

**2025 No. 355 (C. 27)**

**HOUSING**

**The Housing (Scotland) Act 2025 (Commencement No. 1)  
Regulations 2025**

*Made* - - - - - *18th November 2025*  
*Laid before the Scottish Parliament* *20th November 2025*  
*Coming into force* - - *5th December 2025*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 86(2) of the Housing (Scotland) Act 2025(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing (Scotland) Act 2025 (Commencement No. 1) Regulations 2025 and come into force on 5 December 2025.

(2) In these Regulations—

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

“the 2025 Act” means the Housing (Scotland) Act 2025.

**Appointed day - Qualifying repairs and tolerable standard**

2. 6 December 2025 is the day appointed for the coming into force of the following provisions of the 2025 Act—

(a) section 46 (social landlords: qualifying repairs),

(b) section 47 (tolerable standard: damp).

**Appointed day - Rent control exemptions**

3. 7 January 2026 is the day appointed for the coming into force of the following provisions of the 2025 Act—

(a) section 23(3) (setting and variation of rent), but only for the purpose of inserting section 17D into the 2016 Act,

(b) section 85 (minor and consequential modifications), but only for the purpose of commencing paragraph 7(6)(c)(i) of the schedule in accordance with paragraph (c),

---

(a) 2025 asp 13.

(b) 2016 asp 19.

- (c) paragraph 7(6)(c)(i) of the schedule, but only for the purpose of inserting “, 17D(1)” into section 77(3) of the 2016 Act.

St Andrews House  
Edinburgh  
18th November 2025

*MAIRI MCALLAN*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force certain provisions of the Housing (Scotland) Act 2025 (“2025 Act”).

Regulation 2(a) brings section 46 (Social landlord: qualifying repairs) of the 2025 Act into force on 6 December 2025. Section 46 amends section 27 of the Housing (Scotland) Act 2001 to enable the Scottish Ministers to make provision, via regulations, for or in connection with timescales for the inspection and commencement of repairs in social tenancies, and compensation for, and appeals against, a failure to comply with a requirement of the regulations.

Regulation 2(b) brings section 47 (Tolerable standard: damp and mould) of the 2025 Act into force on 6 December 2025. Section 47 amends section 86 of the Housing (Scotland) Act 1987 to enable the Scottish Ministers to issue guidance to specify the circumstances in which a house is to be considered to be substantially free from rising or penetrating damp.

Regulation 3(a) brings section 23(3) (setting and variation of rent) of the 2025 Act into force on 7 January 2026, but only for the purposes of inserting section 17D into the 2016 Act. Section 17D provides that, for the purposes of Parts 4 and 4A of the 2016 Act, “exempt property” means a property that is described in regulations by the Scottish Ministers and confirmed as being of that description in accordance with processes specified in the regulations. These Regulations enable the Scottish Ministers to make regulations under section 17D.

Regulation 3(b) and (c) bring section 85 (minor and consequential modifications) and paragraph 7(6)(c)(ii) of the schedule of the 2025 Act into force on 7 January 2026 but only for the purposes of inserting a reference to section 17D into section 77(3) of the 2016 Act. This will ensure that regulations made under section 17D are subject to affirmative procedure.

---

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King’s Printer for Scotland.

£6.40

<http://www.legislation.gov.uk/id/ssi/2025/355>

ISBN 978-0-11-106428-3



9 780111 064283