POLICY NOTE

THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND PROPERTY CHAMBER (PROCEDURE) AMENDMENT REGULATIONS 2026

SSI 2026/288

1. The above instrument was made in exercise of the powers conferred by paragraphs 4(2) and 5 of schedule 9 of the Tribunals (Scotland) Act 2014 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

This instrument amends the procedural rules of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide a process for applications made under sections 16 and 17 of the Housing (Scotland) Act 2025. These applications relate to failure to provide rent information, or the provision of materially false rent information, following a request from a local authority or the Scottish Ministers.

Policy Objectives

2. Part 1 of the Housing (Scotland) Act 2025 ("the 2025 Act") establishes a long-term system of rent control in Scotland. As part of that system, local authorities and the Scottish Ministers have powers to request information from landlords and other information holders about rents and related matters to support the assessment and operation of rent control areas.

3. Sections 16 and 17 of the 2025 Act provide for applications to be made to the First-tier Tribunal for Scotland (Housing and Property Chamber) where an information holder has, without reasonable excuse, failed to provide information requested under the 2025 Act, or has provided information that they knew to be materially false.

4. While the 2025 Act establishes the circumstances in which such applications may be made, procedural provision is required to enable the First-tier Tribunal to receive, consider and determine those applications. This instrument amends the procedural rules of the First-tier Tribunal for Scotland (Housing and Property Chamber) to establish the process for applications under sections 16 and 17 of the 2025 Act, including the information and documentation that must accompany an application.

5. The policy objective of the instrument is to ensure that an effective tribunal process is in place to support the operation and enforcement of the rent information provisions within the Housing (Scotland) Act 2025.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

6. The Scottish Ministers have made the following statement regarding children's rights.

7. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 ("the 2024 Act"), the Scottish Ministers certify that, in their view, the First-tier Tribunal for Scotland Housing and Property

Chamber (Procedure) Amendment Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the 2024 Act.

EU Alignment Consideration

8. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

9. In accordance with paragraph 4(3) of schedule 9 of the Tribunals (Scotland) Act 2014, the President of the Scottish Tribunals has been consulted on these regulations.

10. In a response dated 27 August 2026, the President of the Scottish Tribunals confirmed that she had no specific concerns regarding the proposed amendments. The response noted the importance of ensuring that comprehensive information is provided with applications and highlighted potential resource implications associated with implementation and any increase in caseload.

11. As the consultation did not identify any issues requiring changes to the policy approach, the instrument has been taken forward as proposed.

Impact Assessments

12. A Children's Rights and Wellbeing Impact Assessment and Statement of Compatibility have been prepared for this instrument.

13. Following an Article 36(4) enquiry form to the Information Commissioner Scotland, it was confirmed no further engagement was required.

14. The instrument makes procedural amendments to the rules of the First-tier Tribunal for Scotland Housing and Property Chamber to support the operation of sections 16 and 17 of the Housing (Scotland) Act 2025. It does not create any new substantive policy, powers, duties or sanctions beyond those established by the 2025 Act.

15. The impacts associated with these provisions were considered as part of the development of the Housing (Scotland) Bill and were reflected in the impact assessments prepared for that legislation. As this instrument makes only procedural provision to support the implementation of those existing statutory powers, no further impact assessments were considered necessary.

Financial Effects

16. The financial impacts of this new tribunal process were assessed as part of the BRIA for the Housing (Scotland) Act 2025. It is considered that there will be minimal impacts on business, as we anticipate only a small number of extra applications to the tribunal as a result of this new provision.

Scottish Government
Communities and External Affairs Directorate
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