner in which the property has been confirmed, in accordance with regulations under section 17D(1), as being an exempt property, and
 - (c) any number (including a registration number) associated with the confirmation of the property as an exempt property.

(3) In this section—

“advertisement” has the same meaning as in section 17A,

“exempt property” has the meaning given by section 17D(1).”.

Setting and variation of rent

23 Setting and variation of rent

- (1) The 2016 Act is modified as follows.
- (2) The title of Part 4 (rent) becomes “Rent: properties not in a rent control area (or properties that are exempt properties)”.
- (3) After the title of Chapter 1 of Part 4 but before the italic heading (“Restrictions on rent increases”) insert—

“Application of this Part

17C Application of this Part

- (1) This Part applies in relation to a private residential tenancy of a property that—
 - (a) is not in a rent control area, or
 - (b) is in a rent control area but is an exempt property.
- (2) In this Part, “exempt property” has the meaning given by section 17D(1).

17D Meaning of “exempt property”

- (1) In this Part and Part 4A, an “exempt property” means a property that—
 - (a) is of a description specified in regulations made by the Scottish Ministers, and
 - (b) is confirmed as being of that description in accordance with one or more processes specified in those regulations.
- (2) Regulations under subsection (1) may specify a description referred to in paragraph (a) of that subsection, in relation to a property, by reference to such matters (or a combination of matters) as the Scottish Ministers consider appropriate including, in particular—
 - (a) a description of the circumstances relating to the landlord of the property,
 - (b) a description of the circumstances relating to the tenant of the property,
 - (c) a description of the property according to its type.
- (3) A process referred to in subsection (1)(b) that is specified in regulations under subsection (1), in relation to a property, may, in particular, include—
 - (a) approval by a person specified in the regulations that the property is of a description referred to in subsection (1)(a),

- (b) signification in a form specified in the regulations that the property is of a description referred to in subsection (1)(a), which may include the inclusion of the property in a register specified in the regulations.
- (4) If regulations under subsection (1) provide that a person specified in the regulations is to approve that a property is of a description referred to in subsection (1)(a), the regulations may, in particular, make provision for or in connection with—
 - (a) the procedure to be followed in connection with applications for approval,
 - (b) the form and manner in which applications are to be made (including the documents that are to accompany applications),
 - (c) fees in connection with applications,
 - (d) the duration of approval,
 - (e) the withdrawal of approval,
 - (f) publication of decisions to approve or to refuse to approve applications,
 - (g) appeals against—
 - (i) a decision to refuse approval, or
 - (ii) a decision to withdraw approval,
 - (h) requirements for the landlord of a property to notify any tenant—
 - (i) that an application for approval has been made, and
 - (ii) of the outcome of the application.
- (5) If regulations under subsection (1) provide that confirmation that a property is of a description referred to in subsection (1)(a) is to be signified by the inclusion of the property in a register specified in the regulations, the regulations may, in particular, make provision for or in connection with—
 - (a) the establishment and maintenance of the register,
 - (b) the procedure to be followed in connection with applications for entry of a property in the register,
 - (c) the form and manner in which applications are to be made (including the documents that are to accompany applications),
 - (d) fees in connection with applications,
 - (e) the period for which a property is to be entered in the register (unless the entry is removed earlier),
 - (f) removal of entries from the register,
 - (g) access to the register by members of the public,
 - (h) appeals against—
 - (i) a decision to refuse to enter a property in the register, or

- (ii) a decision to remove a property from the register,
 - (i) requirements for the landlord of a property to notify any tenant—
 - (i) that an application for entry of the property in the register has been made, and
 - (ii) of the outcome of the application.
- (6) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
 - (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
 - (b) may consult any other person they consider appropriate.
- (7) The requirement to consult under subsection (6)(a) may be met by consultation carried out before this section takes effect.”.
- (4) After Part 4 (rent) insert—

“PART 4A

RENT: PROPERTIES IN A RENT CONTROL AREA (OTHER THAN EXEMPT PROPERTIES)

CHAPTER 1

INITIAL PROVISIONS AND RESTRICTIONS IN RELATION TO RENT ETC.

Application of this Part

43A Application of this Part

- (1) This Part applies in relation to a private residential tenancy (in this Part, a “current tenancy”) of a property that—
 - (a) is in a rent control area, and
 - (b) is not an exempt property.
- (2) In this Part, “exempt property” has the meaning given by section 17D(1).

Key definitions in this Part

43B Meaning of property that is “previously let” and the “immediately preceding tenancy”

- (1) In this Part, a reference to the property let under a current tenancy as having been previously let is a reference to a property that—
 - (a) is the same or substantially the same as the property that was let under the immediately preceding tenancy, and
 - (b) is not an excluded property as mentioned in subsection (2).
- (2) For the purpose of subsection (1), the property let under the current tenancy is an excluded property if—
 - (a) it was purchased by the landlord under the tenancy with vacant possession, and

- (b) the tenancy is the first private residential tenancy of the property granted by the landlord since the purchase.
- (3) In this Part, a reference to the immediately preceding tenancy is, in relation to a current tenancy, a reference to a private residential tenancy or an assured tenancy that—
 - (a) immediately preceded the current tenancy, and
 - (b) ended no more than 12 months before the start of the current tenancy.
- (4) The Scottish Ministers may by regulations modify this section to adjust the meaning of the expressions included in this section.

43C Meaning of “relevant rent increase”

- (1) In this Part, “relevant rent increase”, in relation to a current tenancy, means—
 - (a) an increase in the amount payable in rent under a previous private residential tenancy or an assured tenancy of a property that is the same or substantially the same as the property let (or to be let) under the current tenancy (“a relevant tenancy”),
 - (b) a setting of the initial rent under a relevant tenancy (“tenancy A”) if—
 - (i) that initial rent is an amount exceeding the final rent under the relevant tenancy that immediately preceded tenancy A (“tenancy B”),
 - (ii) tenancy B ended no more than 12 months before the start of tenancy A, and
 - (iii) the property let under tenancy A is not an excluded property as mentioned in subsection (2).
- (2) For the purpose of subsection (1), property let under tenancy A is an excluded property if—
 - (a) the property was purchased by the landlord under tenancy A with vacant possession, and
 - (b) tenancy A was the first private residential tenancy or assured tenancy granted by the landlord since the purchase.

43D Meaning of “permitted rate”

- (1) In this Part, the “permitted rate” means the lower of—
 - (a) CPI% plus one percentage point (but see subsection (3)), and
 - (b) 6%.
- (2) In this section—
 - “consumer prices index” means—
 - (a) the all items consumer prices index published by the Statistics Board, or
 - (b) if that index is not published for a month, any substituted index or figures published by the Board,

“CPI%” means the percentage increase or decrease (rounded to the nearest 0.1%) in the consumer prices index, calculated by reference only to—

- (a) the latest index, and
- (b) the index published for the month which was 12 months before that to which the latest index relates,

“the latest index”—

- (a) in a case of setting the initial rent under the current tenancy, means the last index published before the day on which the tenancy starts,
- (b) in a case of a rent-increase notice, means the last index published before the day on which the notice is given to the tenant.

- (3) If the total percentage determined under subsection (1)(a) is less than 0%, it is to be treated instead as if it were 0%.

43E Meaning of “permitted rate”: further provision

- (1) The Scottish Ministers may by regulations modify section 43D to substitute a different economic index for the one for the time being mentioned there.
- (2) The Scottish Ministers may by regulations modify section 43D to—
 - (a) substitute a different percentage point for the one for the time being specified in subsection (1)(a) of that section,
 - (b) substitute a different percentage for the one for the time being specified in subsection (1)(b) of that section.
- (3) The Scottish Ministers may make regulations under subsection (2) only if they consider that the modification is necessary to ensure that restrictions imposed by this Part on the rent payable under private residential tenancies of properties in a rent control area (other than exempt properties) are—
 - (a) necessary and proportionate for the purpose of protecting the social and economic interests of tenants in the area, and
 - (b) a necessary and proportionate control of landlords’ use of their property in the area.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) or (2) before the Scottish Parliament, the Scottish Ministers—
 - (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
 - (b) may consult any other person they consider appropriate.

43F Meaning of other terms

- (1) In this Part—

“assured tenancy” means an assured tenancy under the Housing (Scotland) Act 1988,

“final rent”, in relation to a tenancy, means the amount that was payable in rent at the end of the tenancy,

“initial rent”, in relation to a tenancy, means the amount that is (or is to be) payable in rent at the start of the tenancy,

“previous rent increase”, in relation to a current tenancy, means—

- (a) a setting of the initial rent under the current tenancy that exceeds the final rent under the immediately preceding tenancy, or
 - (b) a relevant rent increase.
- (2) For the purpose of this Part, whether property let under a tenancy is the same or substantially the same as property let under a previous tenancy is to be determined with reference to a comparison between the description of each property in the terms applying to each tenancy.

Restriction on setting of initial rent by landlord

43G Restriction on setting of initial rent by landlord

- (1) This section applies if the property let (or to be let) under a current tenancy was previously let.
- (2) If there was a relevant rent increase during the period of 12 months before the start of the current tenancy, the initial rent under the current tenancy may not be more than the final rent under the immediately preceding tenancy.
- (3) If there was not a relevant rent increase during the period of 12 months before the start of the current tenancy, the initial rent under the current tenancy may not be more than the final rent under the immediately preceding tenancy as increased by the permitted rate.

Restrictions on rent increases

43H Method by which rent may be increased

The rent payable under a current tenancy may be increased only in accordance with Chapter 2.

43I Frequency with which rent may be increased

- (1) The rent payable under a current tenancy may not be increased—
 - (a) if the let property was previously let—
 - (i) on the first occasion after the setting of the initial rent under the current tenancy, unless the most recent previous rent increase took effect more than 12 months previously,
 - (ii) thereafter, more than once in a 12 month period,
 - (b) if the let property was not previously let—
 - (i) during the first 12 months of the current tenancy except in such circumstances as may be prescribed by the Scottish Ministers in regulations,

- (ii) more than once in any other 12 month period.
- (2) For the purpose of subsection (1)(a)(ii) or (b)(ii), where the last rent increase resulted from an order of a rent officer or the First-tier Tribunal, the 12 month period is to be regarded as commencing on the date on which the rent would have been increased in accordance with section 43L(4) had a referral to a rent officer not been made.

Restrictions on other charges and diligence

43J No premiums, advance payments, etc.

- (1) Sections 82, 83 and 86 to 90 of the Rent (Scotland) Act 1984 apply in relation to a current tenancy as they apply in relation to a tenancy of the kind to which those sections refer.
- (2) But—
 - (a) section 83(5) of that Act is to be ignored,
 - (b) the date mentioned in section 88(1) of that Act is to be read as if it were the date on which this section comes into force.

43K Restriction on diligence

Except with the leave of the First-tier Tribunal, no diligence is to be done in respect of—

- (a) the rent due by a tenant or former tenant under a current tenancy,
- (b) any liability of a tenant or former tenant arising under section 43U.

CHAPTER 2

RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

Rent-increase notice given by landlord

43L Landlord's power to increase rent by no more than the permitted rate

- (1) The landlord under a current tenancy may increase the rent payable under the tenancy by giving the tenant a notice in accordance with this section (“a rent-increase notice”).
- (2) But the landlord under a current tenancy may not increase the rent payable under the tenancy by more than the permitted rate.
- (3) The rent-increase notice must—
 - (a) specify—
 - (i) the rent that will be payable once the increase takes effect,
 - (ii) the day on which the increase is to take effect,
 - (iii) the reasons for the rent payable under the tenancy being increased,
 - and

- (b) fulfil any other requirements prescribed by the Scottish Ministers in regulations.
- (4) The rent increase takes effect on the effective date, unless before that date—
 - (a) the landlord intimates to the tenant that the notice is rescinded,
 - (b) the tenant makes a referral to a rent officer under section 43N(2), or
 - (c) the tenant applies to the First-tier Tribunal under section 43S(1).
- (5) For the purpose of subsection (4), the effective date is the date of the later of—
 - (a) the day specified in the notice in accordance with subsection (3)(a)(ii), or
 - (b) the day after the day on which the minimum notice period ends.
- (6) In subsection (5)(b), “the minimum notice period” means the period that—
 - (a) begins on the day the notice is received by the tenant, and
 - (b) ends on the day falling—
 - (i) three months after it began, or
 - (ii) whatever longer period after it began as the landlord and tenant have agreed between them.
- (7) In subsection (6), the reference to a period of three months is to a period that ends in the month that falls three months after the month in which it began, either—
 - (a) on the same day of the month as it began, or
 - (b) if the month in which the period ends has no such day, on the final day of that month.

43M Modification of rent-increase notice by parties

- (1) This section does not apply in relation to a current tenancy if the permitted rate is 0%.
- (2) Anything specified in a rent-increase notice in accordance with section 43L(3)(a) may be modified by agreement between the landlord and tenant under the current tenancy.
- (3) But the landlord and the tenant may not modify a rent-increase notice under subsection (2) so as to increase the rent payable under the current tenancy by more than the permitted rate.
- (4) A modification made to a rent-increase notice by virtue of subsection (2) ceases to have effect if the notice subsequently prompts a referral to a rent officer under section 43N(2).

Tenant's referral of rent-increase notice to rent officer

43N Tenant's right to refer rent-increase notice to rent officer

- (1) If a tenant who has received a rent-increase notice considers that the proposed increase in the rent payable under the current tenancy is more than the permitted rate, the tenant must notify the landlord in writing of the tenant's view before the end of the day falling 30 days after the tenant receives the notice.
- (2) The tenant may make a referral to a rent officer for the area in which the let property is situated seeking a decision under section 43O in relation to the rent-increase notice if, before the end of the day falling 21 days after the landlord receives notification from the tenant under subsection (1), either—
 - (a) where the permitted rate is 0%, the landlord has not notified the tenant in writing that the rent-increase notice has been withdrawn, or
 - (b) in any other case, the landlord and the tenant have not agreed to a modification of the rent-increase notice so as to increase the rent payable in respect of the let property by no more than the permitted rate.
- (3) A referral to a rent officer under subsection (2) must be—
 - (a) in the prescribed form,
 - (b) accompanied by the prescribed fee (if any),
 - (c) intimated by the tenant to the landlord in the prescribed manner, and
 - (d) made before the end of the day falling 42 days after the landlord receives notice from the tenant under subsection (1).
- (4) In subsection (3), “prescribed” means prescribed by the Scottish Ministers in regulations.

43O Rent officer's power to set rent

- (1) Where a rent officer receives a referral under section 43N(2), the rent officer is to decide whether the rent specified in accordance with section 43L(3)(a)(i) in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted rate.
- (2) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of no more than the permitted rate, the rent officer must make an order stating that from the effective date the rent payable under the tenancy is the rent specified in the rent-increase notice.
- (3) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted rate, the rent officer must make an order stating—
 - (a) where the permitted rate is 0%, that the rent-increase notice has no effect,
 - (b) in any other case, that from the effective date the rent payable under the current tenancy is the rent determined by the rent officer.

- (4) The rent determined by the rent officer under subsection (3)(b) must be the rent payable under the current tenancy as increased by the permitted rate.
- (5) For the purpose of subsections (2) and (3), the effective date is—
 - (a) where the rent officer makes the order 14 days or more before the original effective date, the original effective date,
 - (b) otherwise, the first payment date falling at least 14 days after the day on which the rent officer makes the order.
- (6) In subsection (5)—
 - “original effective date” means the date on which the rent would have been increased in accordance with section 43L(4) had the referral to the rent officer not been made under section 43N(2),
 - “payment date” means a date on which a rent payment falls to be made in accordance with the terms of the current tenancy.

43P Rent officer’s power to correct order

- (1) A rent officer may, within 14 days of making an order under section 43O(2) or (3), remake the order for the purpose of curing an error in the original order made under that subsection.
- (2) The effective date of the remade order is to be specified in accordance with subsection (2) or (3) of section 43O as though it were an order made under either of those subsections.
- (3) Where an order is remade under this section—
 - (a) the original order is of no effect,
 - (b) other than in subsection (1), references in this Part to an order made under section 43O(2) or (3) are to be read as references to the remade order,
 - (c) if a request for review of the original order has been made under section 43Q(1), the review is to be regarded as having been made against the remade order.

43Q Right of review to another rent officer

- (1) Where a rent officer has made an order under section 43O(2) or (3) in relation to the rent payable under a current tenancy, the landlord or the tenant may request a review of the order by a different rent officer.
- (2) A request for a review of an order under subsection (1) must—
 - (a) be made before the end of the day falling 14 days after the order is made,
 - (b) be in the prescribed form,
 - (c) be intimated by the landlord or the tenant (as the case may be) to the other party to the tenancy by sending a copy of the request to the other party.

- (3) Requesting a review under subsection (1) renders the order being reviewed of no effect.
- (4) In subsection (2), “prescribed” means prescribed by the Scottish Ministers in regulations.

43R Other rent officer’s power to set rent

- (1) Where a rent officer receives a request for a review under section 43Q(1), the rent officer is to decide whether the rent specified in accordance with section 43L(3)(a)(i) in the rent-increase notice prompting the referral to the first rent officer under section 43N(2) would be an increase in the rent payable under the current tenancy of more than the permitted rate.
- (2) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of no more than the permitted rate, the rent officer must make an order stating that from the effective date the rent payable under the current tenancy is the rent specified in the rent-increase notice.
- (3) If the rent officer decides under subsection (1) that the rent specified in the rent-increase notice would be an increase in the rent payable under the current tenancy of more than the permitted rate, the rent officer must make an order stating that from the effective date the rent payable under the current tenancy is the rent determined by the rent officer.
- (4) The rent determined by the rent officer under subsection (3) must be the rent payable under the current tenancy as increased by the permitted rate.
- (5) For the purpose of subsections (2) and (3), the effective date is—
 - (a) where the rent officer makes the order 14 days or more before the original effective date, the original effective date,
 - (b) otherwise, the first payment date falling at least 14 days after the day on which the rent officer makes the order.
- (6) In subsection (5)—
 - “original effective date” means the date on which the rent would have been increased in accordance with section 43L(4) had the referral to the rent officer not been made under section 43N(2),
 - “payment date” means a date on which a rent payment falls to be made in accordance with the terms of the current tenancy.
- (7) Where the rent officer makes an order under subsection (2) or (3), the order under section 43O(2) or (3) to which the request for review under section 43Q(1) relates is of no effect.

*Tenant's application to First-tier Tribunal relating to rent-increase notice***43S Tenant's right to apply to First-tier Tribunal in relation to rent-increase notice**

- (1) A tenant under a current tenancy of a property that was previously let who has received a rent-increase notice on the first occasion under the tenancy may apply to the First-tier Tribunal for determination of whether—
 - (a) a previous rent increase took effect less than 12 months before the day on which the increase is to take effect (as specified in the notice in accordance with section 43L(3)(a)(ii)),
 - (b) the initial rent under the tenancy (that is proposed to be increased by the rent-increase notice) was not set in accordance with section 43G(2) or (3) (as the case may be).
- (2) A tenant may make an application under subsection (1) only if—
 - (a) the tenant has notified the landlord in writing before the end of the day falling 30 days after the tenant receives the rent-increase notice as to why the tenant considers that the circumstances mentioned in paragraph (a) or (b) (as the case may be) of subsection (1) are met, and
 - (b) before the end of the day falling 21 days after the landlord receives notification from the tenant under paragraph (a), the landlord and tenant have not agreed to a modification of the rent-increase notice as mentioned in subsection (3).
- (3) The modification referred to in subsection (2)(b) is—
 - (a) where the tenant considers that the circumstances mentioned in subsection (1)(a) are met, a modification so that the increase in rent is to take effect 12 months or more after the most recent previous rent increase took effect,
 - (b) where the tenant considers that the circumstances mentioned in subsection (1)(b) are met, a modification so that the increase in the rent payable is based on increasing an amount of rent that is set in accordance with section 43G(2) or (3) (as the case may be).
- (4) An application to the First-tier Tribunal under subsection (1) must be—
 - (a) intimated by the tenant to the landlord in the prescribed manner, and
 - (b) made before the end of the day falling 42 days after the landlord receives the notice from the tenant in accordance with subsection (2)(a).
- (5) In subsection (4), “prescribed” means prescribed by the Scottish Ministers in regulations.

43T First-tier Tribunal's powers on an application under section 43S(1)

- (1) Subsection (2) applies where the First-tier Tribunal receives an application under section 43S(1)(a) in relation to a rent-increase notice given under a current tenancy.

- (2) If the Tribunal determines—
 - (a) that any previous rent increase took effect less than 12 months before the original effective date, the Tribunal must make an order that the rent-increase notice is of no effect (and accordingly the rent payable under the current tenancy is unchanged),
 - (b) that any previous rent increase took effect 12 months or more before the original effective date, the Tribunal must make an order stating that from the effective date the rent payable under the current tenancy is the lower of—
 - (i) the rent specified in the rent-increase notice in accordance with section 43L(3)(a)(i), and
 - (ii) the rent payable under the tenancy as increased by the permitted rate.
- (3) Subsection (4) applies where the First-tier Tribunal receives an application under section 43S(1)(b) in relation to a rent-increase notice given under a current tenancy.
- (4) If the Tribunal determines—
 - (a) that the initial rent under the current tenancy (that is proposed to be increased by the rent-increase notice) was not set in accordance with section 43G(2) or (3) (as the case may be), the Tribunal must make an order stating that from the effective date the rent payable under the tenancy is the rent determined by the Tribunal,
 - (b) that the rent payable at the start of the current tenancy (that is proposed to be increased by the rent-increase notice) was set in accordance with section 43G(2) or (3) (as the case may be), the Tribunal must make an order stating that from the effective date the rent payable under the tenancy is the lower of—
 - (i) the rent specified in the rent-increase notice in accordance with section 43L(3)(a)(i), and
 - (ii) the rent payable under the tenancy as increased by the permitted rate.
- (5) In determining the rent under subsection (4)(a), the First-tier Tribunal may not determine that the rent payable under the current tenancy from the effective date is more than the base rent as increased by the permitted rate.
- (6) For the purpose of subsection (2) or (4), the effective date is—
 - (a) where the Tribunal makes the order 14 days or more before the original effective date, the original effective date,
 - (b) otherwise, the first payment date falling at least 14 days after the day on which the Tribunal makes the order.
- (7) In this section—

“base rent” means the amount of rent that would have been payable from the start of the current tenancy had the rent been set in accordance with section 43G(2) or (3) (as the case may be),

“original effective date” means the date on which the rent would have been increased in accordance with section 43L(4) had the referral to the First-tier Tribunal not been made under section 43S(1),

“payment date” means a date on which a rent payment falls to be made in accordance with the terms of the current tenancy.

Matters arising from referral to rent officer or application to First-tier Tribunal

43U Tenant’s liability for underpaid rent

- (1) This section applies where—
 - (a) the rent payable under a current tenancy has been changed by an order made under—
 - (i) section 43O(2) or (3),
 - (ii) section 43R(2) or (3), or
 - (iii) section 43T(2)(b) or (4)(a) or (b),
 - (b) the effective date stated in the order (“the actual effective date”) falls later than the date on which the rent would have been increased in accordance with section 43L(4) had a referral to a rent officer not been made under section 43N(2) or, as the case may be, had an application to the First-tier Tribunal not been made under section 43S(1) (“the originally proposed effective date”), and
 - (c) the rent payable from the actual effective date (“the new rent”) is more than the rent payable immediately before that date (“the old rent”).
- (2) On the date the order is made the tenant becomes liable under this subsection to pay the landlord the difference between—
 - (a) the amount that would have been payable in rent between the originally proposed effective date and the actual effective date had the new rent been the rent payable from the originally proposed effective date, and
 - (b) the amount that should have been paid in rent during the same period (whether or not it was actually paid).
- (3) Subsection (4) applies if, at the end of the day falling 28 days after a tenant’s liability under subsection (2) arose, that liability is (in whole or in part) still outstanding.
- (4) For the purposes of paragraph 12 of schedule 3, the liability mentioned in subsection (3) is to be regarded as a sum that fell to be paid by way of rent on the day the liability arose.
- (5) In this section, a reference to a period between two dates includes both of those dates.

43V Withdrawal of referral or request for review by rent officer or application to First-tier Tribunal

- (1) This section applies—
 - (a) where a referral to the rent officer made under section 43N(2) is withdrawn by the tenant,
 - (b) where—
 - (i) a request for a review by another rent officer made under section 43Q(1) is withdrawn by one party, and
 - (ii) either—
 - (A) the other party has not requested a review in respect of the tenancy in question, or
 - (B) any request for a review by the other party has been withdrawn, or
 - (c) where an application to the First-tier Tribunal made under section 43S(1) is withdrawn by the tenant.
- (2) The order maker must make an order under section 43O(2) or (3), section 43R(2) or (3), or section 43T(2)(b) or (4)(a) or (b) (as the case may be), stating that from the effective date the rent payable under the current tenancy concerned is the lower of—
 - (a) the rent specified in the rent-increase notice, and
 - (b) the rent payable under the tenancy as increased by the permitted rate.
- (3) Where the order maker is another rent officer in relation to the making of an order under section 43R(2) or (3), an order may not be made by virtue of subsection (2) until the expiry of the period within which a request for a review made under section 43Q(1) may be made.
- (4) In subsection (2)—

“order maker” means—

 - (a) in the case of the making of an order under section 43O(2) or (3), the rent officer,
 - (b) in the case of the making of an order under section 43R(2) or (3), another rent officer,
 - (c) in the case of the making of an order under section 43T(2)(b) or (4)(a) or (b), the First-tier Tribunal,

“the rent-increase notice” means the rent-increase notice that, as the case may be—

 - (a) prompted the referral to the rent officer,
 - (b) led to the request for review by another rent officer, or
 - (c) led to the application to the First-tier Tribunal.

CHAPTER 3**POWER OF FIRST-TIER TRIBUNAL TO REQUIRE LANDLORDS TO PAY PENALTY OR
COMPENSATION****43W Power of First-tier Tribunal to require landlords to pay penalty or compensation**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the conferral of powers for the First-tier Tribunal to make an order requiring a landlord to whom subsection (2) applies to pay—
 - (a) a financial penalty, or
 - (b) a compensation payment to the tenant in question.
- (2) This subsection applies to a landlord against whom any of the following orders has been made—
 - (a) an order of a rent officer made under section 43O(3),
 - (b) an order of a rent officer made under section 43R(3),
 - (c) an order of the First-tier Tribunal under section 43T(2)(a),
 - (d) an order of the First-tier Tribunal under section 43T(4)(a).
- (3) Regulations under subsection (1) may, in particular, make provision for or in connection with—
 - (a) the maximum amount (not exceeding £1,000) of a financial penalty or a compensation payment that may be imposed by the First-tier Tribunal by virtue of subsection (1),
 - (b) the person to whom any financial penalty is payable,
 - (c) matters to be taken into account by the First-tier Tribunal in determining the amount of a financial penalty or compensation payment imposed by the First-tier Tribunal,
 - (d) the arrangements for payment of a financial penalty or compensation payment,
 - (e) appeals against the imposition, or the amount, of a financial penalty or compensation payment,
 - (f) enforcement relating to the payment of any financial penalty or compensation payment imposed by an order of the First-tier Tribunal.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers—
 - (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
 - (b) may consult any other person they consider appropriate.
- (5) The requirement to consult under subsection (4)(a) may be met by consultation carried out before this section takes effect.”.

CHAPTER 3

OTHER RESTRICTIONS ON RENT INCREASES

Frequency of rent increases

24 Private residential tenancies not in rent control area: frequency of rent increase

- (1) The 2016 Act is modified as follows.
- (2) In section 19 (frequency with which rent may be increased)—
 - (a) in subsection (1), for the words “more than once in a 12 month period” substitute “—
 - (a) during the first 12 months of the tenancy except in such circumstances as may be prescribed by the Scottish Ministers in regulations,
 - (b) more than once in any other 12 month period”,”
 - (b) in subsection (2), for “subsection (1)” substitute “subsection (1)(b)”.

Capping of rent increases on referral or appeal

25 Private residential tenancies: capping of rent increase

- (1) The 2016 Act is modified as follows.
- (2) In section 25 (rent officer’s power to set rent), in subsection (1)—
 - (a) after “tenancy is” insert “the lower of—”,
 - (b) the words “the rent determined by the rent officer in accordance with section 32” become paragraph (a),
 - (c) after that paragraph insert “, and
 - (b) the rent specified in accordance with section 22(2)(a)(i) in the rent-increase notice that prompted the referral.”.”
- (3) In section 29 (First-tier Tribunal’s power to set rent), in subsection (1)—
 - (a) after “tenancy is” insert “the lower of—”,
 - (b) the words “the rent determined by the First-tier Tribunal in accordance with section 32” become paragraph (a),
 - (c) after that paragraph insert “, and
 - (b) the rent specified in accordance with section 22(2)(a)(i) in the rent-increase notice that led to the appeal.”.”
- (4) In section 34 (duty to make information available), in subsection (1)—
 - (a) the word “and” immediately following paragraph (a) is repealed,
 - (b) in paragraph (b), the words “to be payable” are repealed,
 - (c) after paragraph (b) insert “, and
 - (c) what rents they have ordered to be payable in accordance with section 25(1) or (as the case may be) 29(1).”.”

26 Assured tenancies: capping of rent increase

- (1) The Housing (Scotland) Act 1988 is modified as follows.
- (2) In section 25 (determination of rent by the First-tier Tribunal)—
 - (a) in subsection (6), for “determined by the First-tier Tribunal (together with, in a case where subsection (4) above applies, the appropriate amount in respect of rates)” substitute “specified under subsection (6A)”,
 - (b) after subsection (6) insert—

“(6A) The rent specified is the lower of—

 - (a) the rent determined by the First-tier Tribunal (together with, in a case where subsection (4) applies, the appropriate amount in respect of rates), and
 - (b) the rent proposed in accordance with section 24(1) in the notice that led to the referral.”.

CHAPTER 4**REVIEW OF THE OPERATION OF PART 1 OF THE ACT****27 Review of the operation of Part 1 of the Act**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—
 - (a) carry out a review of the operation and effectiveness of Part 1, and
 - (b) prepare a report on that review.
- (2) In carrying out the review under subsection (1)(a), the Scottish Ministers must consult—
 - (a) local authorities, and
 - (b) persons who appear to them to represent the interests of tenants and landlords.
- (3) In the report prepared under subsection (1)(b), the Scottish Ministers must, in particular—
 - (a) state whether, in their opinion, the provisions of Part 1 have operated effectively during the review period and, if so, explain why,
 - (b) describe the steps taken by them during that period to meet the requirements of Part 1,
 - (c) describe how any regulation-making powers under Part 1 have been exercised by them during that period, and
 - (d) describe the steps (if any) they propose to take as a result of the findings of the review.
- (4) The Scottish Ministers must, as soon as reasonably practicable after preparing the report—
 - (a) publish the report, and
 - (b) lay it before the Scottish Parliament.

- (5) In this section, “the review period” means the period of 5 years beginning with the day of Royal Assent.

PART 2

DEALING WITH EVICTIONS

Evictions: duties to consider delay

28 Private residential tenancies: duty to consider delay to eviction

- (1) The 2016 Act is modified as follows.
(2) After section 51 insert—

“51A Eviction orders: duty to consider delay

- (1) When specifying in an eviction order the day on which a tenancy is to end, the First-tier Tribunal must consider whether it would be reasonable in the circumstances to specify a day that has the effect of delaying the bringing of the tenancy to an end (but see subsection (5)).
- (2) The Tribunal may consider in particular—
- (a) whether bringing the tenancy to an end without a period of delay would—
 - (i) cause the tenant or a member of the tenant’s household to experience financial hardship,
 - (ii) have a detrimental effect on the health of the tenant or a member of the tenant’s household, or
 - (iii) have another detrimental effect on the tenant or a member of the tenant’s household due to the tenant or the member of the tenant’s household having a disability or terminal illness,
 - (b) whether a period of delay in bringing the tenancy to an end would—
 - (i) cause the landlord to experience financial hardship,
 - (ii) have a detrimental effect on the health of the landlord, or
 - (iii) have another detrimental effect on the landlord due to the landlord having a disability or terminal illness, and
 - (c) whether a seasonal factor would contribute to any financial hardship or detrimental effect mentioned in paragraph (a) or (b).
- (3) In subsection (2), “disability” is to be construed in accordance with section 6 of the Equality Act 2010.
- (4) For the purposes of subsections (1) and (2), the Tribunal must give the tenant and the landlord an opportunity to make representations about whether it would be reasonable to delay the bringing of the tenancy to an end.
- (5) Subsection (1) does not apply if the Tribunal is satisfied that the only grounds established for the eviction order are one or more of the following eviction grounds—
- (a) that the tenant is not occupying the let property as the tenant’s home,

- (b) that the tenant has a relevant conviction,
- (c) that the tenant has engaged in relevant anti-social behaviour.
- (6) The Scottish Ministers may by regulations modify this section as regards the matters that may be considered by the Tribunal.”.

29 Scottish secure tenancies etc.: duty to consider delay to eviction

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) After section 16 insert—

“16A Orders for possession: duty to consider delay

- (1) When appointing a date for recovery of possession of a house in an order under section 16(2), the court must consider whether it would be reasonable in the circumstances to appoint a date that delays the effect of giving the landlord the right to recover possession of the house (but see subsection (5)).
- (2) The court may consider in particular—
 - (a) whether giving the landlord the right to recover possession without a period of delay would—
 - (i) cause the tenant or a member of the tenant’s household to experience financial hardship,
 - (ii) have a detrimental effect on the health of the tenant or a member of the tenant’s household, or
 - (iii) have another detrimental effect on the tenant or a member of the tenant’s household due to the tenant or the member of the tenant’s household having a disability or terminal illness,
 - (b) whether a seasonal factor would contribute to any financial hardship or detrimental effect mentioned in paragraph (a).
- (3) In subsection (2), “disability” is to be construed in accordance with section 6 of the Equality Act 2010.
- (4) For the purposes of subsections (1) and (2), the court must give the tenant and the landlord an opportunity to make representations about whether it would be reasonable to delay giving the landlord the right to recover possession.
- (5) Subsection (1) does not apply if the court is satisfied that the only grounds established for the order for recovery of possession are one or more of the grounds set out in paragraphs 2, 5, 7, 8 and 15A of schedule 2.
- (6) The Scottish Ministers may by regulations modify this section as regards the matters that may be considered by the court.”.
- (3) After section 36 insert—

“36A Recovery of possession: duty to consider delay

- (1) When appointing a date for recovery of possession of a house in an order under section 36(5), the court must consider whether it would be reasonable in the circumstances to appoint a date that delays the effect of giving the landlord the right to recover possession of the house (but see subsection (5)).

- (2) The court may consider in particular—
 - (a) whether giving the landlord the right to recover possession without a period of delay would—
 - (i) cause the tenant or a member of the tenant’s household to experience financial hardship,
 - (ii) have a detrimental effect on the health of the tenant or a member of the tenant’s household, or
 - (iii) have another detrimental effect on the tenant or a member of the tenant’s household due to the tenant or the member of the tenant’s household having a disability or terminal illness,
 - (b) whether a seasonal factor would contribute to any financial hardship or detrimental effect mentioned in paragraph (a).
- (3) In subsection (2), “disability” is to be construed in accordance with section 6 of the Equality Act 2010.
- (4) For the purposes of subsections (1) and (2), the court must give the tenant and the landlord an opportunity to make representations about whether it would be reasonable to delay giving the landlord the right to recover possession.
- (5) Subsection (1) does not apply if the court is satisfied that the only reasons established for the order for recovery of possession are comparable to one or more of the grounds set out in paragraphs 2, 5, 7, 8 and 15A of schedule 2.
- (6) The Scottish Ministers may by regulations modify this section as regards the matters that may be considered by the court.”.

30 Assured tenancies: duty to consider delay to eviction

- (1) The Housing (Scotland) Act 1988 is modified as follows.
- (2) After section 20 insert—

“20A Orders for possession: duty to consider delay

- (1) On the making of an order for possession of a house let on an assured tenancy, the First-tier Tribunal must consider whether it would be reasonable in the circumstances to postpone the date of possession of the house for a period (but see subsection (5)).
- (2) The First-tier Tribunal may consider in particular—
 - (a) whether, if the date of possession were not postponed for a period, the order for possession would—
 - (i) cause the tenant or a member of the tenant’s household to experience financial hardship,
 - (ii) have a detrimental effect on the health of the tenant or a member of the tenant’s household, or
 - (iii) have another detrimental effect on the tenant or a member of the tenant’s household due to the tenant or the member of the tenant’s household having a disability or terminal illness,

- (b) whether postponing the date of possession for a period would—
 - (i) cause the landlord to experience financial hardship,
 - (ii) have a detrimental effect on the health of the landlord, or
 - (iii) have another detrimental effect on the landlord due to the landlord having a disability or terminal illness, and
- (c) whether a seasonal factor would contribute to any financial hardship or detrimental effect mentioned in paragraph (a) or (b).
- (3) In subsection (2), “disability” is to be construed in accordance with section 6 of the Equality Act 2010.
- (4) For the purposes of subsections (1) and (2), the First-tier Tribunal must give the tenant and the landlord an opportunity to make representations about whether it would be reasonable to postpone the date of possession.
- (5) Subsection (1) does not apply if the First-tier Tribunal is satisfied that the only ground established for the order for possession is Ground 15 in Part 2 of schedule 5.
- (6) The Scottish Ministers may by regulations modify this section as regards the matters that may be considered by the First-tier Tribunal.
- (7) Regulations under subsection (6) are subject to the affirmative procedure.”.

31 Protected tenancies and statutory tenancies: duty to consider delay to eviction

- (1) The Rent (Scotland) Act 1984 is modified as follows.
- (2) After section 12 insert—

“12ZA Orders for possession: duty to consider delay

- (1) On the making of an order for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy, the First-tier Tribunal must consider whether it would be reasonable in the circumstances to postpone the date of possession of the dwelling-house for a period (but see subsection (5)).
- (2) The First-tier Tribunal may consider in particular—
 - (a) whether, if the date of possession were not postponed for a period, the order for possession would—
 - (i) cause the tenant or a member of the tenant’s household to experience financial hardship,
 - (ii) have a detrimental effect on the health of the tenant or a member of the tenant’s household, or
 - (iii) have another detrimental effect on the tenant or a member of the tenant’s household due to the tenant or the member of the tenant’s household having a disability or terminal illness,
 - (b) whether postponing the date of possession for a period would—
 - (i) cause the landlord to experience financial hardship,
 - (ii) have a detrimental effect on the health of the landlord, or

- (iii) have another detrimental effect on the landlord due to the landlord having a disability or terminal illness, and
- (c) whether a seasonal factor would contribute to any financial hardship or detrimental effect mentioned in paragraph (a) or (b).
- (3) In subsection (2), “disability” is to be construed in accordance with section 6 of the Equality Act 2010.
- (4) For the purposes of subsections (1) and (2), the First-tier Tribunal must give the tenant and the landlord an opportunity to make representations about whether it would be reasonable to postpone the date of possession.
- (5) Subsection (1) does not apply if the First-tier Tribunal is satisfied that the only ground established for the order for possession are the circumstances specified in Case 2 of Part 1 of schedule 2.
- (6) The Scottish Ministers may by regulations modify this section as regards the matters that may be considered by the First-tier Tribunal.
- (7) Regulations under subsection (6) may make—
 - (a) different provision for different purposes,
 - (b) incidental, supplementary, consequential, transitional, transitory or saving provision.
- (8) Regulations under subsection (6) are subject to the affirmative procedure.”.

Damages for unlawful eviction

32 Unlawful eviction: notification and damages

- (1) The Housing (Scotland) Act 1988 is modified as follows.
- (2) In section 36 (damages for unlawful eviction)—
 - (a) in subsection (3), for “assessed on the basis set out in” substitute “determined in accordance with”,
 - (b) subsection (6B) is repealed,
 - (c) after subsection (7) insert—
 - “(7A) Where the court makes an order awarding damages to a former residential occupier by virtue of subsection (3), the court must send a copy of the order to—
 - (a) the chief constable of the Police Service of Scotland, and
 - (b) the Scottish Housing Regulator.
 - (7B) Where the First-tier Tribunal makes an order awarding damages to a former residential occupier by virtue of subsection (3), the First-tier Tribunal must send a copy of the order to—
 - (a) the chief constable of the Police Service of Scotland, and
 - (b) any local authority with which the landlord (or where there is more than one, each of them) is required to be registered as a landlord.

(7C) For the purpose of subsection (7B), a person is registered as a landlord with a local authority if the person is entered in the register prepared and maintained by the local authority for the purpose of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.”

(d) in subsection (8), in the opening words, after “section” insert “and section 37”.

(3) For section 37 (the measure of damages) substitute—

“37 Determination of damages

(1) For the purpose of section 36(3), the damages that the court or, as the case may be, the First-tier Tribunal may determine as payable are to be an amount that is—

- (a) not less than 3 times the relevant sum, and
- (b) not more than 36 times the relevant sum,

taking into account the manner of the unlawful eviction and the impact that it has had on the former residential occupier.

(2) But, the court or, as the case may be, the First-tier Tribunal may reduce the amount of damages that would otherwise be payable under subsection (1), including to an amount lower than 3 times the relevant sum, if it considers it appropriate to do so having regard to all the circumstances of the case.

(3) Where two or more persons jointly were the landlord, the court or, as the case may be, the First-tier Tribunal may determine that—

- (a) damages are payable by all, some or only one of the former landlords,
- (b) each former landlord must pay a specified amount of damages, but the cumulative total of each of the amounts must not exceed 36 times the relevant sum, or
- (c) the former landlords are jointly and severally liable in respect of the whole amount of damages payable.

(4) In this section—

“relevant sum”, in relation to the premises in question, means—

- (a) the amount of one month’s rent, or
- (b) £840 if that is a higher amount,

“rent”, in relation to the premises in question, means—

- (a) except in a case mentioned in paragraph (b), the amount (if any) that was payable in rent in connection with the right to occupy the premises (whether under a contract or otherwise) immediately before the landlord became liable to pay the former residential occupier under section 36(3), or
- (b) in a case where two or more persons jointly were liable to pay the amount mentioned in paragraph (a) immediately before the liability arose, that amount divided by the number of such persons.

- (5) The Scottish Ministers may by regulations modify the definition of “relevant sum” in subsection (4) so as to substitute a different amount for the one for the time being specified in paragraph (b) of the definition.
- (6) Regulations under subsection (5) are subject to the affirmative procedure.”.

Eviction grounds

33 Review of eviction grounds

- (1) The Scottish Ministers must conduct a review of schedule 3 (eviction grounds) of the 2016 Act.
- (2) The review must be completed within the period of two years beginning with the day after Royal Assent.
- (3) On completing the review, the Scottish Ministers must publish and lay a report before the Scottish Parliament.
- (4) The report under subsection (3) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.

Payments for wrongful termination

34 Payments for wrongful termination

- (1) The 2016 Act is modified as follows.
- (2) In section 59 (wrongful-termination order)—
 - (a) in subsection (1), for “not exceeding six months’ rent” substitute “determined by the First-tier Tribunal in accordance with subsections (1A) and (1B)”,
 - (b) after subsection (1) insert—

“(1A) The amount that the First-tier Tribunal may determine as payable is to be an amount that is—

 - (a) not less than 3 times the relevant sum, and
 - (b) not more than 36 times the relevant sum,

taking into account the manner of the wrongful termination and the impact that it has had on the person who made the application for the wrongful-termination order.
 - (1B) But the First-tier Tribunal may reduce the amount that would otherwise be payable under subsection (1A), including to an amount lower than 3 times the relevant sum, if it considers it appropriate to do so having regard to all the circumstances of the case.”,
- (c) in subsection (3)(b), for “six months’ rent” substitute “36 times the relevant sum”,
- (d) in subsection (4), for “subsections (1) and (3)(b),” substitute “this section—
“relevant sum” means—
- (a) the amount of one month’s rent payable under the tenancy, or
 - (b) £840 if that is a higher amount,”

(e) after subsection (4) insert—

- “(5) The Scottish Ministers may by regulations modify the definition of “relevant sum” in subsection (4) so as to substitute a different amount for the one for the time being specified in paragraph (b) of the definition.”.

PART 3

KEEPING PETS AND MAKING CHANGES TO LET PROPERTY

35 Private residential tenancies: keeping pets and making changes to let property

- (1) The 2016 Act is modified as follows.
- (2) After Part 5 (termination) insert—

“PART 5A

KEEPING PETS AND MAKING CHANGES TO LET PROPERTY

CHAPTER 1

KEEPING PETS

64A Tenant’s right to keep a pet

- (1) A tenant under a private residential tenancy to which this Chapter applies may keep a pet (or pets) at the let property with the landlord’s consent (but see subsection (4)).
- (2) The landlord’s consent may not be unreasonably refused (see also section 64E).
- (3) Where a landlord has consented to the keeping of a pet by the tenant at the let property, the tenant may keep the pet at the let property until the end of the tenancy subject to any reasonable conditions imposed by the landlord in connection with the consent to keep the pet.
- (4) A tenant under a private residential tenancy may keep a pet at the let property without the consent of the landlord if the terms of the tenancy allow the tenant to do so without such consent.
- (5) This Chapter applies to a private residential tenancy if the term mentioned in paragraph 9 of schedule 2 is a statutory term of the tenancy.
- (6) In this Chapter—

“animal” does not include a dangerous wild animal within the meaning given by section 7(4) of the Dangerous Wild Animals Act 1976,

“pet” means an animal kept by a person mainly for—

 - (a) personal interest (including as regards its welfare, treatment or training),
 - (b) companionship,
 - (c) ornamental purposes,
 - (d) any combination of paragraphs (a) to (c).

64B Consent to keep a pet

- (1) A request by a tenant for the landlord's consent under section 64A(1) to keep a pet must—
 - (a) be in writing, and
 - (b) fulfil any other requirements prescribed by the Scottish Ministers in regulations.
- (2) The landlord must, within a period of 30 days beginning with the day on which the request is received, give the tenant notice that the landlord—
 - (a) consents to the tenant keeping the pet at the let property with or without conditions, or
 - (b) refuses to consent to this.
- (3) The landlord's notice must—
 - (a) specify any such conditions,
 - (b) give reasons for any refusal of consent,
 - (c) be in writing, and
 - (d) fulfil any other requirements prescribed by the Scottish Ministers in regulations.
- (4) Any conditions specified in the landlord's notice must be reasonable (see also section 64F).
- (5) If notice is not given in accordance with subsection (2), the landlord is to be deemed to have refused consent.

64C Restrictions on keeping a pet: right of appeal

- (1) A tenant may appeal to the First-tier Tribunal against—
 - (a) where the tenant was given notice in accordance with section 64B(2)—
 - (i) any condition specified in the notice ("consent condition") on the ground that the condition is unreasonable,
 - (ii) any refusal of consent mentioned in the notice on the ground that the refusal is unreasonable, or
 - (b) where the tenant considers that section 64B(5) applies, the deemed refusal of consent.
- (2) Before making the appeal, the tenant must give the landlord notice of—
 - (a) the tenant's intention to make it, and
 - (b) whether the appeal will be against—
 - (i) one or more consent conditions and, if so, which, or
 - (ii) a refusal of consent (including any deemed refusal).
- (3) The tenant's notice under subsection (2) must fulfil any other requirements prescribed by the Scottish Ministers in regulations.

- (4) The tenant's notice under subsection (2) must be given to the landlord within a period of 42 days beginning with—
 - (a) where the tenant intends to appeal under subsection (1)(a)—
 - (i) the day on which the tenant was given notice in accordance with section 64B(2), or
 - (ii) where no such notice was given within the period required by the section, the expiry of that period,
 - (b) where the tenant intends to appeal under subsection (1)(b), the day on which consent is deemed to have been refused under section 64B(5).
- (5) The appeal must be made within a period of 42 days beginning with the day on which the tenant gave notice to the landlord under subsection (2).
- (6) The First-tier Tribunal may dismiss an appeal under this section if it is satisfied that—
 - (a) notice of the tenant's intention to appeal was not given to the landlord in accordance with this section,
 - (b) the appeal was not made within the period required by subsection (5).

64D Restrictions on keeping a pet: decisions on appeal

- (1) Subsection (2) applies in relation to an appeal under section 64C(1)(a)(i) against one or more consent conditions.
- (2) If the First-tier Tribunal decides that—
 - (a) any such condition is unreasonable, it may make a consent order,
 - (b) each such condition is reasonable, it may dismiss the appeal.
- (3) Subsection (4) applies in relation to an appeal under section 64C(1)(a)(ii) against a refusal of consent.
- (4) If the First-tier Tribunal decides that—
 - (a) the refusal is unreasonable, it may make a consent order,
 - (b) the refusal is reasonable, it may dismiss the appeal.
- (5) Subsection (6) applies in relation to an appeal under section 64C(1)(b) against a deemed refusal of consent.
- (6) If the First-tier Tribunal—
 - (a) is satisfied that the landlord in question is deemed to have refused such consent and decides that—
 - (i) the deemed refusal is unreasonable, it may make a consent order,
 - (ii) the deemed refusal is reasonable, it may dismiss the appeal,
 - (b) is not satisfied that the landlord is deemed to have refused consent, it may dismiss the appeal.
- (7) In this section, a “consent order”, in relation to an appeal by a tenant under section 64C(1), means an order requiring the landlord to give the tenant notice that the landlord consents to the tenant keeping the pet to which the appeal

relates at the let property with or without such conditions as the First-tier Tribunal may specify.

64E Power to make provision about when it is reasonable to refuse consent to keep a pet

- (1) For the purpose of section 64A(2), the Scottish Ministers may by regulations make provision about when it is reasonable for a landlord to refuse to consent to a tenant keeping a pet at a let property.
- (2) Regulations under subsection (1) may in particular specify—
 - (a) circumstances in which it is or is not reasonable to refuse such consent,
 - (b) factors that tend to show that the refusal of such consent is or is not reasonable.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.

64F Power to make provision about when a consent condition for keeping a pet is reasonable

- (1) For the purpose of section 64B(4), the Scottish Ministers may by regulations make provision about when a condition specified in a landlord's notice is reasonable.
- (2) Regulations under subsection (1) may in particular specify—
 - (a) circumstances in which a condition, or type of condition, is or is not reasonable,
 - (b) factors that tend to show that a condition is or is not reasonable.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.

64G Regulations under sections 64E and 64F: consultation

Before laying a draft of a Scottish statutory instrument containing regulations under section 64E or 64F before the Scottish Parliament, the Scottish Ministers—

- (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
- (b) may consult any other person they consider appropriate.

CHAPTER 2**MAKING CHANGES TO LET PROPERTY****64H Tenant's right to make changes to let property**

- (1) A tenant under a private residential tenancy to which this Chapter applies may—
 - (a) make a category 1 change to the let property without the consent of the landlord,
 - (b) make a category 2 change to the let property if—
 - (i) the change is made at least 6 months after the start of the tenancy, and
 - (ii) the tenant has the landlord's consent to make the change (but see subsection (4)).
- (2) The landlord's consent to make a category 2 change may not be unreasonably refused (see also section 64M).
- (3) Where a tenant makes a category 1 change or a category 2 change to a let property in accordance with this Chapter, any costs incurred by the tenant in making the change are to be met by the tenant unless the landlord agrees otherwise.
- (4) A tenant under a private residential tenancy may make a category 2 change at any time to the let property without the consent of the landlord if the terms of the tenancy allow the tenant to make the change at that time without such consent.
- (5) This Chapter applies to a private residential tenancy if the term mentioned in paragraph 10 of schedule 2 is a statutory term of the tenancy.
- (6) In this Chapter—
 - (a) a “category 1 change” or “category 2 change”, in relation to a let property of a particular type, means a change or kind of change that is categorised as such in regulations under section 64L and which applies in relation to a let property of that type,
 - (b) a reference to making any such change (however described) includes arranging for the change to be made.

64I Consent for category 2 changes

- (1) A request by a tenant for the landlord's consent under section 64H(1) to make a category 2 change must—
 - (a) be in writing, and
 - (b) fulfil any other requirements prescribed by the Scottish Ministers in regulations.

- (2) The landlord must, within a period of 30 days beginning with the day on which the request was received, give the tenant notice that the landlord—
 - (a) consents to the tenant making the category 2 change to the let property with or without conditions, or
 - (b) refuses to consent to this.
- (3) The landlord’s notice must—
 - (a) specify any such conditions,
 - (b) give reasons for any refusal of consent,
 - (c) be in writing, and
 - (d) fulfil any other requirements prescribed by the Scottish Ministers in regulations.
- (4) Any conditions specified in the landlord’s notice must be reasonable (see also section 64N).
- (5) If notice is not given in accordance with subsection (2), the landlord is deemed to have refused consent.

64J Restrictions on category 2 changes: right of appeal

- (1) A tenant may appeal to the First-tier Tribunal against—
 - (a) where the tenant was given notice in accordance with section 64I(2)—
 - (i) any condition specified in the notice (“consent condition”) on the ground that the condition is unreasonable,
 - (ii) any refusal of consent mentioned in the notice on the ground that the refusal is unreasonable, or
 - (b) where the tenant considers that section 64I(5) applies, the deemed refusal of consent.
- (2) Before making the appeal, the tenant must give the landlord notice of—
 - (a) the tenant’s intention to make it, and
 - (b) whether the appeal will be against—
 - (i) one or more consent conditions and, if so, which, or
 - (ii) a refusal of consent (including any deemed refusal).
- (3) The tenant’s notice under subsection (2) must fulfil any other requirements prescribed by the Scottish Ministers in regulations.
- (4) The tenant’s notice under subsection (2) must be given to the landlord within a period of 42 days beginning with—
 - (a) where the tenant intends to appeal under subsection (1)(a)—
 - (i) the day on which the tenant was given notice in accordance with section 64I(2), or
 - (ii) where no such notice was given within the period required by the section, the expiry of that period,

- (b) where the tenant intends to appeal under subsection (1)(b), the day on which the landlord is deemed to have refused consent under section 64I(5).
- (5) The appeal must be made within a period of 42 days beginning with the day on which the tenant gave notice to the landlord under subsection (2).
- (6) The First-tier Tribunal may dismiss an appeal under this section if it is satisfied that—
 - (a) notice of the tenant’s intention to appeal was not given to the landlord in accordance with this section,
 - (b) the appeal was not made within the period required by subsection (5).

64K Restrictions on category 2 changes: decisions on appeal

- (1) Subsection (2) applies in relation to an appeal under section 64J(1)(a)(i) against one or more consent conditions.
- (2) If the First-tier Tribunal decides that—
 - (a) any such condition is unreasonable, it may make a consent order,
 - (b) each such condition is reasonable, it may dismiss the appeal.
- (3) Subsection (4) applies in relation to an appeal under section 64J(1)(a)(ii) against a refusal of consent.
- (4) If the First-tier Tribunal decides that—
 - (a) the refusal is unreasonable, it may make a consent order,
 - (b) the refusal is reasonable, it may dismiss the appeal.
- (5) Subsection (6) applies in relation to an appeal under section 64J(1)(b) against a deemed refusal of consent.
- (6) If the First-tier Tribunal—
 - (a) is satisfied that the landlord in question is deemed to have refused such consent and decides that—
 - (i) the deemed refusal is unreasonable, it may make a consent order,
 - (ii) the deemed refusal is reasonable, it may dismiss the appeal,
 - (b) is not satisfied that the landlord is deemed to have refused consent, it may dismiss the appeal.
- (7) In this section, a “consent order”, in relation to an appeal by a tenant under section 64J(1), means an order requiring the landlord to give the tenant notice that the landlord consents to the tenant making the category 2 change to which the appeal relates with or without such conditions as the First-tier Tribunal may specify.

64L Power to specify changes to a let property that may be made by the tenant

- (1) For the purposes of section 64H(6)(a), the Scottish Ministers may by regulations specify one or more changes (or kinds of change) to a property let under a private residential tenancy.

- (2) Regulations under subsection (1) must categorise each specified change or kind of change as either—
 - (a) a category 1 change, or
 - (b) a category 2 change.
- (3) Regulations under subsection (1) may provide that a category 1 change or a category 2 change—
 - (a) applies only in relation to property of a particular type or description, or
 - (b) does not apply in relation to property of a particular type or description.
- (4) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (5) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.

64M Power to make provision about when it is reasonable to refuse consent for a category 2 change

- (1) For the purpose of section 64H(2), the Scottish Ministers may by regulations make provision about when it is reasonable for a landlord to refuse to consent to the making of a category 2 change to a let property.
- (2) Regulations under subsection (1) may in particular specify—
 - (a) circumstances in which it is or is not reasonable to refuse such consent,
 - (b) factors that tend to show that the refusal of such consent is or is not reasonable.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.

64N Power to make provision about when a consent condition for a category 2 change is reasonable

- (1) For the purpose of section 64I(4), the Scottish Ministers may by regulations make provision about when a condition specified in a landlord's notice is reasonable.
- (2) Regulations under subsection (1) may in particular specify—
 - (a) circumstances in which a condition, or type of condition, is or is not reasonable,
 - (b) factors that tend to show that a condition is or is not reasonable.

64O Regulations under sections 64L, 64M and 64N: consultation

Before laying a draft of a Scottish statutory instrument containing regulations under section 64L, 64M or 64N before the Scottish Parliament, the Scottish Ministers—

- (a) must consult persons who appear to them to represent the interests of tenants and landlords, and
 - (b) may consult any other person they consider appropriate.”.
- (3) In schedule 2 (statutory terms required by section 8), after paragraph 8 insert—
- “9 The tenant may keep pets at the let property in accordance with Chapter 1 of Part 5A.
- 10 The tenant may make changes to the let property in accordance with Chapter 2 of Part 5A.”.

36 Scottish secure tenancies etc.: keeping pets

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) After section 31 insert—

“Keeping pets

31A Tenant’s right to keep a pet

- (1) It is a term of every Scottish secure tenancy that the tenant may keep a pet (or pets) at the house with the consent in writing of the landlord, which must not be unreasonably withheld (but see subsection (3)).
- (2) The provisions of Part 1A of schedule 5 have effect as terms of every Scottish secure tenancy (but see subsection (3)).
- (3) The terms of a Scottish secure tenancy that have effect by virtue of subsections (1) and (2) may be modified by a landlord so that, under the terms of the tenancy, the tenant may keep a pet at the house without the consent of the landlord.
- (4) In this section, sections 31B and 31C and Part 1A of schedule 5—
 - “animal” does not include a dangerous wild animal within the meaning given by section 7(4) of the Dangerous Wild Animals Act 1976,
 - “pet” means an animal kept by a person mainly for—
 - (a) personal interest (including as regards its welfare, treatment or training),
 - (b) companionship,
 - (c) ornamental purposes, or
 - (d) any combination of paragraphs (a) to (c),
 - “tenant”, in the case of a joint tenancy, does not include the other joint tenant or tenants.

31B Power to make provision about when a consent condition for keeping a pet is reasonable

- (1) For the purpose of paragraph 8C(b) of schedule 5, the Scottish Ministers may by regulations make provision about when a condition mentioned in that paragraph (to which consent to keep a pet is subject) is reasonable.
- (2) Regulations under subsection (1) may in particular specify—
 - (a) circumstances in which a condition, or type of condition, is or is not reasonable,
 - (b) factors that tend to show that a condition is or is not reasonable.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the day on which subsection (1) takes effect, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.
- (4) If the Scottish Parliament approves the draft Scottish statutory instrument, the Scottish Ministers must make the regulations contained in the draft instrument.

31C Power to make provision about when it is reasonable to refuse consent to keep a pet

- (1) For the purpose of paragraph 8C(c) of schedule 5, the Scottish Ministers may by regulations make provision about when it is reasonable for a landlord to refuse to consent to a tenant keeping a pet at a house.
- (2) Regulations under subsection (1) may in particular specify—
 - (a) circumstances in which it is or is not reasonable to refuse such consent,
 - (b) factors that tend to show that the refusal of such consent is or is not reasonable.

31D Regulations under sections 31B and 31C: consultation

Before laying a draft of a Scottish statutory instrument containing regulations under section 31B or 31C before the Scottish Parliament, the Scottish Ministers—

- (a) must consult persons who appear to them to represent the interests of tenants and landlords affected by the regulations, and
 - (b) may consult any other person they consider appropriate.”.
- (3) In schedule 5, after Part 1 insert—

“PART 1A

KEEPING PETS

- 8A A tenant under a Scottish secure tenancy who wishes to keep a pet at the house may make a written application to the landlord for the landlord’s consent, giving details of the pet.
- 8B The application must fulfil any other requirements prescribed by the Scottish Ministers in regulations.

- 8C The landlord may—
- (a) consent,
 - (b) consent subject to such reasonable conditions as the landlord may impose, or
 - (c) refuse consent, provided that it is not refused unreasonably.
- 8D Any condition imposed by the landlord must comply with regulations under section 31B.
- 8E A refusal of consent by the landlord must comply with regulations under section 31C.
- 8F The landlord must intimate its consent or refusal, any conditions imposed and, in the case of refusal, the reasons for the refusal, to the tenant in writing within a period of one month beginning with the day on which the application was received.
- 8G Where a landlord consents to the tenant keeping the pet at the house the tenant may keep the pet at the house until the end of the tenancy subject to any reasonable conditions imposed by the landlord in connection with the consent to keep the pet.
- 8H If the landlord fails to comply with paragraph 8F, it is to be taken to have consented to the application.”.

PART 4

OTHER MATTERS RELATING TO TENANTS

Unclaimed tenancy deposits

37 Use of unclaimed tenancy deposits

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 121 (tenancy deposit schemes: regulatory framework)—
 - (a) in subsection (2), after paragraph (d) insert—

“(da) impose requirements on a person who administers an approved scheme to report to the Scottish Ministers on matters relating to the operation of the approved scheme including, in particular, matters relating to unclaimed deposits,”,
 - (b) after subsection (3) insert—

“(4) Tenancy deposit regulations must include provision to ensure that a tenancy deposit that is held under an approved scheme is not repaid unless a relevant application is made, within the 5-year period, for the tenancy deposit to be repaid.

(5) In this Part—

“5-year period”, in relation to a tenancy deposit held under an approved scheme, means the period of 5 years beginning with the later of—

- (a) the day on which the provision required by subsection (4) comes into force in relation to the approved scheme, and
- (b) the day on which the relevant tenancy or occupancy arrangement ends,

“approved scheme” means a tenancy deposit scheme that is approved under section 122,

“relevant application”, in relation to a tenancy deposit held under an approved scheme, means an application (however described) made—

- (a) under the approved scheme, and
- (b) in accordance with any tenancy deposit regulations that apply in relation to the application,

“relevant tenancy or occupancy arrangement”, in relation to a tenancy deposit held under an approved scheme, means the tenancy or occupancy arrangement under or in connection with which the tenancy deposit was paid as security.”.

(3) After section 122 insert—

“122A Determining unclaimed deposits

A tenancy deposit held under an approved scheme is to be determined by the scheme administrator to be an unclaimed deposit if the scheme administrator is satisfied that no relevant application was made, within the 5-year period, for the tenancy deposit to be repaid.

122B Transfer of unclaimed deposits

- (1) The Scottish Ministers may direct the scheme administrator of an approved scheme to transfer to them, or to a fund administrator, any unclaimed deposits that are held on a particular day (“the accounting day”) under the approved scheme.
- (2) The direction—
 - (a) must be in writing,
 - (b) may specify the manner in which any such unclaimed deposits are to be transferred.
- (3) The scheme administrator must comply with any such direction within a period of 30 days beginning with the accounting day.

122C Use of transferred unclaimed deposits

- (1) Unclaimed deposits that are transferred to the Scottish Ministers or to a fund administrator (in either case, “the recipient”) may be used by the recipient for the purposes of—
 - (a) providing or securing the provision of—
 - (i) advice, information or assistance to private tenants (or potential new tenants) about their rights,
 - (ii) other services or facilities that promote or support their interests,
 - (b) preventing private tenants from becoming homeless, or
 - (c) paying or recovering administrative costs that are reasonably incurred by the recipient in the exercise of functions under this section or section 122D (but see subsection (3)).
- (2) Where any such unclaimed deposit is to be used for a purpose mentioned in subsection (1)(a) or (b) it may, in particular, be provided by way of a grant, loan or otherwise and on such conditions as the recipient considers appropriate.
- (3) Where any such unclaimed deposit is to be used for a purpose mentioned in subsection (1)(c), a fund administrator may do so only with the consent of the Scottish Ministers and in accordance with any conditions they specify.
- (4) In subsection (1)—
 - (a) a reference to private tenants is a reference to any tenant under—
 - (i) a private residential tenancy under the 2016 Act,
 - (ii) a student residential tenancy,
 - (iii) an assured tenancy under the Housing (Scotland) Act 1988,
 - (iv) a protected tenancy under the Rent (Scotland) Act 1984, or
 - (v) a Part VII contract under that Act,
 - (b) a reference to potential new tenants is a reference to any person who may become a tenant under—
 - (i) a private residential tenancy under the 2016 Act, or
 - (ii) a student residential tenancy.
- (5) In this section—

“the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,

“student” has the same meaning as in paragraph 5 of schedule 1 of the 2016 Act,

“student residential tenancy” means a tenancy—

 - (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
 - (b) to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.

122D Reports on the use of transferred unclaimed deposits

- (1) The Scottish Ministers must prepare a report on the use of any unclaimed deposits that are transferred to them or to a fund administrator.
- (2) The Scottish Ministers must—
 - (a) publish the report within a period of 3 years beginning with—
 - (i) where the deposits to which the transfer request relates are transferred on a single day, that day, or
 - (ii) where such deposits are transferred over a period of two or more days, the first of those days, and
 - (b) lay a copy of it before the Scottish Parliament as soon as reasonably practicable after publication.
- (3) For the purpose of preparing a report under subsection (1), the Scottish Ministers may direct a fund administrator to give them a report on the use of any unclaimed deposits that are transferred to the fund administrator.
- (4) A report to be given by a fund administrator under subsection (3) must—
 - (a) be given to the Scottish Ministers as soon as reasonably practicable after the direction is received, and
 - (b) contain such information as the Scottish Ministers may specify in the direction.

122E Repayment of unclaimed deposits

- (1) Subsection (2) applies where—
 - (a) a tenancy deposit was paid by an occupant as security under or in connection with a tenancy or an occupancy arrangement, and
 - (b) the tenancy deposit was an unclaimed deposit that was transferred to the Scottish Ministers or a fund administrator.
- (2) Where this subsection applies, the Scottish Ministers may, on the application of the former occupant, repay all or part of the former tenancy deposit (“the amount”) to the former occupant if they are satisfied that—
 - (a) the former occupant has a reasonable excuse for not having made a relevant application, within the 5-year period, for the amount to be repaid, and
 - (b) if the former occupant had made such an application immediately before the end of the 5-year period, the scheme administrator would have been required to repay the amount to the former occupant.”.
- (4) After section 123 insert—

“123A Interpretation of this Part

In this Part—

“fund administrator” means a person, other than the Scottish Ministers, to whom unclaimed deposits are transferred,

“scheme administrator”, in relation to an approved scheme, means the person who administers the scheme,

“transferred” means transferred in compliance with a request under section 122B(1),

“unclaimed deposit” means a tenancy deposit that is determined to be an unclaimed deposit in accordance with section 122A.”.

Registration of letting agents etc.

38 Applications for registration

- (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 30(2) (application for registration)—
 - (a) in paragraph (d)—
 - (i) the words from “the individual” to the end of the paragraph become sub-paragraph (i),
 - (ii) after that sub-paragraph insert “, and
 - (ii) any other person who owns 25% or more of the relevant partnership, company or body,”,
 - (b) in paragraph (e)—
 - (i) sub-paragraph (i), and the word “or” immediately following it, are repealed,
 - (ii) in sub-paragraph (ii), the word “otherwise” is repealed.
- (3) In section 32 (decision on application), after subsection (6) insert—

“(6A) The Scottish Ministers must give further notice under subsection (6) if they are considering refusing the application for reasons that differ from or supplement those previously notified.”.

39 Duty to inform: change of circumstances

- (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 37 (duty to inform: change of circumstances)—
 - (a) in subsection (1), for the words from “information” to “this section,” substitute “relevant information”,
 - (b) after subsection (5) insert—

“(6) In subsection (1), “relevant information” means—

 - (a) information provided by a registered letting agent under section 30(2)(a) to (e) or, as the case may be, this section,
 - (b) such of the information provided by virtue of section 30(2)(f) as the Scottish Ministers may by regulations prescribe,
 - (c) information provided by a registered letting agent in accordance with a notice served under section 52(1).”.

40 Revocation of registration: where agent no longer exists

- (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 39 (revocation of registration)—
 - (a) in subsection (1)—
 - (i) the word “or” immediately following paragraph (b) is repealed,
 - (ii) after paragraph (c) insert “, or
 - (d) the agent no longer exists.”,
 - (b) in subsection (2), in the opening words—
 - (i) for “this section” substitute “subsection (1)(a), (b) or (c)”,
 - (ii) after “must” insert “(if possible)”,
 - (c) after subsection (2) insert—

“(2A) The Scottish Ministers must give further notice under subsection (2) if they are considering removing the agent from the register for reasons that differ from or supplement those previously notified.”,
 - (d) in subsection (4), in the opening words—
 - (i) after “must” insert “(if possible)”,
 - (ii) after “decision” insert “under subsection (1)(a), (b) or (c)”.

41 Removal from register on application: notification of agent

- (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 40 (removal from register on application), in subsection (4), after “must” insert “(if possible)”.

42 Note on register where entry refused or removed: duration

- (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 42 (note on register where refusal or removal), in subsection (4)(a), for “12 months” substitute “3 years”.

43 Power to obtain information and carry out inspections

- (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 52 (power to obtain information), for subsection (3) substitute—

“(3) Any requirement for a person to provide information in accordance with a notice under subsection (1) does not have effect to the extent that the person would be entitled to refuse to provide the information in, or for the purposes of, proceedings in a court in Scotland.”.
- (3) In section 53 (power to carry out inspections), for subsection (3) substitute—

“(3) Any requirement for a person to give information in accordance with subsection (2)(d)(i) does not have effect to the extent that the person would be entitled

to refuse to give the information in, or for the purposes of, proceedings in a court in Scotland.”.

Ending joint tenancies

44 Private residential tenancies: ending a joint tenancy

- (1) The 2016 Act is modified as follows.
- (2) In section 48 (tenant’s ability to bring tenancy to an end)—
 - (a) in subsection (1), after “section 49” insert “(but see also section 48A)”,
 - (b) in subsection (3), for the words from “if” to the end of the subsection substitute “where subsection (3A) or (3B) applies.”,
 - (c) after subsection (3) insert—

“(3A) This subsection applies where—

 - (a) before the day mentioned in subsection (2), a request to continue the tenancy after that day is made to the landlord by—
 - (i) in the case of a joint tenancy, all of the joint tenants,
 - (ii) in any other case, the tenant, and
 - (b) the landlord agrees to the request.

(3B) This subsection applies where—

 - (a) the person who gave the notice under subsection (1) is a joint tenant, and
 - (b) before the day mentioned in subsection (2), the interest of the joint tenant in the tenancy is assigned to another person.

(3C) In this section, in a case where two or more persons jointly are the tenant under a tenancy—

 - (a) references to the tenant or to a joint tenant are to any one of those persons, and
 - (b) references to a joint tenancy are to such a tenancy.

(3D) In the case of a joint tenancy, the reference to a tenant in subsection (1) includes a reference to all of the joint tenants acting together.”,

 - (d) in subsection (4), for “subsections (1) and (3)” substitute “this section”.
- (3) After section 48 insert—

“48A Pre-notice to be given to other joint tenants

- (1) Where a notice under section 48(1) is given by a joint tenant, the notice has no effect unless—
 - (a) that tenant has given every other joint tenant and the landlord under the tenancy a pre-notice—
 - (i) at least 2 months (the “minimum period of pre-notice”), but no more than 3 months (the “maximum period of pre-notice”), before the day on which the notice is given under section 48(1),

- (ii) that fulfils the requirements described in subsection (3), and
- (b) the notice under section 48(1) is accompanied by—
 - (i) a statement that a pre-notice has been given to every other joint tenant in accordance with this section, and
 - (ii) such evidence in support of the statement as may be prescribed by the Scottish Ministers in regulations,
- (c) within a period of 7 days beginning with the day on which the notice under section 48(1) is given to the landlord, the joint tenant—
 - (i) has given every other joint tenant a copy of the notice, and
 - (ii) has given the landlord—
 - (A) a statement that a copy of the notice has been given by the joint tenant to every other joint tenant, and
 - (B) such evidence in support of the statement as may be prescribed by the Scottish Ministers in regulations.
- (2) Subsection (1) does not apply in a case where the notice under section 48(1) is given by all of the joint tenants acting together.
- (3) A pre-notice given by a joint tenant fulfils the requirements referred to in subsection (1)(a)(ii) if it—
 - (a) is in writing,
 - (b) states that the joint tenant intends to bring to an end the tenancy by giving the landlord a notice under section 48(1),
 - (c) fulfils any other requirements prescribed by the Scottish Ministers in regulations.
- (4) Regulations under subsection (1)(b)(ii) or (c)(ii)(B) may in particular require that the evidence—
 - (a) includes information specified in the regulations,
 - (b) is in a form specified in the regulations,
 - (c) is given in a manner specified in the regulations.
- (5) The Scottish Ministers may by regulations modify sub-paragraph (i) of subsection (1)(a) so as to vary—
 - (a) the minimum period of pre-notice for the time being specified in that sub-paragraph, but such period must not be less than 2 months,
 - (b) the maximum period of pre-notice for the time being specified in that sub-paragraph.
- (6) The Scottish Ministers may by regulations modify paragraph (c) of subsection (1) so as to vary the period for the time being specified in that paragraph.

- (7) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (5) or (6) before the Scottish Parliament, the Scottish Ministers—
 - (a) must consult such persons as appear to them to represent the interests of tenants and landlords under private residential tenancies, and
 - (b) may consult any other person they consider appropriate.
- (8) In this section—
 - “joint tenant” is to be construed in accordance with section 48(3C),
 - “landlord” is to be construed in accordance with section 48(4).”.
- (4) In section 49 (requirements for notice to be given by tenant)—
 - (a) in subsection (2), for “agrees” substitute “and the tenant agree”,
 - (b) in subsection (3), in paragraph (b)(i), after “and” insert “the”,
 - (c) after subsection (4) insert—
 - “(4A) In a case where two or more persons jointly are the tenant under a tenancy—
 - (a) in subsection (1)(a)(ii), the reference to the tenant is to the joint tenant who gave the notice under section 48(1),
 - (b) in subsections (2) and (3)(b)(i), the references to the tenant are to all of the joint tenants.”.

Ending student tenancies

45 Student residential tenancies: power to enable tenant to bring tenancy to an end

- (1) The Scottish Ministers may by regulations make provision for or in connection with enabling a tenant under a student residential tenancy to bring to an end the tenancy in such circumstances, and subject to such requirements, as may be specified in the regulations.
- (2) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers—
 - (a) must consult such persons as appear to them to represent the interests of tenants and landlords under student residential tenancies, and
 - (b) may consult any other person they consider appropriate.
- (3) In this section—
 - “student” has the meaning given in paragraph 5 of schedule 1 of the 2016 Act,
 - “student residential tenancy” means a tenancy—
 - (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
 - (b) to which sub-paragraph (2) or (3) of paragraph 5 of schedule 1 of the 2016 Act (tenancies which cannot be private residential tenancies) applies,
 - “tenancy” includes sub-tenancy,
 - “tenant” includes sub-tenant.

Social landlords: qualifying repairs

46 Social landlords: qualifying repairs

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 27 (repairs)—
 - (a) in subsection (2), for “make regulations for” substitute “by regulations make provision for or in connection with”,
 - (b) in subsection (3)—
 - (i) for the opening words substitute “Regulations under subsection (2) may, in particular, make provision for or in connection with—”,
 - (ii) after paragraph (a) insert—

“(aa) the period within which an inspection of the house is to take place to determine whether a qualifying repair is required,

(ab) the period within which a qualifying repair is to be commenced,”
 - (iii) the word “and” immediately following paragraph (b) is repealed,
 - (iv) after paragraph (c) insert—

“(d) compensation payable in relation to a failure to comply with a requirement imposed by the regulations,

(e) any review or appeal in relation to a failure to comply with a requirement imposed by the regulations.”.

Tolerable standard: damp

47 Tolerable standard: damp

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In section 86 (definition of house meeting tolerable standard), after subsection (1C) insert—

“(1D) Any such guidance issued by the Scottish Ministers may further specify the circumstances in which a house is to be considered to be substantially free from rising or penetrating damp under subsection (1)(b).”.

Succession to tenancies: qualifying periods

48 Private residential tenancies: succession

- (1) The 2016 Act is modified as follows.
- (2) In section 67 (partner’s entitlement to inherit), in subsection (3), for “12” substitute “6”.
- (3) In section 68 (other family member’s entitlement to inherit), in subsection (2)(b)(ii), for “12” substitute “6”.
- (4) In section 69 (carer’s entitlement to inherit), in subsection (2)(b)(ii), for “12” substitute “6”.

49 Scottish secure tenancies: succession

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In schedule 3 (succession to Scottish secure tenancy: qualified persons)—
 - (a) in paragraph 2(2), for “12” substitute “6”,
 - (b) in paragraph 3, for “12” substitute “6”,
 - (c) in paragraph 4(b), for “12” substitute “6”,
 - (d) in paragraph 11(3)(a), for “3” substitute “6”.

Delivery of notices etc.

50 Social landlords: delivery of notices etc.

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 40 (notices)—
 - (a) in subsection (1)(c), for the words from “by recorded” to the end of the paragraph substitute “to that person’s proper address by means of a postal service which provides for the delivery of the notice or other document to be recorded.”,
 - (b) after subsection (1) insert—

“(1A) For the purpose of subsection (1)(c), the delivery of a notice or other document may be recorded in any way that evidences that it was delivered to the person’s proper address (including in a way that evidences this without the need for the person to confirm the delivery).”
 - (c) after subsection (2) insert—

“(3) A notice to be given by a landlord to a tenant under section 25(1) may also be given by sending it, where subsection (4) applies, to the tenant using electronic communications.

“(4) This subsection applies where, before the notice is given, the landlord and the tenant agree in writing that the notice may be given to the tenant by transmitting it to an electronic address and in an electronic form specified by the tenant for the purpose.”

Converting older tenancies

51 Assured tenancies: power to convert

- (1) The 2016 Act is modified as follows.
- (2) In schedule 5 (transition from regimes under earlier enactments), after paragraph 5 insert—

“Change of tenancy status by regulations

- 6 (1) The Scottish Ministers may by regulations appoint a day on which a relevant assured tenancy—
 - (a) ceases to be an assured tenancy, and
 - (b) becomes a private residential tenancy.

- (2) Any day appointed by regulations under sub-paragraph (1) must be at least 12 months after the day on which the regulations come into force.
- (3) Where by virtue of regulations under sub-paragraph (1) a tenancy becomes a private residential tenancy, the terms of the tenancy as they were immediately before the conversion are unchanged so far as they are consistent with the provisions under this Act.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under sub-paragraph (1) before the Scottish Parliament, the Scottish Ministers—
 - (a) must consult persons who appear to them to represent the interests of tenants and landlords under assured tenancies, and
 - (b) may consult any other person they consider appropriate.
- (5) In sub-paragraph (1), a “relevant assured tenancy” means a tenancy—
 - (a) that is an assured tenancy under the Housing (Scotland) Act 1988, and
 - (b) which, if it were not an assured tenancy, can for the time being be a private residential tenancy.”.

PART 5

HOMELESSNESS PREVENTION

Duties of relevant bodies

52 Duties of relevant bodies in relation to homelessness

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In section 24 (homeless persons and persons threatened with homelessness)—
 - (a) in subsection (2B), for “he has applied” substitute “an application has been made by or in respect of the person”,
 - (b) in subsection (4), for “2” substitute “6”.
- (3) In section 26 (becoming homeless intentionally)—
 - (a) subsection (2) is repealed,
 - (b) in subsection (3), for the words “purposes of subsection (1) or (2)” substitute “purpose of subsection (1)”,
 - (c) in subsection (4), for “subsections (1) and (2)” substitute “subsection (1)”.
- (4) In section 28 (inquiry into cases of possible homelessness or threatened homelessness)—
 - (a) in subsection (1)—
 - (i) after “If” insert “an application is made to a local authority by or in respect of”,
 - (ii) the words “applies to a local authority” are repealed,
 - (b) after subsection (1) insert—

“(1A) An application under subsection (1) may be made in respect of a person (as opposed to by a person) only by a relevant body in accordance with section 36B or 36C.”,

(c) in subsection (2)—

(i) in the opening words, for “so satisfied” substitute “satisfied that an applicant is homeless”,

(ii) in paragraph (b), the words “or threatened with homelessness” are repealed.

(5) In section 30 (notification of decision and reasons)—

(a) in subsection (3), in paragraph (a), the words “or threatened with homelessness” are repealed,

(b) in subsection (4), in paragraph (b), the words “or threatened with homelessness” are repealed.

(6) In section 32 (duties to persons found to be threatened with homelessness)—

(a) in subsection (2)—

(i) for the words from “Where” to “shall” substitute “The local authority must”,

(ii) for the words from “secure” to the end of the subsection substitute “—

(a) remove or, where this is not possible, minimise the threat of homelessness to the applicant, and

(b) secure that accommodation is available for occupation by the applicant.”,

(b) after subsection (2) insert—

“(2ZA) For the purpose of subsection (2)(b), the local authority must take reasonable steps—

(a) to secure that the accommodation occupied by the applicant when the application is made continues to be available for occupation by the applicant, and

(b) only if that accommodation will not continue to be available for occupation by the applicant, to secure that other accommodation is available for occupation by the applicant.”,

(c) after subsection (2B) insert—

“(2C) The local authority must give the applicant advice and assistance of such type as may be prescribed where the local authority considers it appropriate for the purposes of—

(a) removing or minimising the threat of homelessness in relation to the applicant, or

(b) securing that accommodation continues to be, or is otherwise, available for occupation by the applicant.”,

(d) subsection (3) is repealed,

(e) in subsection (5A)—

(i) the words “falling within subsection (2)” are repealed,

(ii) for “subsections (1) and (2)” substitute “subsection (1)”,

- (f) in subsection (6), for “subsection (3)” substitute “subsection (2C)”.
- (7) In section 33 (referral of application to another local authority)—
 - (a) in subsection (1), at the end insert “(but see subsection (7))”,
 - (b) after subsection (6) insert—
 - “(7) Where the application mentioned in paragraph (b) of subsection (1) was made by a relevant body, subsection (1) does not apply to the extent that it would otherwise enable a local authority in Scotland, on receiving the application, to notify a local authority in England or Wales in accordance with that subsection.”.
- (8) In section 35A (right to request review of decision)—
 - (a) in subsection (2), after paragraph (e) insert—
 - “(f) any decision as to the requirement to take the step mentioned in section 36B(2),
 - (g) any decision as to the requirement to take the steps mentioned in section 36C(2).”.
 - (b) after subsection (2) insert—
 - “(2B) The reference in subsection (2)(a) to any decision under section 32 includes in particular—
 - (a) any decision as to the steps required under subsection (2) of that section,
 - (b) any decision as to the advice or assistance required under subsection (2C) of that section.”.
- (9) After section 36 insert—

“Duties of relevant bodies in relation to homelessness

36A Duty to ask if a person is homeless or threatened with homelessness

- (1) If a relevant body, when assessing the needs of a person in the exercise of its functions, has reason to believe that the person may be homeless or threatened with homelessness, the body must ask the person—
 - (a) whether the person is homeless or threatened with homelessness,
 - (b) whether the person is aware of any application under section 28(1) having been made by or in respect of the person and, if so, to give the name of the local authority to whom the application was made, and
 - (c) whether the person consents to the relevant body making such an application if the relevant body were to be satisfied that it is appropriate.
- (2) Another person may, with the consent of the person referred to in subsection (1), answer any such question.

36B Duty to act if a person may be homeless

- (1) If the relevant body—
 - (a) is informed that the person referred to in section 36A(1) is homeless, or

- (b) has any other reason to believe that the person may be homeless,
the body must take the step mentioned in subsection (2).
- (2) The step is to make an application under section 28(1) to the appropriate local authority in respect of the person but only if the relevant body is satisfied that—
 - (a) it is appropriate to make the application taking account of the person’s circumstances, and
 - (b) it has the consent of the person to make the application.
- (3) The duty to make an application mentioned in subsection (1) does not apply if the relevant body is satisfied that—
 - (a) an application under section 28(1) has already been made to the appropriate local authority by or in respect of the person, and
 - (b) the application is under consideration by the authority.

36C Duty to act if a person may be threatened with homelessness

- (1) If the relevant body—
 - (a) is informed that the person referred to in section 36A(1) is threatened with homelessness, or
 - (b) has any other reason to believe that the person may be threatened with homelessness,
the body must take the steps mentioned in subsection (2).
- (2) The steps are—
 - (a) to take such action as the relevant body considers appropriate, in the exercise of its functions, to—
 - (i) remove the threat of homelessness to the person, or
 - (ii) where this is not possible, minimise that threat,
 - (b) to make an application under section 28(1) to the appropriate local authority in respect of the person but only if the relevant body is satisfied that—
 - (i) it is unable to take action under paragraph (a) to remove the threat of homelessness,
 - (ii) it is appropriate to make the application taking account of the person’s circumstances, and
 - (iii) it has the consent of the person to make the application, and
 - (c) to take such other action as the Scottish Ministers may by regulations specify.
- (3) In relation to the taking of action under subsection (2)(a), the relevant body must—
 - (a) before taking the action, consult such other relevant bodies as it considers appropriate taking account of the person’s circumstances, and

- (b) cooperate with those other relevant bodies in taking the action.
- (4) For the purpose of subsection (2)(a), the reference to action does not include the making of an application under section 28(1).
- (5) The duty to take the step mentioned in subsection (2)(b) does not apply if the relevant body is satisfied that—
 - (a) an application under section 28(1) has been made to the appropriate local authority by or in respect of the person, and
 - (b) the application is under consideration by the authority.
- (6) Regulations under subsection (2)(c) may include provision specifying—
 - (a) the process that must be followed in connection with assessing the action required under subsection (2)(a),
 - (b) matters that must be taken into account when carrying out the assessment,
 - (c) information that must be given to the person following the assessment.
- (7) Regulations under subsection (2)(c) may—
 - (a) make different provision for different purposes,
 - (b) make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (8) Regulations under subsection (2)(c) are subject to the affirmative procedure.
- (9) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (2)(c), the Scottish Ministers—
 - (a) must consult every other relevant body, and
 - (b) may consult any other person they consider appropriate.
- (10) The requirement to consult under subsection (9) may be met by consultation carried out before that subsection takes effect.

36D Power of relevant bodies to share information

A relevant body may share information with any other relevant body for the purpose of or in connection with the exercise of its functions, or the functions of the other relevant body, under section 36B or 36C.

36E Duty to have regard to matters relating to homelessness

A relevant body must, in the exercise of its functions, have regard to—

- (a) the need to prevent homelessness,
 - (b) any guidance issued by the Scottish Ministers in connection with homelessness that is relevant to the exercise of its functions.”.
- (10) In section 40 (false statements etc.), in subsection (1)(c), the words “or threatened with homelessness” are repealed.
 - (11) After section 40 insert—

“40A Meaning of homelessness and threatened with homelessness

- (1) The Scottish Ministers may by regulations modify section 24 to change the meaning for the purposes of this Part of a person who is—
 - (a) homeless, or
 - (b) threatened with homelessness.
 - (2) Regulations under subsection (1) may—
 - (a) make different provision for different purposes,
 - (b) make incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (c) modify any enactment (including this Act) in making any provision mentioned in paragraph (b).
 - (3) Regulations under subsection (1) are subject to the affirmative procedure.
 - (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
 - (a) must consult every other relevant body, and
 - (b) may consult any other person they consider appropriate.
 - (5) The requirement to consult under subsection (4) may be met by consultation carried out before that subsection takes effect.”.
- (12) In section 43 (minor definitions)—
- (a) after the definition of “application (for housing accommodation)” insert—

““appropriate local authority”, in relation to the duty of a relevant body under section 36B(1) or 36C(1) in respect of a person, means the local authority for the district in which the person is present at the time that the relevant body asks the person the questions required under section 36A(1);”
 - (b) in the definition of “homeless intentionally or threatened with homelessness intentionally”, the words “or threatened with homelessness intentionally” are repealed,
 - (c) after the definition of “relevant authority” insert—

““relevant body” means—

 - (a) a Health Board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978,
 - (b) an integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014,
 - (c) a local authority,
 - (d) the Police Service of Scotland,
 - (e) a registered social landlord (within the meaning of section 165 of the Housing (Scotland) Act 2010),

- (f) the Scottish Ministers in so far as they have functions (including any that are delegated to another person) relating to—
 - (i) prisons and young offenders institutions (as construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995), and
 - (ii) persons detained in them,
- (g) the Scottish Ministers in so far as they have functions (including any that are delegated to another person) relating to social security,
- (h) a Special Health Board constituted by order under section 2(1)(b) of the National Health Service (Scotland) Act 1978;”.

(13) After section 43 insert—

“43A Power to modify the meaning of “relevant body”

- (1) The Scottish Ministers may by regulations modify the meaning of “relevant body” in section 43 to add or remove a person or a description of a person.
- (2) Regulations under subsection (1) may make—
 - (a) different provision for different purposes,
 - (b) incidental, transitional, transitory or saving provision.
- (3) Where the Scottish Ministers propose to make regulations under subsection (1) to add a person or a description of a person, before laying a draft of a Scottish statutory instrument containing the regulations before the Scottish Parliament, they must consult—
 - (a) where a person is proposed to be added, that person or a person who appears to the Scottish Ministers to represent the interests of that person,
 - (b) where a description of a person is proposed to be added, a person who appears to the Scottish Ministers to represent the interests of a person of that description.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.”.

Homeless persons: intentionality

53 Power to modify provision about a person becoming homeless intentionally

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) After section 40A (meaning of homelessness and threatened with homelessness) (inserted by section 52(11)) insert—

“40B Power to modify provision about a person becoming homeless intentionally

- (1) The Scottish Ministers may by regulations modify for the purposes of this Part—
 - (a) the meaning in section 26 of a person becoming homeless intentionally,
 - (b) the power of a local authority under section 28(2)(b) to make further inquiries about whether a person became homeless intentionally,

- (c) any other provision of this Part that relates to a local authority's determination as to whether or not a person became homeless intentionally.
- (2) Regulations under subsection (1) may—
 - (a) make different provision for different purposes,
 - (b) make incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (c) modify any enactment (including this Act).
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers—
 - (a) must consult local authorities,
 - (b) may consult any other person they consider appropriate.
- (5) The requirement to consult under subsection (4) may be met by consultation carried out before that subsection takes effect.”.

Assessment of housing support services

54 Assessment of housing support services

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 89 (local housing strategies), after subsection (2)(d) (and before the “and” which immediately follows it) insert—
 - “(da) the needs of persons in the area for, and the availability of—
 - (i) services that must be provided in accordance with section 32B(4) of the 1987 Act, and
 - (ii) other housing support services (as defined by section 91(8)),”.

Tenants affected by domestic abuse

55 Local authorities etc.: consideration of domestic abuse

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In section 20 (persons to have priority on housing list and allocation of housing)—
 - (a) in subsection (2)(aa)(vi), for “domestic abuse (within the meaning of section 33(3))” substitute “abuse”,
 - (b) in subsection (2C)—
 - (i) in paragraph (b), the words from “(within” to the end of that paragraph are repealed,
 - (ii) paragraph (c) is repealed,
 - (c) after subsection (4) insert—
 - “(4A) In subsections (2)(aa)(vi) and (2C)(b), “abuse” is to be construed in accordance with the meaning given by section 43.”.

- (3) In section 24 (homeless persons and persons threatened with homelessness), in subsection (3)—
 - (a) in paragraph (b), the words from “(within” to the end of that paragraph are repealed,
 - (b) paragraph (bb), and the word “or” immediately following that paragraph, are repealed.
- (4) In section 33 (referral of application to another local authority)—
 - (a) in subsection (2)(c)—
 - (i) for “of domestic abuse” substitute “that occupation of accommodation”,
 - (ii) after “district” insert “will lead to abuse”,
 - (b) subsection (3) is repealed.
- (5) In section 43 (minor definitions), after the opening words insert—
 - ““abuse” includes—
 - (a) violence, harassment, threatening conduct, and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress, and
 - (b) in a case where abuse of a person is from a partner or ex-partner, abusive behaviour by the partner or ex-partner within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act);”.

56 Social landlords: pre-action requirement where domestic abuse is a factor in rent arrears

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 14A (pre-action requirements where grounds for possession include rent arrears)—
 - (a) after subsection (6) insert—
 - “(6A) Where the landlord considers that the tenant has experienced or is experiencing domestic abuse which explains or partly explains why the rent lawfully due from the tenant has not been paid, the landlord must—
 - (a) take such action to support the needs of the tenant arising in connection with the rent arrears as the landlord considers reasonable having regard to its domestic abuse policy under section 56A, and
 - (b) provide the tenant with details of such other support that may be available to the tenant in relation to domestic abuse as the landlord considers appropriate in the circumstances.”,
 - (b) in subsection (10), after “this section” insert “—
“domestic abuse” has the meaning given by section 56A(6),”.

57 Social landlords: policies about supporting tenants affected by domestic abuse

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In Part 2 (tenants of social landlords), after Chapter 3 insert—

“CHAPTER 4

TENANTS AFFECTED BY DOMESTIC ABUSE

56A Social landlords: policies about supporting tenants affected by domestic abuse

- (1) Every local authority landlord and registered social landlord must prepare and publish a policy (a “domestic abuse policy”) on how it will exercise its functions in relation to the needs of tenants who the landlord has reason to believe have experienced, are experiencing or are at risk of domestic abuse, with a view to preventing homelessness.
- (2) A domestic abuse policy must, in particular, include a description of the action that the landlord must take in relation to the needs of a tenant in the circumstances mentioned in section 14A(6A).
- (3) A landlord—
 - (a) may revise its domestic abuse policy, and
 - (b) if it does so, must re-publish the policy.
- (4) A landlord must, in exercising its functions, have regard to its domestic abuse policy.
- (5) A landlord must have regard to any guidance issued by the Scottish Ministers about the exercise of its functions under this section including as regards the form and content of a domestic abuse policy.
- (6) In subsection (1), “domestic abuse” means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act).”.

58 Scottish Social Housing Charter: supporting tenants affected by domestic abuse

- (1) The Housing (Scotland) Act 2010 is amended as follows.
- (2) In section 32 (standards and outcomes)—
 - (a) in subsection (1)(b), at the end insert “, including the associated support that social landlords should provide to tenants whom they have reason to believe have experienced, are experiencing or are at risk of domestic abuse,”,
 - (b) after subsection (2) insert—
 - “(3) In subsection (1)(b), “domestic abuse” means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act).”.

Housing First

59 Annual report on Housing First

- (1) The Scottish Ministers must, as soon as practicable after the end of each reporting period, prepare and publish a report on the use of Housing First tenancies.
- (2) A report under subsection (1) must include—
 - (a) information on action being taken to widen access to Housing First tenancies,
 - (b) the number of Housing First tenancies commenced or active during the reporting period,
 - (c) information on how the Homelessness Network Scotland’s “Principles of Housing First” are being implemented, and
 - (d) any other information that the Scottish Ministers consider appropriate.
- (3) The report must be laid before the Scottish Parliament as soon as practicable after the end of each reporting period.
- (4) In this section, “reporting period” means—
 - (a) in the case of the first report, the period of 12 months beginning with the day this section comes into force,
 - (b) each successive period of 12 months.

PART 6

OTHER HOUSING MATTERS

Mobile homes

60 Mobile homes: jurisdiction of the First-tier Tribunal for Scotland

- (1) The Mobile Homes Act 1983 is modified as follows.
- (2) In section 1 (particulars of agreements: Scotland)—
 - (a) in subsection (6), in the final sentence, for “court” substitute “First-tier Tribunal for Scotland”,
 - (b) in subsection (7), for “court” substitute “First-tier Tribunal for Scotland”.
- (3) In section 2 (terms of agreements)—
 - (a) in subsection (2), for “court” substitute “First-tier Tribunal for Scotland”,
 - (b) in subsection (3), for “court” substitute “First-tier Tribunal for Scotland”,
 - (c) in subsection (4), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”.
- (4) In section 2B (power to amend implied terms: Scotland), in subsection (3), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”.
- (5) In section 4 (jurisdiction of the court), for “The court” substitute “In relation to Scotland, the First-tier Tribunal for Scotland”.
- (6) The title of section 4 becomes “**Jurisdiction of the First-tier Tribunal for Scotland**”.

- (7) In section 5 (interpretation)—
- (a) in subsection (1), in the definition of “the court”, paragraph (b) is repealed,
 - (b) after subsection (4) insert—
 - “(5) In relation to Scotland, the references in this Act to the First-tier Tribunal for Scotland are to be read as if they were references to the arbitrator in question in a case where the parties have entered into an arbitration agreement that applies to the question to be determined.
 - (6) In subsection (5), “arbitration agreement” means an agreement in writing to submit to arbitration any question arising under this Act or any agreement to which it applies.”.
- (8) In schedule 1 (agreements under Act), in Part 1—
- (a) in paragraph 4, for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
 - (b) in paragraph 5, for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
 - (c) in paragraph 6—
 - (i) in sub-paragraph (1) for “court”, in each place where it occurs, substitute “First-tier Tribunal for Scotland”,
 - (ii) in sub-paragraph (3), for “court” substitute “First-tier Tribunal for Scotland”,
 - (iii) in sub-paragraph (4), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
 - (iv) in sub-paragraph (5), for “court”, in both places where it occurs, substitute “First-tier Tribunal for Scotland”,
 - (d) in paragraph 10(1), for “court” substitute “First-tier Tribunal for Scotland”,
 - (e) in paragraph 16(2), for “court order” substitute “order of the First-tier Tribunal for Scotland”,
 - (f) in paragraph 17(4), for “court” substitute “First-tier Tribunal for Scotland”,
 - (g) in paragraph 18(2), for “court” substitute “First-tier Tribunal for Scotland”,
 - (h) in paragraph 19(3), for “court” substitute “First-tier Tribunal for Scotland”,
 - (i) in paragraph 20—
 - (i) in sub-paragraph (1), for “court”, in each place where it occurs, substitute “First-tier Tribunal for Scotland”,
 - (ii) in sub-paragraph (2), for “court” substitute “First-tier Tribunal for Scotland”,
 - (iii) in sub-paragraph (3)—
 - (A) in the opening words, for “court” substitute “First-tier Tribunal for Scotland”,
 - (B) in paragraph (b), for “court order” substitute “order of the First-tier Tribunal for Scotland”,
 - (j) in paragraph 21, in paragraph (b), for “court order” substitute “order of the First-tier Tribunal for Scotland”,

- (k) in paragraph 22(1), in paragraph (a), for “court” substitute “First-tier Tribunal for Scotland”.

61 New pitch fees: considerations

- (1) The Mobile Homes Act 1983 is modified as follows.
- (2) In section 2B (power to amend implied terms: Scotland)—
 - (a) in subsection (3), after paragraph (a) insert—

“(aa) make provision to substitute a different economic index for the one for the time being mentioned in paragraph 23(1)(b) of schedule 1;”,
 - (b) after subsection (4) insert—

“(4A) The second and any subsequent order made under this section may provide for any provision mentioned in subsection (3)(aa) that is included in the order to apply in relation to agreements to which this Act applies that were made at any time before the day on which the order comes into force (as well as in relation to such agreements made on or after that day).”.
- (3) In schedule 1 (agreements under Act)—
 - (a) in paragraph 20, after sub-paragraph (3) insert—

“(4) Sub-paragraph (5) applies where—

 - (a) a notice is served under paragraph 17(1) or 19(1) setting out the owner’s proposal in respect of a new pitch fee,
 - (b) an application is subsequently made to the First-tier Tribunal for Scotland under paragraph 17(4) or 19(3) for an order determining the amount of the new pitch fee, and
 - (c) the First-tier Tribunal for Scotland is satisfied that a portion (“the compensatory portion”) of the new pitch fee proposed by the owner has been calculated to compensate a person for an actual or anticipated financial loss arising as a result of—
 - (i) the change made to paragraph 23(1)(b) by section 61(3)(c) of the Housing (Scotland) Act 2025, or
 - (ii) the substitution of any economic index for the time being mentioned in that paragraph with a different economic index.
- (5) Where this sub-paragraph applies, the compensatory portion of the new pitch fee proposed by the owner must not be included in the amount of any new pitch fee determined by an order of the First-tier Tribunal for Scotland under sub-paragraph (1).”,
- (b) in paragraph 22—
 - (i) in sub-paragraph (1), for paragraph (c) substitute—

“(c) any direct effect of a relevant enactment on the costs payable by the owner in relation to the maintenance or management of that site.”,
 - (ii) after sub-paragraph (1) insert—

“(1A) But no regard is to be had, when determining the amount of the new pitch fee, to any actual or anticipated financial loss arising as a result of—

- (a) the change made to paragraph 23(1)(b) by section 61(3)(c) of the Housing (Scotland) Act 2025, or
- (b) the substitution of any economic index for the time being mentioned in that paragraph with a different economic index.”,

(iii) after sub-paragraph (3) insert—

“(4) In sub-paragraph (1)(c), “relevant enactment” means an enactment, other than an order made under paragraph 8(2), that has come into force since the last review date.”,

(c) in paragraph 23(1)(b), for “retail” substitute “consumer”,

(d) in paragraph 32—

(i) after the definition of “caravan site” insert—

““consumer prices index” means—

- (a) the all items consumer prices index published by the Statistics Board, or
- (b) if that index is not published for a month, any substituted index or figures published by the Board;”,

(ii) the definition of “retail prices index” is repealed.

62 Meaning of “protected site”

- (1) The Mobile Homes Act 1983 is modified as follows.
- (2) In section 5 (interpretation), in subsection (1), in the definition of “protected site”, the words from “does” to “that,” are repealed.

Decisions of the Scottish Housing Regulator: reviews and appeals

63 Decisions of the Scottish Housing Regulator: reviews and appeals

- (1) The Housing (Scotland) Act 2010 is modified as follows.
- (2) After section 67 insert—

“PART 5A

DECISIONS OF THE REGULATOR: REVIEWS AND APPEALS

67A Decisions

This Part applies to a decision by the Regulator—

- (a) not to enter a body in the register under section 23,
- (b) to remove a body from the register under section 27,
- (c) not to remove a body from the register under section 28,
- (d) to issue performance improvement targets in relation to a social landlord under section 34,

- (e) to set financial management or governance targets in relation to a registered social landlord under section 37,
- (f) to arrange under section 44 for a survey of the condition of housing accommodation maintained by a social landlord,
- (g) to publish a report of an inquiry concerning a social landlord under section 46,
- (h) to require a social landlord to submit a performance improvement plan under section 55,
- (i) to specify a particular time by which a social landlord is required to submit such a plan,
- (j) to serve an enforcement notice on a social landlord under section 56,
- (k) to appoint a manager to manage the housing activities of a social landlord, or require a social landlord to appoint such a manager, under section 57,
- (l) to specify that such a manager is to manage the social landlord's housing activities generally or particular aspects of those activities,
- (m) to appoint a manager to manage the financial or other affairs of a registered social landlord, or require a registered social landlord to appoint such a manager, under section 58,
- (n) to specify that such a manager is to manage the registered social landlord's financial or other affairs generally or particular aspects of those affairs,
- (o) to remove an officer of a registered social landlord under section 60,
- (p) to suspend a responsible individual from a registered social landlord under section 61,
- (q) to remove a responsible individual from a registered social landlord under section 62,
- (r) to appoint an individual as an officer of a registered social landlord under section 65,
- (s) to make a direction under section 66 (restrictions on dealings during or following inquiries),
- (t) to make a direction under section 67 (transfer of assets following inquiries).

67B Reviews of decisions

- (1) A person mentioned in section 67D in relation to a decision may, before the end of the period of 10 working days beginning with day on which the person is notified of the decision, request that the Regulator reviews the decision.
- (2) When the Regulator receives a request under subsection (1), it must—
 - (a) review the decision,
 - (b) confirm, vary, reverse or revoke it, and

- (c) give notice of its decision under paragraph (b) to the person who requested the review.
- (3) A notice under subsection (2)(c) must set out the Regulator’s reasons for its decision.
- (4) In subsection (1), “working day” means any day other than—
 - (a) a Saturday or a Sunday, or
 - (b) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971.

67C Appeals to the First-tier Tribunal

- (1) A person mentioned in section 67D in relation to a decision may, before the end of the period of 28 days beginning with the day on which the person is given notice under section 67B(2)(c) in relation to the decision, appeal to the First-tier Tribunal against the decision where the decision has been confirmed (with or without variations) under section 67B(2)(b).
- (2) The First-tier Tribunal may determine an appeal by—
 - (a) confirming the decision,
 - (b) quashing the decision and directing the Regulator to take such other action, if any, as the First-tier Tribunal thinks fit by such time as may be specified in the direction, or
 - (c) remitting the case to the Regulator for reconsideration.
- (3) In this section, “First-tier Tribunal” means the First-tier Tribunal for Scotland.

67D Persons who may request a review or appeal

The person who may request a review under section 67B(1) or appeal under section 67C(1) is—

- (a) in the case of a decision referred to in paragraph (a), (b) or (c) of section 67A, the body,
- (b) in the case of a decision referred to in paragraph (d) or (f) to (l) of that section, the social landlord,
- (c) in the case of a decision referred to in paragraph (e), (m), (n) or (r) to (t) of that section, the registered social landlord,
- (d) in the case of a decision referred to in paragraph (o) to (q) of that section, the individual.

67E Power to make further provision about reviews and appeals

The Scottish Ministers may by regulations—

- (a) modify this Part,
- (b) make such further provision as they consider appropriate in relation to reviews and appeals of decisions by the Regulator.”.

- (3) In section 27 (compulsory de-registration)—
 - (a) in subsection (3), for “removing” substitute “making a decision to remove”,
 - (b) after subsection (3) insert—
 - “(4) A decision to remove a body from the register is of no effect unless—
 - (a) the period within which the body may request a review of the decision under section 67B(1) expires without the body requesting a review, or
 - (b) where the body requests a review, the Regulator confirms the decision (with or without variations) and—
 - (i) the period within which the body may appeal under section 67C(1) expires without the body appealing the decision, or
 - (ii) the body appeals the decision and the appeal has been finally determined or is withdrawn.”.
- (4) Section 29 (appeal against decision on registration or removal) is repealed.
- (5) Section 64 (appeals against suspension or removal) is repealed.
- (6) In section 161 (orders)—
 - (a) after subsection (4) insert—
 - “(5) Regulations under section 67E may make different provision for different purposes.
 - (6) Regulations under section 67E are subject to the affirmative procedure.”,
 - (b) the section title becomes “Orders and regulations”.

Property factors

64 Registration: fit and proper person considerations

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 5 (section 4: considerations)—
 - (a) in subsection (2)(a)—
 - (i) the word “or” immediately following sub-paragraph (ii) is repealed,
 - (ii) after sub-paragraph (iii) insert “or
 - (iv) firearms,”,
 - (b) in subsection (2), after paragraph (a) insert—
 - “(aa) been convicted of a sexual offence within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995,”,
 - (c) in subsection (2)(c), for “the law relating to tenements, property or debt” substitute “—
 - (i) the law relating to housing,
 - (ii) landlord and tenant law,
 - (iii) the law relating to property (including tenements),

(iv) the law relating to debt.”,

(d) after subsection (3) insert—

“(3A) Material falls within this subsection if it shows the extent to which any person mentioned in subsection (1) has—

(a) failed to provide information in accordance with section 14A or 14B(2)(d)(i),

(b) obstructed a person acting in the proper exercise of the person’s functions under sections 14B to 14D,

(c) failed to comply with a requirement made by a person who is so acting.”,

(e) after subsection (4) insert—

“(5) The Scottish Ministers may by regulations modify this section by adding to, removing or varying any material in subsections (2) to (4).

(6) Regulations under subsection (5) are subject to the affirmative procedure.”.

65 Revocation of registration: where property factor no longer exists

(1) The Property Factors (Scotland) Act 2011 is modified as follows.

(2) In section 8 (removal from register)—

(a) in subsection (1), for “or (3)” substitute “, (3) or (3A)”,

(b) after subsection (3) insert—

“(3A) This subsection applies where a property factor is registered by virtue of section 4(4)(a) or (b) and the Scottish Ministers consider that the property factor no longer exists.”,

(c) in subsection (4), after “must” insert “(if possible)”,

(d) in subsection (6), for “or (3)” substitute “, (3) or (3A)”,

(e) in subsection (7)—

(i) after “must”, where it first occurs, insert “(if possible)”,

(ii) the words “and give public notice of the date of removal” are repealed.

66 Removal from register following application

(1) The Property Factors (Scotland) Act 2011 is modified as follows.

(2) After section 8 insert—

“8A Removal from register following application

(1) A registered property factor may apply to the Scottish Ministers to be removed from the register.

(2) The application must be accompanied by a fee of such amount (if any) as the Scottish Ministers may determine.

- (3) The Scottish Ministers must remove a registered property factor from the register if, having considered an application under this section, they are satisfied that—
 - (a) the registered property factor is no longer carrying out the activities of a property factor, and
 - (b) it is otherwise appropriate to remove that property factor from the register.
- (4) The Scottish Ministers must (if possible), as soon as practicable after making their decision under this section, notify the property factor who made the application of—
 - (a) their decision, and
 - (b) either—
 - (i) in the case of a decision to remove the property factor from the register, the date of removal from the register,
 - (ii) in the case of a decision not to remove the property factor from the register, their reasons for that decision.”.
- (3) In section 9 (effect of refusal to enter in register or removal from register)—
 - (a) in subsection (1)—
 - (i) the word “or” immediately following paragraph (b) is repealed,
 - (ii) after paragraph (c) insert “, or
 - (d) remove a property factor from the register under section 8A(3).”,
 - (b) in subsection (3)(a), for “(1)(a), (b), or as the case may be, (c)” substitute “(1)”.

67 Note on register where refusal or removal

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 8A (inserted by section 66) insert—

“Consequences of refusal or removal

8B Note in register following refusal to enter or removal

- (1) If the Scottish Ministers refuse to enter a person in the register under section 4(5), they must, after the date of final refusal, note that fact in the register.
- (2) If the Scottish Ministers remove a person from the register under section 8(1) they must, after the date of final refusal, note that fact in the register.
- (3) For the purposes of this section, the date of final refusal is the later of the date on which—
 - (a) the period mentioned in section 11(2) expires without an appeal being made,
 - (b) where such an appeal has been made, the appeal is finally determined or abandoned.

- (4) Where a fact is noted by virtue of subsection (1) or (2) it must—
 - (a) remain on the register for the period of 3 years beginning with the date on which the Scottish Ministers are required to note it in the register, and
 - (b) be removed from the register at the end of that period.
- (5) But where a person in respect of whom the Scottish Ministers note a fact by virtue of subsection (1) or (2) is subsequently entered in the register before the end of the period mentioned in subsection (4)(a), the Scottish Ministers must remove the fact from the register.”.

68 Property factor registered numbers: inclusion in communications

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) In section 13 (property factor registered numbers)—
 - (a) after subsection (3)(a) insert—
 - “(aa) any other communication in relation to the activities of the property factor, and”,
 - (b) after subsection (7) insert—
 - “(8) In this section, “communication” includes electronic communications sent to or placed on a web page on a website by or on behalf of the registered property factor.”.

69 Monitoring of compliance

- (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) After section 14 insert—

“Monitoring of compliance

14A Power to obtain information

- (1) The Scottish Ministers may, for the purpose of monitoring compliance with the provisions of this Part, serve a notice on a person who appears to be a property factor requiring the person to provide them with information specified in the notice.
- (2) The Scottish Ministers may by regulations make further provision about the requiring of information under subsection (1) and, in particular, may make provision about—
 - (a) the form of the notice and the manner of service,
 - (b) the time within which information must be provided.
- (3) Any requirement for a person to provide information in accordance with a notice under subsection (1) does not have effect to the extent that the person would be entitled to refuse to provide the information in, or for the purposes of, proceedings in a court in Scotland.

14B Power to carry out inspections

- (1) For the purpose of monitoring compliance with the provisions of this Part, an authorised person may carry out an inspection of premises which appear to be being used for the purpose of carrying out the activities of a property factor.
- (2) For the purposes of carrying out the inspection, the authorised person may—
 - (a) enter and inspect the premises,
 - (b) require the production of any book, document, data or record (in whatever form it is held) and inspect it, and take copies of or extracts from it,
 - (c) take possession of any book, document, data or record (in whatever form it is held) which is on the premises and retain it for as long as the authorised person considers necessary,
 - (d) require any person to—
 - (i) give the authorised person such information as the authorised person considers necessary,
 - (ii) afford the authorised person such facilities and assistance as the authorised person considers necessary.
- (3) Any requirement for a person to give information in accordance with subsection (2)(d)(i) does not have effect to the extent that the person would be entitled to refuse to give the information in, or for the purposes of, proceedings in a court in Scotland.
- (4) In this section—

“authorised person” means a person authorised by the Scottish Ministers,

“premises” includes any place and any vehicle, vessel, or moveable structure.

14C Warrants for entry

- (1) A sheriff may by warrant authorise a person to enter premises (if necessary using reasonable force) for the purpose of carrying out an inspection under section 14B.
- (2) A warrant may be granted under subsection (1) only if the sheriff is satisfied by evidence on oath—
 - (a) that there are reasonable grounds for entering the premises in question, and
 - (b) that—
 - (i) entry to the premises has been or is likely to be refused and that notice of the intention to apply for a warrant under this section has been given to the occupier,
 - (ii) a request for entry, or the giving of such notice, would defeat the object of the proposed entry,
 - (iii) the premises are unoccupied, or

- (iv) the occupier is temporarily absent and it might defeat the object of the entry to await the occupier's return.

14D Inspections: supplementary

- (1) A person entering any premises under section 14B(2)(a) or in accordance with a warrant granted under section 14C may take on to the premises such other persons and such equipment as the person considers necessary.
- (2) A right to enter any premises conferred by section 14B(2)(a) may be exercised only at a reasonable time.
- (3) The occupier of the premises concerned must be given at least 24 hours' notice before a person carries out an inspection under section 14B unless the person carrying out the inspection considers that giving such notice would defeat the object of the proposed inspection.
- (4) A person carrying out an inspection under section 14B must, if required to do so, produce written evidence of the person's authorisation to carry out the inspection.
- (5) On leaving any premises which a person is authorised to enter by a warrant granted under section 14C, the person must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as the person found them.
- (6) A person who takes possession of any item under section 14B(2)(c) must leave a statement on the premises from which the item was removed—
 - (a) giving particulars of what has been taken, and
 - (b) stating that the person has taken possession of it.

14E Information and inspection: offence

- (1) It is an offence for a person who has been required to provide information in accordance with section 14A or 14B(2)(d)(i)—
 - (a) without reasonable excuse, to fail or refuse to provide the information,
 - (b) to knowingly or recklessly make any statement in respect of that information which is false or misleading in a material particular.
- (2) It is an offence for a person—
 - (a) to intentionally obstruct a person acting in the proper exercise of the person's functions under sections 14B to 14D,
 - (b) without reasonable excuse, to fail to comply with any requirement made under section 14B(2)(b) or (d)(ii) by a person who is so acting.
- (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

Managers of related properties

70 Power for majority of owners to dismiss and appoint manager

- (1) The Title Conditions (Scotland) Act 2003 is modified as follows.
- (2) In section 64 (overriding power to dismiss and appoint manager), in subsection (1), for “two thirds” substitute “a majority”.

Fuel poverty

71 Fuel poverty strategy: consultation

- (1) The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 is modified as follows.
- (2) In section 7 (consultation on strategy)—
 - (a) in subsection (1), after “preparing” insert “or reviewing”,
 - (b) after subsection (3) insert—

“(3A) For the purpose of subsection (2), the duty to consult the persons mentioned in paragraph (a), (c), (d), (e) or (f) may be met by consulting persons who appear to the Scottish Ministers to represent the interests of the persons mentioned in any of those paragraphs.”.

72 Periodic reports: periods, consultation and publication etc.

- (1) The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 is modified as follows.
- (2) In section 10 (consultation on periodic reports), in subsection (2), paragraphs (a) to (f) are repealed.
- (3) In section 11 (publication and laying of periodic reports), for “before the end of the financial year in which” substitute “within the period of 6 months beginning with the day after”.

73 Advisory panel: removal of funding cap

- (1) The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 is modified as follows.
- (2) In section 15 (funding of the Scottish Fuel Poverty Advisory Panel)—
 - (a) in subsection (1), the words “Subject to subsection (2),” are repealed,
 - (b) subsections (2) to (6) are repealed.

New homes ombudsman

74 Disclosure of information to new homes ombudsman

- (1) The Scottish Public Services Ombudsman Act 2002 is modified as follows.
- (2) In schedule 5 (which specifies persons or bodies to whom the Ombudsman in certain circumstances may disclose information in relation to certain matters), after the entry relating to Social Care and Social Work Improvement Scotland insert—

“the new homes ombudsman	A matter in respect of which the new homes ombudsman could exercise any function conferred by the new homes ombudsman scheme (see section 136 of the Building Safety Act 2022)”.
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Council tax

75 Variation of council tax for unoccupied dwellings

- (1) The Local Government in Scotland Act 2003 is modified as follows.
- (2) In section 33—
 - (a) subsection (1A) is repealed,
 - (b) in subsection (4), paragraph (a) is repealed,
 - (c) after subsection (4) insert—

“(4A) If regulations under subsection (1) confer on local authorities a power under subsection (2)(b)(ii), the regulations may provide that, in exercising the power, a local authority must have regard to any guidance issued by the Scottish Ministers about the exercise of the power.”.

76 Review of council tax arrears: joint and several liability

- (1) The Scottish Ministers must carry out a review of the impact of joint and several liability for council tax arrears on those who have experienced, or are experiencing, domestic abuse.
- (2) The review must be completed no later than the end of the period of one year beginning with the day of Royal Assent.
- (3) On completing the review, the Scottish Ministers must—
 - (a) lay a report on the review before the Scottish Parliament,
 - (b) publish the report in such manner as they consider appropriate.
- (4) The report under subsection (3) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.
- (5) In this section, “domestic abuse” means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act).

77 Review of classification of properties

- (1) The Scottish Ministers must carry out a review of the process for determining whether particular lands and heritages (or parts of them) fall within the class of self-catering holiday accommodation that is excluded from the definition of dwelling in section 72(2) of the Local Government Finance Act 1992 (dwellings chargeable to council tax).
- (2) The review must be completed no later than the end of the period of two years beginning with the day of Royal Assent.

- (3) The review under subsection (1)—
 - (a) must include the manner in which any such determination is communicated, and
 - (b) may include such other matters as the Scottish Ministers consider appropriate.
- (4) On completing the review, the Scottish Ministers must—
 - (a) lay a report on the review before the Scottish Parliament,
 - (b) publish the report in such manner as they consider appropriate.
- (5) The report under subsection (4) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.
- (6) In subsection (1), “class of self-catering holiday accommodation” means the class of lands and heritages described as self-catering holiday accommodation that is prescribed as such by regulations under section 72(4) of the Local Government Finance Act 1992.

Housing revenue accounts

78 Transfer of funds into housing revenue account

- (1) The Housing (Scotland) Act 1987 is modified as follows.
- (2) In schedule 15 (the housing revenue account)—
 - (a) in paragraph 2(1)(h), for “except” substitute “including”,
 - (b) in paragraph 2(5), the words “, with the consent of the Secretary of State,” are repealed.

Housing emergency

79 Power to make provision about the declaration of a national housing emergency

- (1) The Scottish Ministers may by regulations make provision for or in connection with the declaration of a national housing emergency by the Scottish Ministers.
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) the meaning of a national housing emergency for the purpose of the regulations,
 - (b) the circumstances in which a national housing emergency may or must be declared by the Scottish Ministers,
 - (c) the effect of declaring a national housing emergency, including any action that may or must be taken by the Scottish Ministers following such a declaration,
 - (d) the conferral of powers on the Scottish Ministers to obtain information for the purpose of, or in connection with, enabling or assisting the Scottish Ministers in taking any such action,
 - (e) the enforcement of these powers,
 - (f) the circumstances in which a national housing emergency that has been declared ceases to apply.
- (3) The Scottish Ministers must, before the end of the period of 18 months beginning with the day on which subsection (1) comes into force, lay before the Scottish Parliament a draft Scottish statutory instrument containing the first regulations under that subsection.

80 Guidance for local authorities about a local housing emergency

- (1) The Scottish Ministers may issue guidance to local authorities about the declaration of a local housing emergency by a local authority.
- (2) The guidance may, in particular, include provision about—
 - (a) the meaning of a local housing emergency,
 - (b) the circumstances in which a local housing emergency may be declared by a local authority,
 - (c) the effect of a local authority declaring a local housing emergency, including any action that may be taken by the local authority following such a declaration,
 - (d) the circumstances in which a local housing emergency that has been declared ceases to apply, and
 - (e) any other matter relating to a local housing emergency as the Scottish Ministers consider appropriate.
- (3) A local authority must, in the exercise of its functions in relation to housing, have regard any guidance issued under subsection (1).
- (4) Before issuing any guidance under subsection (1), the Scottish Ministers—
 - (a) must consult local authorities, and
 - (b) may consult any other person they consider appropriate.
- (5) The Scottish Ministers must publish any guidance issued under subsection (1) in such manner as they consider appropriate.

PART 7

IMPACT ASSESSMENT

81 Rural impact assessment

- (1) The Scottish Ministers must, no later than 12 months after Royal Assent, conduct an impact assessment of the provisions of this Act on rural and island communities.
- (2) On completing the impact assessment, the Scottish Ministers must—
 - (a) lay a report on the impact assessment before the Scottish Parliament,
 - (b) publish the report in such manner as they consider appropriate.
- (3) The report under subsection (2) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of conducting the impact assessment.

PART 8

FINAL PROVISIONS

82 Regulations

- (1) Any power of the Scottish Ministers to make regulations under this Act includes power to make different provision for different purposes or areas.
- (2) Regulations under section 1(3) or (4) are subject to the negative procedure.

- (3) Regulations under section 9(1), 13(1), 14(10) or (11), 19(1), (5) or (6), 20(1) or 79(1) are subject to the affirmative procedure.
- (4) This section does not apply to regulations under section 86(2).

83 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).
- (3) Regulations under subsection (1)—
 - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
 - (b) otherwise, are subject to the negative procedure.

84 Interpretation

In this Act—

“the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,
“First-tier Tribunal” means the First-tier Tribunal for Scotland,
“private residential tenancy” means a private residential tenancy under the 2016 Act.

85 Minor and consequential modifications

The schedule contains minor and consequential modifications of enactments.

86 Commencement

- (1) This Part, except for section 85, comes into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) But if any provision of Part 5 is not in force before the end of the period of 3 years beginning with the day after Royal Assent, the provision comes into force on the day after the end of that period.
- (4) Regulations under subsection (2) may—
 - (a) include transitional, transitory or saving provision,
 - (b) make different provision for different purposes.

87 Short title

The short title of this Act is the Housing (Scotland) Act 2025.

SCHEDULE
(introduced by section 85)

MINOR AND CONSEQUENTIAL MODIFICATIONS OF ENACTMENTS

Rent (Scotland) Act 1984

- 1 (1) The Rent (Scotland) Act 1984 is modified as follows.
- (2) In section 89A (premiums: regulations), after subsection (4) insert—
 - “(4A) Regulations under subsection (1) may—
 - (a) include incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) modify any enactment (including this Act).”.

Housing (Scotland) Act 1988

- 2 (1) The Housing (Scotland) Act 1988 is modified as follows.
- (2) In section 53 (orders and regulations), in subsection (2), after “18(4A)(b)” insert “, 20A(6) or 37(5)”.

Housing (Scotland) Act 2001

- 3 (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In section 109 (orders and regulations)—
 - (a) after subsection (2) insert—
 - “(2A) Regulations under paragraph 8B of schedule 5 prescribing requirements that must be fulfilled by, respectively, an application or an intimation may in particular require that it—
 - (a) contain information specified in the regulations,
 - (b) be in a form specified in the regulations,
 - (c) be given in a manner specified in the regulations.”,
 - (b) in subsection (4), after “16(5A)(c)” insert “, 16A(6), 31B(1), 31C(1), 36A(6)”,
 - (c) in subsection (6), after “7(3)” insert “, 16A(6), 31B(1), 31C(1) or 36A(6)”.
 - (3) In the title of schedule 5, after “ALTERATIONS” insert “, KEEPING PETS”.

Housing (Scotland) Act 2006

- 4 (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) In section 182(2)(b) (warrants authorising entry), in sub-paragraph (vi), the word “that” is repealed.

Property Factors (Scotland) Act 2011

- 5 (1) The Property Factors (Scotland) Act 2011 is modified as follows.
- (2) The title of section 8 (removal from register) becomes “**Revocation of registration**”.

- (3) In section 9 (effect of refusal to enter in register or removal from register), in subsection (3), for “give public” substitute “publish in such manner as they think fit a”.
- (4) In section 15 (service of notices etc.), subsection (3) is repealed.
- (5) In section 30 (orders and regulations), in subsection (3), after “33(2)” insert “or regulations under section 5(5)”.

Housing (Scotland) Act 2014

- 6 (1) The Housing (Scotland) Act 2014 is modified as follows.
- (2) In section 36 (letting agent registration number), in subsection (3)(b), the word “operated” is repealed.

Private Housing (Tenancies) (Scotland) Act 2016

- 7 (1) The 2016 Act is modified as follows.
- (2) In section 24 (tenant’s right to refer increase to rent officer)—
 - (a) subsection (2) is repealed,
 - (b) in subsection (3)(d), for “21” substitute “30”.
- (3) Chapter 3 (rent pressure zones) of Part 4 is repealed.
- (4) In section 73(2) (minor errors in documents)—
 - (a) in paragraph (a)—
 - (i) for “or” insert “, 43L(1),”,
 - (ii) after “61(1)” insert “, 64B(2), 64C(2), 64I(2) or 64J(2)”,
 - (b) in paragraph (b), after “24(1)” insert “or 43N(2)”,
 - (c) paragraph (c) and the word “and” that immediately follows that paragraph are repealed,
 - (d) after paragraph (c) insert—
 - “(ca) the document by which a request for review is made to a rent officer under section 43Q(1),
 - (cb) the document by which a request is made for the landlord’s consent under section 64B(1) or 64I(1), and”.
- (5) In section 76 (ancillary regulations), after subsection (1) insert—
 - “(1A) Regulations under subsection (1) may modify any enactment (including this Act).”.
- (6) In section 77 (regulation-making powers)—
 - (a) in subsection (1), after “purposes” insert “or areas”,
 - (b) in subsection (2)—
 - (i) after “22(2)(b)” insert “, 43L(3)(b), 48A(3)(c)”,
 - (ii) for “or 62(1)(d)” substitute “, 62(1)(d), 64B(1)(b) or (3)(d), 64C(3), 64I(1)(b) or (3)(d) or 64J(3)”,

- (iii) after “by a notice” insert “, pre-notice or request (as the case may be)”,
- (c) in subsection (3)—
 - (i) after “12” insert “, 17A(6), 17D(1), 19(1)(a)”,
 - (ii) for “and 41” substitute “, 41, 43B(4), 43E(1) or (2), 43I(1)(b)(i), 43W(1), 48A(5) and (6), 51A(6), 59(5), 64E(1), 64F(1), 64L(1), 64M(1), 64N(1)”,
 - (iii) after “schedule 3” insert “and paragraph 6(1) of schedule 5”,
- (d) in subsection (4)—
 - (i) after “43” insert “, 43L(3)(b), 43N(3), 43Q(2)(b), 43S(4)(a), 48A(1)(b)(ii) and (c)(ii)(B), 48A(3)(c)”,
 - (ii) for “and 62” substitute “, 62, 64B(1)(b), 64B(3)(d), 64C(3), 64I(1)(b) and (3)(d) and 64J(3)”.
- (7) In section 78 (interpretation), in subsection (1)—
 - (a) after the opening words insert—

““the 2025 Act” means the Housing (Scotland) Act 2025,”,
 - (b) after the definition of “rent” insert—

““rent control area” means an area that is designated as a rent control area by regulations under section 9(1) of the 2025 Act,”,
 - (c) for the definition of “rent-increase notice” substitute—

““rent-increase notice”, except where stated otherwise, has—

 - (a) in Chapter 2 of Part 4, the meaning given by section 22(1),
 - (b) in Chapter 2 of Part 4A, the meaning given by section 43L(1).”.
- (8) In schedule 2 (statutory terms required by section 8), in paragraph 2, for “in accordance with Chapter 2 of Part 4” substitute “—
 - (a) in accordance with Chapter 2 of Part 4 if the let property—
 - (i) is not in a rent control area, or
 - (ii) is in a rent control area but it is an exempt property within the meaning given by section 17D(1),
 - (b) in accordance with Chapter 2 of Part 4A if the let property—
 - (i) is in a rent control area, and
 - (ii) is not an exempt property as mentioned in sub-paragraph (a)(ii).”.



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