



Cost of Living (Tenant Protection) (Scotland) Act 2022

2022 asp 10

PART 2

PART 1: SUPPORTING PROVISIONS

9 Reports by the Scottish Ministers on status of Part 1 provisions

- (1) The Scottish Ministers must, in respect of each reporting period—
 - (a) undertake a review of the operation of the provisions of [Part 1](#) with a view to considering whether those provisions remain necessary and proportionate in connection with the cost of living, and
 - (b) prepare a report on that review.
- (2) A report prepared under [subsection \(1\)](#) must—
 - (a) set out how any powers conferred by the provisions of [Part 1](#) have been exercised,
 - (b) set out the steps the Scottish Ministers have taken to meet the requirements in [section 3](#), and
 - (c) include—
 - (i) the status of the provisions of [Part 1](#) (whether or not any power under a provision has been exercised), and
 - (ii) a statement that the Scottish Ministers are satisfied that the status of those provisions is appropriate.
- (3) Before Scottish Ministers prepare a report of a review under [subsection \(1\)](#), the Scottish Ministers—
 - (a) must consult—
 - (i) such persons as appear to them to represent the interests of tenants and landlords that may be affected by the provisions of [Part 1](#),
 - (ii) local authorities,
 - (b) may consult any other person they consider appropriate.

Changes to legislation: There are currently no known outstanding effects for the Cost of Living (Tenant Protection) (Scotland) Act 2022, Section 9. (See end of Document for details)

- (4) A review under this section must include a summary of how the views of those consulted under subsection (3) were taken into account by the Scottish Ministers in finalising their report.
- (5) The references in [subsection \(2\)](#) to the “status” of a provision are to—
- (a) whether the provision is in force at the end of the reporting period, and
 - (b) whether any power under the following provisions has been exercised by the Scottish Ministers in relation to it during that period (and, if so, how)—
 - (i) [section 6](#) (power to suspend or revive provisions),
 - (ii) [section 8](#) (power to bring forward expiry).
- (6) Each of the following is a “reporting period”—
- (a) the period beginning with the day after Royal Assent and ending on 31 December 2022,
 - (b) each successive period of 3 months that ends during the period before [Part 1](#) of this Act expires by virtue of [section 7\(1\)](#) or [8\(1\)](#) up to and including 31 December 2023.
- (7) In the report in respect of the period ending 31 December 2022, the Scottish Ministers must, in considering the application of the permitted rate (within the meaning of [section 24A\(1\)](#) of the Housing (Scotland) Act 2001) of 0%, explain whether they propose to—
- (a) retain the permitted rate at 0%,
 - (b) increase the permitted rate,
 - (c) make regulations under [section 8\(1\)](#) to provide for the expiry of paragraph 3 of [schedule 1](#), or
 - (d) make regulations under [section 6\(1\)](#) to suspend the operation of that paragraph.
- (8) [Subsection \(1\)](#) does not apply in respect of a reporting period if, during the reporting period, the Scottish Ministers are required under [section 7\(6\)](#) to lay before the Scottish Parliament a statement of their reasons why regulations should be made under that section.
- (9) Where the Scottish Ministers are required to prepare a report under [subsection \(1\)](#) in respect of a reporting period, they must lay the report before the Scottish Parliament no later than 14 days after the end of the reporting period.

Commencement Information

II S. 9 in force at 28.10.2022, see [s. 13\(1\)](#)

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