

EXPLANATORY NOTES

Housing (Scotland) Act 2025 (asp 13)

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These notes relate to the Housing (Scotland) Act 2025 (asp 13)
which received Royal Assent on 6 November 2025

HOUSING (SCOTLAND) ACT 2025

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Housing (Scotland) Act 2025. They do not form part of the Act and have not been endorsed by the Parliament.

2. These Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

INTERPRETATION

3. In these notes, the following abbreviations are used—

- "1984 Act" means the Rent (Scotland) Act 1984,
- "1987 Act" means the Housing (Scotland) Act 1987,
- "1988 Act" means the Housing (Scotland) Act 1988,
- "2001 Act" means the Housing (Scotland) Act 2001,
- "2006 Act" means the Housing (Scotland) Act 2006,
- "2010 Act" means the Housing (Scotland) Act 2010,
- "2011 Act" means the Property Factors (Scotland) Act 2011,
- "2014 Act" means the Housing (Scotland) Act 2014,
- "2016 Act" means the Private Housing (Tenancies) (Scotland) Act 2016,
- "2025 Act" (and "the Act") means the Housing (Scotland) Act 2025,
- "assured tenancy" has the meaning it has under the 1988 Act,
- "PRT" means a private residential tenancy under the 2016 Act (and the expressions "private residential tenancies" and "PRTs" refer generally to such tenancies),
- "rent control area" means an area designated under section 9 of the 2025 Act,
- "Scottish secure tenancy" has the meaning it has under the 2001 Act,
- "the Tribunal" means the First-tier Tribunal for Scotland.

4. The 2025 Act's freestanding text (that is, any provision which does not amend the text of another piece of legislation) is to be interpreted in accordance with the Interpretation and Legislative Reform (Scotland) Act 2010. Among other things, this provides default definitions

for certain expressions (such as "document", "functions", "enactment", "local authority", "modify", "person" and "writing"). It also sets out default rules for common situations (such as when something is to be treated as arriving when it is sent by post).

5. Text that the 2025 Act inserts into other legislation is to be interpreted in accordance with the interpretation legislation that applies to that legislation. For example—

- text inserted into the 1984 Act, the 1987 Act or the 1988 Act is to be interpreted in accordance with the Interpretation Act 1978,
- text inserted into the 2001 Act or the 2006 Act is to be interpreted in accordance with the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999,
- text inserted into the 2014 Act or the 2016 Act is to be interpreted in accordance with the Interpretation and Legislative Reform (Scotland) Act 2010.

THE ACT

6. The 2025 Act has 8 Parts.

7. Part 1 makes provision about rent including the designation of rent control areas.

8. Part 2 makes provision about dealing with evictions (including whether to delay them), the amount of damages that may be payable for unlawful evictions, the review of eviction grounds, and the amount of payments that may be payable for wrongful termination.

9. Part 3 makes provision about residential tenants keeping pets and making changes to let property.

10. Part 4 makes provision about other matters relating to tenants including unclaimed tenancy deposits, registration of letting agents etc., ending joint tenancies, ending student tenancies, qualifying repairs by social landlords, guidance in relation to the tolerable standard, qualifying periods for succession to private residential tenancies and Scottish secure tenancies, delivery of notices by social landlords and converting assured tenancies into private residential tenancies.

11. Part 5 makes provision about homelessness prevention including duties of relevant bodies, assessment of housing support services, supporting tenants affected by domestic abuse, and reports on the use of Housing First tenancies.

12. Part 6 makes provision about other housing matters including mobile homes, reviews and appeals in relation to decisions of the Scottish Housing Regulator, property factors, managers of related properties, fuel poverty, disclosure of information to the new homes ombudsman, council tax, transfer of funds to housing revenue accounts of local authorities, and housing emergencies.

13. Part 7 makes provision about assessing the impact of the 2025 Act on rural and island communities.

14. Part 8 makes provision about commencement and other ancillary matters.

CROWN APPLICATION

15. Section 20 of the Interpretation and Legislative Reform (Scotland) Act 2010 provides that the Crown will be bound by an Act of the Scottish Parliament or Scottish statutory instrument unless the provision expressly exempts it. As such, the freestanding provisions in the 2025 Act (that is, any provision which does not amend the text of another piece of legislation) apply to the Crown in the same way as they apply to everyone else. However, where a provision of the 2025 Act amends the text of another piece of legislation, the 2025 Act does not change how the provision of the other piece of legislation (as textually amended by the 2025 Act) applies to the Crown.

PART 1 – RENT

Chapter 1 – Designation of rent control areas

16. This Chapter makes provision for the designation of rent control areas within the areas of local authorities.

Rent conditions: assessments and reports

Section 1 - Periodic assessment of rent conditions

17. This section imposes a duty on each local authority to carry out an assessment of rent conditions in its area relating to the level of rent, the rate of increase in rent under relevant tenancies of properties in its area (see the definition of "relevant tenancy" in subsection (5)), and the impact that this level of rent and rate of increase in rent has on properties, tenants and landlords in rural areas. Following an assessment of rent conditions in their area, local authorities are required to submit a report to the Scottish Ministers. The first report by each local authority is to be submitted by no later than 31 May 2027 and each subsequent report is to be submitted to the Scottish Ministers at 5-yearly intervals after that. These time periods may be amended by regulations (see subsections (3) and (4)). Local authorities must have regard to any guidance issued by the Scottish Ministers when carrying out an assessment of rent conditions (see section 6(6)).

Section 2 - Reports to Scottish Ministers following periodic assessment

18. This section specifies further detail in relation to the periodic reports that must be prepared by a local authority and submitted to the Scottish Ministers under section 1(1) after it has carried out an assessment of rent conditions in relation to relevant tenancies of properties in its area.

19. The report must set out details of the assessment carried out regardless of whether the local authority recommends that all or part (or parts) of its area should become a rent control area. A rent control area is created by being designated as a rent control area by regulations made by the Scottish Ministers under section 9(1) – see the definition of "rent control area" in section 2(5).

20. Where a local authority recommends that an area is designated as a rent control area, it must set out the reasons for making the recommendation (see subsection (1)(b)(ii)) and include in its report a plan of the area identifying its boundary (see subsection (4)). Where it

recommends that part of its area should be designated, it may (if it considers it appropriate) specify the part by reference to a street, all or part of an electoral ward, or another appropriate existing boundary.

21. A local authority may only recommend that an area should become a rent control area if it is of the opinion that measures to control the amount of rent increases under PRTs of properties in the area are necessary to protect the social and economic interests of tenants in the area (see subsection (2)). PRTs would include any future PRT that, whilst currently an assured tenancy, might at some point be converted into a PRT using the discretionary power in new paragraph 6 of schedule 5 of the 2016 Act (see Notes below on section 51 of the 2025 Act).

Consideration of rent conditions reports

Section 3 - Interim assessment and reports by local authority

22. This section applies where a local authority considers that there has been a significant change in the level of rents, or rate of increase in rents, under relevant tenancies in its area since the submission of its most recent report to the Scottish Ministers under section 1(1). In this case, the local authority may carry out an additional interim assessment of rent conditions in its area (see subsection (2)), and it must inform the Scottish Ministers if it is carrying out an interim assessment of rent conditions (see subsection (3)). In addition, if the Scottish Ministers consider that there has been a significant change in the level of rents, or the rate of increase in rents, under relevant tenancies of properties in the area of a local authority since the local authority submitted its most recent report under section 1(1), the Scottish Ministers may direct the local authority under subsection (5) to carry out an interim assessment of rent conditions of the level of rents or the rate of increase in rents (or both) in its area.

23. After carrying out an interim assessment of rent conditions, the local authority must submit an additional report relating to the interim assessment to the Scottish Ministers as soon as reasonably practicable after completing the assessment or, where the local authority was directed to carry out the assessment by the Scottish Ministers, within any time limit specified in the Scottish Ministers' direction (see subsections (6) and (7)).

24. In carrying out an interim assessment of rent conditions and preparing the follow-up report, a local authority must have regard to any guidance issued by the Scottish Ministers (see sections 6 and 7).

Section 4 - Scottish Ministers to review local authority report

25. This section requires the Scottish Ministers to consider a report received from a local authority following a periodic assessment of rent conditions (under section 1(1)) or a report received from a local authority following an interim assessment of rent conditions (under section 3(6) or (7)) as soon as reasonably practicable after it is received.

Section 5 - Further assessment of rent conditions and report by local authority

26. This section allows the Scottish Ministers (under subsection (2)) to direct a local authority to carry out a further assessment of rent conditions and submit a further report to them where Ministers consider that a local authority's periodic or interim assessment of rent conditions is inadequate, or that the local authority did not follow Ministers' guidance in carrying out the assessment or preparing its subsequent report.

Ministerial guidance on local authority assessments and reports

Section 6 - Ministerial guidance on assessments of rent conditions

27. This section provides that the Scottish Ministers may issue guidance to local authorities which local authorities must have regard to when they are carrying out an assessment of rent conditions (see section 1(5)). Subsection (2) sets out some illustrative examples of the kind of things that may be included in the guidance. Subsection (3) requires the Scottish Ministers to consult with (a) local authorities, (b) persons representing the interest of tenants and landlords, and (c) persons representing the interests of rural communities, before issuing guidance. Subsection (5) requires the Scottish Ministers to publish any such guidance.

Section 7 - Ministerial guidance on reports following assessments of rent conditions

28. Under this section the Scottish Ministers must issue guidance to local authorities which local authorities must have regard to when preparing reports (following their assessment of rent conditions) under sections 1(1), 3(6) and (7) and 5(2). The first guidance about reports to be prepared under each provision must be issued within 9 months of the provision in question coming into force. Subsection (3) sets out some illustrative examples of the kind of things that may be included in the guidance. Subsection (4) requires the Scottish Ministers to consult with local authorities and persons representing the interest of tenants and landlords before issuing guidance. Subsection (6) requires the Scottish Ministers to publish any such guidance.

Ministers' decision on whether to designate rent control area

Section 8 - Scottish Ministers' duty to report

29. Following receipt of a report on rent conditions from a local authority under section 1(1) or section 3(6) or (7), or following a direction given under section 5(2), the Scottish Ministers must decide under subsection (1) whether all or part of the area of a local authority should become a rent control area and be designated as such by regulations made under section 9(1). Subsection (1) requires the Scottish Ministers to prepare and publish a report stating their decision and the reasons for it. The Scottish Ministers must publish their report as soon as reasonably practicable after receipt of the relevant local authority report and publish their report in an appropriate manner.

Section 9 - Power to designate rent control area

30. Having received a report following a periodic assessment of rent conditions (under section 1(1)), an interim assessment of rent conditions (under section 3(2) or (5)) or a further assessment of rent conditions (under section 5(2)) from a local authority, the Scottish Ministers may, by regulations made under section 9(1), designate all or part (or parts) of the area of the local authority as a rent control area. But the Scottish Ministers may only designate an area as a rent control area if they are satisfied that restricting the rate of increase in rent payable under PRTs of properties in the area is both necessary and proportionate for the purpose of protecting the social and economic interests of tenants in the area, and is a necessary and proportionate control of landlords' use of their property in the area (see subsection (2)).

31. Any regulations made under subsection (1) may remain in force for a maximum of 5 years (but new regulations may be made covering that area if considered appropriate by the Scottish Ministers under further regulations made in exercise of the power conferred by subsection (1)). Regulations under subsection (1) may not be made by the Scottish Ministers

unless a draft of them has been laid before, and approved by, the Scottish Parliament in accordance with the affirmative procedure under section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (see section 82(3)).

Section 10 - Designation of rent control area: consultation

32. Before designating an area as a rent control area by regulations under section 9(1), this section requires the Scottish Ministers to consult with the affected local authority (within whose area the proposed rent control area is situated) and persons who appear to the Scottish Ministers to represent the interests of landlords and tenants in the area and allow 8 weeks for representations to be made in response to the consultation (see subsections (1) and (2)(b)). Any draft regulations under section 9(1) must be accompanied by a report for the Scottish Parliament setting out the Scottish Ministers' reasons for proposing the rent control area, together with a description of the consultation carried out and any representations received in response to the consultation.

Section 11 - Duty to keep rent control area under review

33. This section requires the Scottish Ministers to keep under review the designation and size of each rent control area designated by existing regulations under section 9(1). Subsection (2) requires Ministers to lay draft regulations to revoke or vary the existing regulations if they consider that it is no longer necessary or proportionate to designate all or part of a rent control area.

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

34. This section requires the Scottish Ministers to consult with the affected local authority and persons representative of landlords and tenants in the area of the local authority before laying draft regulations to reduce the size of a rent control area as set out in regulations under section 9(1) and allow 8 weeks for representations to be made in response to the consultation (see subsection (2)).

35. Any draft regulations under section 9(1) must be accompanied by a report for the Scottish Parliament setting out the Scottish Ministers' reasons why they consider that the size of the rent control area should be reduced, together with a description of the consultation carried out and any representations received in response to the consultation (see subsection (3)).

Properties subject to modified restrictions

Section 13 - Properties subject to modified rent control area restrictions

36. Subsection (1) confers a power on the Scottish Ministers to, by regulations, provide that landlords of certain properties let under a PRT of a specified property in a rent control area may increase the rent payable under the tenancy by more than the "permitted rate", or may do so but only with permission (from, say, a rent officer or the Tribunal). The "permitted rate" has the meaning given by section 43D of the 2016 Act (see Notes below on section 23 of the 2025 Act, in as far as it inserts section 43D into the 2016 Act).

37. The Scottish Ministers may specify the properties (other than an exempt property) to which these regulations apply by reference to a description of the landlord, tenant or property (see subsection (2)).

38. Regulations may not be made under this section unless consultation has been carried out with persons representative of landlords and tenants (see subsection (6)) and a draft of the regulations has been laid before, and approved by, the Scottish Parliament (see section 82(3)).

Power to seek information relating to tenancies

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

39. This section (subsections (1) and (2)) confer powers on local authorities and on the Scottish Ministers to ask landlords who are included in the local authority's landlord register (that is prepared and maintained under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004), or sub-landlords, for the information specified in subsection (3) about any house (or part of it) that is entered in the landlord's entry in the register. (In section 101(1) of the 2004 Act, "house" is defined as "a building or part of a building occupied or intended to be occupied as a dwelling", and subsection (2) of that section provides that two or more dwellings which share the same toilet, cooking and washing facilities are treated as a single house for the purpose of a local authority's landlord register.)

40. The powers may not be exercised 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 it) (see subsection (4)).

41. Subsection (5) confers a power on a local authority and on the Scottish Ministers to obtain the information specified in subsection (3) from tenants of houses that are entered in the landlord register. The information that may be requested includes the address of the house, the type of tenancy or occupancy arrangement to which the house is subject, the amount and frequency of rent payable under any relevant tenancy, whether the rent includes payment of any costs associated with the house, details of the most recent rent increase, the size and type of the house, the extent to which it is furnished, and the house's quality, state of repair and energy efficiency.

42. The powers of local authorities and the Scottish Ministers under this section may be exercised for the purpose of exercising their own respective powers, or assisting the other party in the exercise of that party's powers, under Chapter 1 of Part 1 of the 2025 Act (see subsections (6) and (7)).

43. In making a request for information under subsection (1) or (5), a local authority must have regard to any guidance given by the Scottish Ministers about the form, content or frequency of a request (see subsection (8)). The guidance could, for example, provide that the request must be made in writing (including by electronic communication).

44. The Scottish Ministers may by regulations modify the information listed in subsection (3) that may be sought from a registered landlord, or a tenant, under this section (see subsection (10)). In addition, the Scottish Ministers may by regulations add or remove descriptions of persons from whom information may be sought under subsections (1) or (2) (see subsection (11)). Regulations may not be made under this section unless a draft of the regulations has been laid before, and approved by, the Scottish Parliament (see section 82(3)).

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

45. This section allows local authorities and the Scottish Ministers to share any information obtained by them under Chapter 1 of Part 1 of the 2025 Act for the purpose of assisting the other party in the exercise of the other party's functions under the Chapter. In doing so, the parties must cooperate to ensure so far as possible that they (collectively) do not make a request more than once in a 12-month period for the same information about the same house (or about the same part of it).

Section 16 - Information holder's failure to provide information sought

46. This section provides that where a local authority seeks, or the Scottish Ministers seek, information from a person ("the information holder") under section 14(1) or (2) and the landlord fails to provide all of the information sought within 28 days of receiving the request, the requester may apply to the Tribunal seeking an order requiring the information holder to pay the requester no more than £1,000 (see subsections (3) and (6)). And in making such an order, the Tribunal may also order the landlord to provide the information that the landlord has failed to provide (see subsection (7)).

47. The requester may apply to the Tribunal within 12 months of the landlord information holder receiving the request for information. Before applying to the Tribunal under subsection (3) for an order against an information holder who has failed to provide all of the information sought within the time limit, the requester must give the information holder 28 days' notice of the requester's intention to apply to the Tribunal. Where the requester is a local authority, it must have regard to any guidance given by the Scottish Ministers about the form and content of such notices. But the requester may only apply to the Tribunal if: (a) the information holder has not provided all of the requested information within 28 days of the request or on the conclusion of the review (as the case may be) and (b) the requester is satisfied that information holder does not have a reasonable excuse for failing to do so.

Section 17 - Information holder's provision of false information

48. This section provides that, where a local authority has, or the Scottish Ministers have, issued a request for information from an information holder under section 14(1) or (2) and the information holder has provided information in response which the requester considers the information holder must have known to be false in a material way, the requester may apply to the Tribunal seeking an order requiring the information holder to pay no more than £1,000 (see subsections (3) and (6)).

49. The requester may apply to the Tribunal within 12 months of the information holder receiving the request for information. Before applying to the Tribunal for an order against an information holder, the requester must give the information holder 28 days' notice of the intention to apply to the Tribunal. Where the requester is a local authority, it must have regard to any guidance given by the Scottish Ministers about the form and content of such notices. Where the information holder requests a review of the requester's intention to apply to the Tribunal, the requester may not apply to the Tribunal unless, after carrying out a review, the requester 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.

Section 18 - Scottish Ministers' request for landlord information from local authorities

50. This section allows the Scottish Ministers to request from a local authority certain information that is entered in the authority's landlord register for the purpose of exercising their functions under Chapter 1 of Part 1 of the 2025 Act or to assist a local authority in the exercise of its functions under the Chapter. A local authority must provide the information within 28 days.

Section 19 - Power to require landlords to provide information

51. This section confers a regulation-making power on the Scottish Ministers to 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). 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.

52. The Scottish Ministers may by regulations modify the meaning of "relevant information" in subsection (4) of the section to add or remove descriptions of information (see subsection (5)). They may also modify the meaning of "relevant person" in that subsection to add or remove descriptions of persons (see subsection (6)). Regulations under subsection (1), (5) or (6) may not be made by the Scottish Ministers unless a draft of them has been laid before, and approved by, the Scottish Parliament (see section 82(3)).

Expiry of rent control area: power to modify law

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

53. This section confers a regulation-making power on the Scottish Ministers that can be used in connection with the expiry or revocation of regulations under section 9(1) that designate a rent control area (noting that regulations under that section expire after 5 years, unless revoked earlier).

54. Regulations under subsection (1) may make provision about the methods by which a landlord may increase the rent payable under a PRT or a review or appeal (such as to a rent officer or the Tribunal) in connection with such a rent increase or a decision relating to such a rent increase. Regulations under subsection (1) cease to have effect within 12 months of coming into force unless they are revoked before that (see subsection (3)(b)). Before the regulations may be made, they must be laid before, approved by, the Scottish Parliament (see section 82(3)) and the Scottish Ministers must consult persons representing landlords and tenants and other persons as the Scottish Ministers consider appropriate (see subsection (2)). Subsection (3)(a) provides that regulations under subsection (1) may modify an enactment (see the definition of "enactment" in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010). This is because it may be necessary to also modify the effect of other existing law as it applies to areas that are not rent control areas to give effect to provision to be made under subsection (1) by making temporary modifications to the law about rent increases in connection with tenancies of properties situated in an area that is no longer being designated as a rent control area.

Scottish Ministers: information and research

Section 21 - Scottish Ministers: information and research

55. This section allows the Scottish Ministers to conduct research and inquiries, publish statistics or other information in connection with the information obtained by them under Chapter 1 of Part 1 of the 2025 Act, and to encourage or assist other persons to do any of these things. But this must be for the purpose of, or in connection with, enabling or assisting the exercise of the Scottish Ministers' functions under the Chapter mentioned or assisting the exercise of any of the functions of a local authority under the Chapter.

Chapter 2 – Rent control areas: modifications of the 2016 Act

Information about rent to be included in advertisements

Section 22 - Prospective landlords' duty to include information about rent in advertisements

56. This section inserts a new section 17A into the 2016 Act. The new section requires a potential landlord who is advertising a property (that is not an exempt property) for let in a rent control area (that is likely to give rise to a PRT) to include the information specified in subsection (2) in the written advertisement. The information that must be included varies depending on whether the property was let previously (see subsections (4) and (5)), which affects whether the prospective landlord has information to share about the rent payable under the recent previous tenancy. Subsection (6) confers a power on the Scottish Ministers to by regulations modify the information to be included in an advertisement as mentioned in subsection (2). Subsection (6) also confers a power on the Scottish Ministers to, by regulations, modify the definition of properties that have been let previously. The requirement on prospective landlords to comply with this duty may be taken into account in determining whether the person is a fit and proper person to be included in the landlord register prepared and maintained by a local authority under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.

57. Section 22 of the 2025 Act also inserts new section 17B into the 2016 Act. The new section requires a potential landlord who is advertising an exempt property for let in a rent control area (that is likely to give rise to a PRT) to include a statement that the property is an exempt property (see subsection (2)(a)). An "exempt property" is a property of a description specified in regulations made by the Scottish Ministers that is confirmed as being of that description in accordance with one or more processes specified in those regulations (see Notes below on section 23 of the 2025 Act insofar as it inserts a new section 17D into the 2016 Act). The advertisement must also include information about the manner in which the property has been confirmed in accordance with the new section 17D, together with any number associated with the confirmation of the property as an exempt property (see subsections (2)(b) and (c)). The requirement on prospective landlords to comply with this duty may be taken into account in determining whether the person is a fit and proper person to be included in the landlord register prepared and maintained by a local authority under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.

Setting and variation of rent

Section 23 - Setting and variation of rent

58. This section inserts new sections 17C and 17D into Part 4 of the 2016 Act and adjusts the Part heading to take account of this (see subsections (2) and (3)). It also inserts new Part 4A into the 2016 Act in consequence of Chapter 1 of Part 1 of the 2025 Act to provide for some new rent controls in any area that is designated as a rent control area under that Chapter (see subsection (4)).

59. New section 17C adjusts Part 4 of the 2016 Act so that the rent controls under that Part only apply to a PRT of a property that is not in a rent control area and to a PRT of a property in a rent control area if it is an "exempt property".

60. New section 17D confers a regulation-making power on the Scottish Ministers to define what is an exempt property for the purpose of both Part 4 and new Part 4A of the 2016 Act. The power in new section 17D may define what is an exempt property with reference to the landlord or tenant of the property or the type of property. Consideration may, for example, be given to exempting a particular type of property or, a property in particular circumstances, where it might be disproportionate to impose the rent control restrictions that would otherwise apply. Regulations may not be made under this power unless consultation has been carried out with persons representative of landlords and tenants (see subsection (6)). A draft of the regulations must also be laid before, and approved by, the Scottish Parliament before they can be made (see section 77(3) of the 2016 Act, as modified by paragraph 7(6)(c)(i) of the schedule of the 2025 Act).

61. New Part 4A of the 2016 Act comprises sections 43A to 43W. The following paragraphs explain the effect of these new sections of the 2016 Act.

62. New section 43A provides that Part 4A of the 2016 Act applies to PRTs of properties in a rent control area (that are not exempt from the rent control area restrictions by virtue of regulations under new section 17D of the 2016 Act) and defines each such tenancy as a "current tenancy".

63. New sections 43B to 43F provide definitions for various expressions used in the new Part 4A that are relevant to the provisions restricting the initial setting of rent of PRTs of properties in a rent control area (that are not exempt properties) and other increases in rent of those properties. They also include regulation-making powers to adjust some aspects of these definitions. In particular, section 43D provides that, in new Part 4A of the 2016 Act, references to the "permitted rate" mean the lower of (a) the percentage increase or decrease (rounded to the nearest 0.1%) in the consumer prices index (calculated by reference to the latest index and the index that was published for the month which was 12 months before the month to which the latest index relates), plus one percentage point, and (b) 6%. In short, it means the lower of the CPI% plus 1%, and 6%.

64. New section 43G limits the initial rent for a current tenancy of a property in a rent control area if that property was "previously let". A current tenancy was previously let if it is the same or substantially the same as the property let under a PRT or an assured tenancy that ended no more than 12 months before the current tenancy. But a property is not "previously let" if it is excluded because it was purchased by the landlord with vacant possession and the current tenancy is the first PRT of the property granted since the purchase. Subsection (2) of

the new section provides that, if there was a "relevant rent increase" during the year before the start of the current tenancy, the initial rent may not be more than the final rent under the previous PRT or assured tenancy of the same or substantially the same property (see also subsection (3)).

65. In new Part 4A of the 2016 Act, a "relevant rent increase" is (a) a rent increase during a previous PRT or assured tenancy of the same or substantially the same property, or (b) a setting of the initial rent under any such previous tenancy ("tenancy A") that is more than the final rent under an immediately preceding tenancy of that kind that ended no more than 12 months before tenancy A (see section 43C of this new Part). But the setting of any such initial rent is not a "relevant rent increase" if tenancy A is the first PRT of the property let under that tenancy following the purchase of that property by the landlord with vacant possession. If there was no such relevant rent increase during the year before the start of the current tenancy, the rent at the start of the current tenancy may be an amount that is not more than the final rent under the preceding relevant tenancy as increased by the "permitted rate" (within the meaning of section 43D of the new Part 4A).

66. New section 43H provides that the rent payable under a current tenancy may be increased only in accordance with Chapter 2 of new Part 4A of the 2016 Act.

67. New section 43I imposes a restriction on the frequency of rent increases under a PRT of a property in a rent control area. If the let property was "previously let", after the initial rent has been set, the rent may only be increased if the "previous rent increase" (within the meaning of section 43F) was more than a year ago. If the let property was not previously let, the rent may not be increased during the first year of the tenancy except in prescribed circumstances. Thereafter, in both cases, the rent may not be increased more than once in any subsequent 12-month period.

68. New sections 43J and 43K are equivalent to section 20 (no premiums, advance payments, etc.) and section 21 (restriction on diligence) of the 2016 Act in relation to PRTs of properties that are not in rent control areas, and properties that are in a rent control area but are exempt properties (within the meaning given by section 17D(1) of the 2016 Act, as inserted by section 23(3) of the 2025 Act). New section 43J provides that sections 82, 83 and 86 to 90 of the 1984 Act apply in relation to PRTs as they apply in relation to tenancies of the kind to which those sections of the 1984 Act apply. These sections of the 1984 Act impose restrictions on, among other things, the payment of any fine, sum or pecuniary consideration, other than rent, and includes any service or administrative fee or charge. New section 43J therefore ensures that sections 82, 83 and 86 to 90 of the 1984 Act apply to PRTs in the same way as before, even if the let property is situated in a rent control area. New section 43K ensures that restrictions that apply to PRTs in relation to the recovery of rent under section 21 of the 2016 Act will also apply to PRTs in a rent control area.

69. New sections 43L to 43V comprise Chapter 2 of new Part 4A. These new sections make provision for rent variation of let property in a rent control area (that is not an exempt property) and rent variation instigated by the landlord's notice. The new sections are explained below.

70. New section 43L provides that a landlord under a PRT may increase the rent payable under the tenancy by giving the tenant a rent-increase notice, but the landlord may not increase the rent by more than the permitted rate. The rent-increase notice given by the landlord to the tenant must specify: the rent that will be payable once the increase takes effect, the day when

the increase is to take effect, and the reasons for the rent payable under the tenancy being increased (see subsection (3)(a)). The notice must also comply with any other requirements that may be set out by the Scottish Ministers in regulations (see subsection (3)(b)). The Scottish Ministers may bring forward regulations that specify the information to be included in the rent-increase notice, the form the notice should take and the way in which the notice must be served on the tenant (see section 77(2) of the 2016 Act, as amended by paragraph 7(6)(b)(i) of the schedule of the 2025 Act). The rent increase will take effect on the effective date unless before that date the landlord withdraws the notice, or the tenant makes a timeous referral to a rent officer or the Tribunal for rent verification (see subsection (4)). The "effective date" is the later of either the day specified in the rent-increase notice or the day after the day on which the minimum notice period ends (see subsection (5)). The minimum notice period is 3 months or whatever longer period has been agreed between the landlord and tenant (see subsection (6)). This period begins on the day the tenant receives the rent-increase notice. Section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out (rebuttable) presumptions as to when a document that has been served by post or electronically is deemed to be received.

71. New section 43M enables the landlord and tenant, by agreement, to change the proposed new rent and to change the date specified in the notice (although the date on which the notice takes effect remains subject to the minimum notice period due to the operation of new section 43L(5), so an agreed change could not dispense with the minimum 3 months' notice) (see subsection (2)). This option does not apply if the permitted rate is 0% (see subsection (1)). Furthermore, in other cases, no modification can be agreed which would increase the rent payable under the tenancy by more than the permitted rate (see subsection (3)). If a tenant and landlord initially agree to change what is in the rent-increase notice but the tenant reconsiders and subsequently refers the notice for verification within the permitted time period, the referral to the rent officer will proceed as if no such agreement to modify the notice had been made (see subsection (4)). (This will be of relevance when the order-maker requires to know the date on which the increase would have taken effect had a referral not been made.)

72. New section 43N provides that a tenant can refer a case to a rent officer for verification if the tenant considers that the proposed increase in the rent payable under the tenancy is more than the permitted rate (see subsection (2)). But the tenant must first give notice to the landlord of the tenant's views within 30 days of the tenant receiving the rent-increase notice (see subsection (1)). An application to a rent officer must be made within 42 days of the landlord receiving notice of the tenant's views, be in the prescribed form and accompanied by the prescribed fee (if any) (see subsection (3)(a), (b) and (d)). The tenant must also notify the landlord in the prescribed manner that the case has been submitted for adjudication (see subsection (3)(c)). The Scottish Ministers may set out in regulations the form to be used, the fee, and how the landlord is to be notified.

73. New section 43O gives a rent officer the power to decide, on receipt of a rent verification referral, whether the proposed rent set out in a rent-increase notice would be an increase of more than the permitted rate. If the rent officer decides that the proposed rent increase for the tenancy is no more than the permitted rate, the rent officer must make an order determining that the rent payable under the tenancy is the rent as specified in the rent-increase notice given by the landlord (see subsection (2)). If the rent officer decides that the proposed rent increase for the tenancy is more than the permitted rate, the rent officer must determine that the amount of the rent payable under the tenancy is the current rent as increased by the permitted rate. Or, if the permitted rate is 0%, the rent officer must order that the rent-increase notice is of no effect (see subsection (3)(a)).

74. New section 43P enables a rent officer to correct an error in an order issued under section 43O(2) or (3) by issuing a new order.

75. New section 43Q enables a landlord or a tenant under a PRT to request a review of an order made by a rent officer under section 43O(2) or (3).

76. New section 43R provides that a new rent officer considering a review is to make a decision on the same basis as the original rent officer (i.e. to decide whether the proposed rent set out in a rent-increase notice would be an increase of more than the permitted rate) and has the same order-making powers.

77. New section 43S enables a tenant to apply to the Tribunal for a determination of whether a relevant rent increase took place less than 12 months previously (meaning that, in effect, the date on which the proposed rent increase would take effect under the rent-increase notice is too soon), or that the rent payable at the start of the tenancy was not determined in accordance with section 43G(2) or (3) (meaning that, in effect, the "base rent" on which the proposed rent increase is based has been incorrectly determined). But the tenant must first give notice to the landlord of the tenant's views within 30 days of the tenant receiving the rent-increase notice (see subsection (2)). An application to the Tribunal must be made within 42 days of the landlord receiving notice of the tenant's views and must be intimated to the landlord in the prescribed manner (see subsection (4)).

78. New section 43T sets out the Tribunal's decision-making powers.

79. If the Tribunal decides, in effect, that the date on which the proposed rent increase is to take effect is too soon, it must make an order providing that the rent-increase notice is of no effect (see subsection (2)(a)). Or, if the Tribunal decides that the proposed date of increase is not too soon, the Tribunal must decide that the rent is the lower of (a) the new rent as specified in the rent-increase notice and (b) the existing rent as increased by the permitted rate (see subsection (2)(b)).

80. If the Tribunal decides that the rent payable at the start of a tenancy (the "base rent"), which is proposed to be increased by the rent-increase notice, has not been set in accordance with section 43G, the Tribunal must make an order stating that, from the effective date, the rent payable under the tenancy is the rent determined by it (see subsection (4)(a)). Section 43G provides that, where the let property was previously let, this base rent is either to be no more than the amount of rent payable at the end of the previous tenancy, or if 12 or more months have passed since the last "relevant rent increase", that amount as increased by the permitted rate. The rent determined by the Tribunal cannot be more than what the base rent should have been set at (in accordance with section 43G) as increased by the permitted rate (see subsection (5)).

81. But if the Tribunal decides that the base rent was determined in accordance with section 43G, the Tribunal must decide that the rent is the lower of (a) the new rent as specified in the rent-increase notice and (b) the existing rent as increased by the permitted rate (see subsection (4)(b)).

82. New section 43U deals with what is effectively an underpayment of rent which arises where the effective date of the rent officer's or the Tribunal's decision is later than the date that the rent increase had originally been due to take effect. Throughout the process of making a referral (or application) to a rent officer (or the Tribunal), the tenant will continue to be liable to pay the existing rent as usual. Once the new rent has been determined, if the rent is increased

as a result of the application, the tenant must pay the landlord the difference between the old rent over the relevant period and the new rent over the relevant period (see subsection (2)). The relevant period is the period between the original rent increase date and the date on which the new rent takes effect. The tenant will have 28 days within which to pay the landlord the full amount due under this section. If the tenant fails to pay the landlord within this timescale, on day 29 the sum is treated as rent arrears for the purpose of that eviction ground and as having been rent arrears from the date that the final rent determination was made.

83. New section 43V deals with the withdrawal of an application etc. to a rent officer or the Tribunal in relation to: a referral to the rent officer under section 43N(2) by the tenant, a request for review by one party only under section 43Q(1), and an application to the Tribunal under section 43S(1) by the tenant. The rent officer or the Tribunal to whom the application etc. was originally made must consider the application etc. and make an order under section 43O(2) or (3), 43R(2) or (3), or 43T(2)(b) or (4)(a) or (b) (see subsection (2)). But the order is restricted to deciding that the rent payable under the tenancy is the lower of (a) the new rent as specified in the rent-increase notice and (b) the existing rent as increased by the permitted rate.

84. New section 43W confers a regulation-making power on the Scottish Ministers make provision for or in connection with the conferral of powers for the Tribunal to make an order requiring certain landlords to pay a financial penalty or a compensation payment to the tenant (up to a maximum amount of £1,000). The landlords are those against whom an order of a rent officer has been made under section 43O(3) or 43R(3), or against whom an order of the Tribunal has been made under section 43T(2)(a) or (4)(a). Regulations cannot be made under this power unless the Scottish Ministers have consulted persons who appear to represent the interests of tenants and landlords, and a draft of them has been laid before, and approved by, the Scottish Parliament.

Chapter 3 - Other restrictions on rent increases

Frequency of rent increases

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

85. Section 19 of the 2016 Act provides that the rent payable under a PRT may not be increased more than once in a 12-month period. Section 24 of the 2025 Act modifies this section so that this restriction applies only where the let property is not in a rent control area (in consequence of the changes made by the 2025 Act in relation to rent control areas). It also modifies section 19 so that, where the let property is not in a rent control area, the rent payable may not be increased during the first 12 months of the tenancy except in such circumstances as may be specified by the Scottish Ministers in regulations.

Capping of rent increases on referral or appeal

Section 25 - Private residential tenancies: capping of rent increase

86. This section modifies sections 25, 29 and 34 in Part 4 of the 2016 Act.

87. New section 17C of the 2016 Act (inserted by section 23(3) of the 2025 Act) provides that Part 4 of the 2016 Act applies only in relation to a PRT of a let property that is not in a rent control area or is in a rent control area but which is an exempt property (within the meaning given by section 17D(1) of the 2016 Act, as inserted by section 23(3) of the 2025 Act).

88. Section 25 of the 2016 Act provides that, where a rent officer receives a referral from a tenant under section 24 of the 2016 Act in relation to a PRT, the rent officer must make an order stating that the rent payable under the tenancy is the rent determined by the rent officer in accordance with section 32 of that Act (as the open market rent). Section 29 of the 2016 Act provides that, where an onward appeal is made to the Tribunal against any such order of the rent officer, the Tribunal must make an order stating that the rent payable under the tenancy is the rent determined by the Tribunal in accordance with section 32 (as the open market rent).

89. Section 25 of the 2025 Act modifies sections 25 and 29 of the 2016 Act so that, if the rent specified in the rent-increase notice that prompted the initial referral to the rent officer is lower than the rent that would otherwise be determined in accordance with section 32 of the 2016 Act (being the open market rent), the rent officer or the Tribunal (as the case may be) must order that the rent payable under the tenancy is the lower rent as specified in the rent-increase notice.

90. Section 25 of the 2025 Act also makes a consequential modification to section 34 of the 2016 Act so that rent officers and the Tribunal collectively must also make publicly available information about the rents they have ordered to be payable in accordance with sections 25 and 29 of the 2016 Act.

Section 26 - Assured tenancies: capping of rent increase

91. This section modifies section 25 of the 1988 Act. Section 25 provides that, where a notice under section 24 of the 1988 Act (proposing a rent under an assured tenancy) has been referred to the Tribunal, the rent under the tenancy is (unless the landlord and the tenant agree otherwise) the rent determined by the Tribunal in accordance with section 25(1) of the 1988 Act (as the open market rent), together with the appropriate amount in respect of rates where section 25(4) applies.

92. Section 26 of the 2025 Act modifies section 25 of the 1988 Act so that, if the rent proposed in the notice that led to the referral to the Tribunal is lower than the rent that would otherwise be determined in accordance with section 25 (being the open market rent), the rent to be determined by the Tribunal as payable under the tenancy is to be the lower rent as specified in the notice.

Chapter 4 - Review of the operation of Part 1 of the Act

Section 27 - Review of the operation of Part 1 of the Act

93. This section requires the Scottish Ministers to carry out a review of the operation and effectiveness of Part 1 of the 2025 Act and prepare a report on that review. The review must be carried out as soon as practicable after the end of a period of 5 years beginning with the day of Royal Assent. In carrying out the review, the Scottish Ministers must consult local authorities and persons who appear to the Scottish Ministers to represent the interests of tenants and landlords. As soon as reasonably practicable after preparing a report on the review, the Scottish Ministers must publish the report and lay it before the Scottish Parliament.

PART 2 – DEALING WITH EVICTIONS

Evictions: duties to consider delay

Section 28 - Private residential tenancies: duty to consider delay to eviction

94. Under section 51 of the 2016 Act, the Tribunal may issue an eviction order against a tenant under a PRT if, on application by the landlord, it finds that an eviction ground applies. The tenancy comes to an end on the day specified in the eviction order.

95. Section 28 of the 2025 Act inserts new section 51A into the 2016 Act. This new section provides that the Tribunal must, when specifying in an eviction order the day when a tenancy comes to an end, consider if it would be reasonable to delay the ending of the tenancy. In doing so, the Tribunal may consider if the absence of a delay would cause the tenant, the tenant's household or the landlord financial hardship or have certain other detrimental effects.

96. The Tribunal may consider, for example, whether disruption caused by the ending of a tenancy during exam periods for school-aged children or University students would have a detrimental effect on the health of the tenant or a member of the tenant's household and, accordingly, whether it would be reasonable to delay the ending of the tenancy. Periods of religious observance and some traditional festive periods could also result in a tenant or a member of the tenant's household experiencing heightened physical, emotional or financial stresses. The Tribunal may also therefore consider, for example, whether the ending of a tenancy during or around any such period might cause the tenant or a member of the tenant's household to experience financial hardship or have a detrimental effect the individual's health and, accordingly, whether it would be reasonable to delay the ending of the tenancy. The Tribunal may also decide that it is reasonable in the circumstances to delay the ending of the tenancy for other reasons.

97. This duty to consider a delay does not apply if the eviction ground is based only on one or more of the eviction grounds named in section 51A(5)(a) to (c). These eviction grounds are that the tenant is not occupying the let property as the tenant's home, that the tenant has a relevant conviction, and that the tenant has engaged in relevant anti-social behaviour. Each paragraph refers to the ground of that name in schedule 3 of the 2016 Act (see definition of "eviction ground" in section 78(1) of the 2016 Act).

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

98. A sheriff court, when making an order under section 16(2) or 36(5) of the 2001 Act for the recovery of possession of a house that is let to a tenant under a Scottish secure tenancy or a short Scottish secure tenancy, must specify the date when the right to recover possession takes effect. (See also section 34(6) and 36(7) of the 2001 Act as regards the application of section 16(2) of that Act to "short Scottish secure tenancies", and the meaning given in section 111 of that Act.)

99. Section 29 of the 2025 Act inserts new sections 16A and 36A into the 2001 Act. These new sections provide that the court must, when specifying in an order for recovery of possession the date when the right to recover possession takes effect, consider if it would be reasonable to delay the right to recover possession. In doing so, the court may consider if the absence of a delay would cause the tenant or the tenant's household financial hardship or have

certain other detrimental effects. The examples given in paragraph 96 of these Notes are relevant here too. The duty to consider a delay under each section does not apply if the right to recover possession is based only on one or more of the grounds mentioned in subsection (5) of the section.

Section 30 - Assured tenancies: duty to consider delay to eviction

100. This section inserts new section 20A into the 1988 Act. This new section provides that the Tribunal must, when making an order for possession of a house that is let to a tenant under assured tenancy, consider if it would be reasonable to postpone the right to possession for a period. In doing so, the Tribunal may consider if the absence of any such postponement would cause the tenant, the tenant's household or the landlord financial hardship or have certain other detrimental effects. The examples given in paragraph 96 of these Notes are relevant here too. The duty to consider postponing the right does not apply if the ground for possession is based only on one or more of the grounds mentioned in section 20A(5).

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

101. This section inserts new section 12ZA into the 1984 Act. This new section provides that the Tribunal must, when making an order for possession of a house that is let to a tenant under a protected tenancy or a statutory tenancy, consider if it would be reasonable to postpone the right to possession for a period. In doing so, the Tribunal may consider if the absence of a postponement would cause the tenant, the tenant's household or the landlord financial hardship or have certain other detrimental effects. The examples given in paragraph 96 of these Notes are relevant here too. The duty to consider postponing the right does not apply if the ground for possession is based only on the ground mentioned in section 12ZA(5).

Damages for unlawful eviction

Section 32 - Unlawful eviction: notification and damages

102. Section 36 of the 1988 Act provides that, where a landlord or any person acting on the landlord's behalf unlawfully deprives a residential occupier of premises from occupying the premises, the landlord is liable to pay the occupier damages in respect of the loss of the right to occupy them. Any action to enforce this liability must be raised in the Tribunal unless the occupant's claim relates to a Scottish secure tenancy, in which case court proceedings may be raised instead.

103. Section 32 of the 2025 Act amends the 1988 Act so that these damages are to be determined in accordance with a new section 37. This new section provides that the court or, as the case may be, the Tribunal may award damages of between 3 and 36 months' times the "relevant sum". The award may be less than 3 months' times the relevant sum but only if the court or Tribunal considers it appropriate in all the circumstances. The relevant sum is the higher of one month's rent or £840. A regulation-making power is also conferred on the Scottish Ministers to modify the baseline amount (currently set at £840). Regulations may not be made under this power unless a draft of the regulations has been laid before, and approved by, the Scottish Parliament.

Eviction grounds

Section 33 – Review of eviction grounds

104. This section requires the Scottish Ministers to complete a review of schedule 3 of the 2016 Act (eviction grounds) within the period of two years beginning with the day after Royal Assent. On completing the review, they must also publish and lay a report before the Scottish Parliament. The report must include a statement of the action (if any) that the Scottish Ministers intend to take as a result of the review.

Payments for wrongful termination

Section 34 - Payments for wrongful termination

105. Sections 57 to 59 of the 2016 Act provide that the Tribunal may make a wrongful-termination order if it finds, on application, that the Tribunal was misled into issuing an eviction order by a former landlord (under a tenancy that has ended) or that a former tenant was misled into ceasing to occupy a let property by the tenant's former landlord. The order may require the former landlord to pay the applicant an amount not exceeding 6 months' rent.

106. Section 34 of the 2025 Act amends the 2016 Act so that the Tribunal may instead require the former landlord to pay an amount of between 3 and 36 months' times the "relevant sum". The award may be less than 3 months' times the relevant sum but only if the Tribunal considers it appropriate in all the circumstances. The relevant sum is the higher of one month's rent or £840. A regulation-making power is also conferred on the Scottish Ministers to modify the baseline amount (currently set at £840). Regulations may not be made under this power unless a draft of the regulations has been laid before, and approved by, the Scottish Parliament.

PART 3 - KEEPING PETS AND MAKING CHANGES TO LET PROPERTY

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

107. This section inserts a new Part 5A (containing Chapters 1 and 2) into the 2016 Act.

108. Chapter 1 (keeping pets) comprises sections 64A to 64G—

- Section 64A provides that, where the right of a tenant to keep a pet at a let property is a statutory term of a PRT, the tenant may keep a pet at the let property with the landlord's consent, and this consent cannot be unreasonably refused. Where a landlord has consented, the tenant may keep the pet at the let property until the tenancy ends. The landlord's consent to keep the pet may be subject to reasonable conditions. But if the tenancy allows the tenant to do so without consent, no consent is required. (The right to keep a pet at the let property is a statutory term of the tenancy if regulations under section 7 of the 2016 Act specify that it is a term of the tenancy.)
- Section 64B provides that a request for the landlord's consent must be in writing and fulfil any other requirements specified in regulations. The landlord must notify the tenant within 30 days of the request as to whether the landlord consents or refuses to do so. If the consent is subject to conditions, these must be specified and be reasonable. If no such notice is given to the tenant, the landlord is deemed to have refused consent.

- Section 64C provides that a tenant may appeal to the Tribunal against a consent condition on the grounds that it is unreasonable, a refusal of consent or a deemed refusal of consent. Before doing so, the tenant must give notice to the landlord.
- Section 64D sets out the remedies available to the Tribunal when deciding an appeal.
- Section 64E confers a power on the Scottish Ministers to make provision by regulations about when it is reasonable for a landlord to refuse consent to keep a pet. They must, as soon as reasonably practicable after the power becomes available to them to use (and after consulting in accordance with new section 64G of the 2016 Act), lay a draft instrument containing regulations before the Scottish Parliament and, if the draft instrument is approved by the Parliament, they must make the regulations.
- Section 64F confers a power on the Scottish Ministers to make provision by regulations about when a consent condition on the keeping of a pet is reasonable. They must, as soon as reasonably practicable after the power becomes available to them to use (and after consulting in accordance with new section 64G of the 2016 Act), lay a draft instrument containing regulations before the Scottish Parliament and, if the draft instrument is approved by the Parliament, they must make the regulations.
- Section 64G provides that, before laying draft regulations under section 64E and 64F, the Scottish Ministers must consult persons representing tenants and landlords.

109. Chapter 2 (making changes to let property) comprises sections 64H to 64O—

- Section 64H provides that, where the right of a tenant to make changes to a let property is a statutory term of a PRT, the tenant may make a category 1 change without the landlord's consent, and may make a category 2 change with the landlord's consent and this consent cannot be unreasonably refused. The landlord's consent to make a category 2 change may be subject to reasonable conditions. But if the tenancy allows the tenant to do so without consent, then no consent is required. (The right to make such changes to the let property is a statutory term of the tenancy if regulations under section 7 of the 2016 Act specify that it is a term of the tenancy.)
- Section 64I provides that a request for the landlord's consent must be in writing and fulfil any other requirements specified in regulations. The landlord must notify the tenant within 30 days of the request as to whether the landlord consents or refuses to do so. If the consent is subject to conditions, these must be specified and be reasonable. If no such notice is given to the tenant, the landlord is deemed to have refused consent.
- Section 64J provides that a tenant may appeal to the Tribunal against a consent condition on the grounds that it is unreasonable, a refusal of consent or a deemed refusal of consent. Before doing so, the tenant must give notice to the landlord.
- Section 64K sets out the remedies available to the Tribunal when deciding an appeal.

- Section 64L confers a power on the Scottish Ministers to specify in regulations particular changes to let property under a private residential property, and that each must be categorised as either a category 1 change or a category 2 change. The regulations may specify that any such category does not apply to property of a particular type or description. The Scottish Ministers must, as soon as reasonably practicable after the power becomes available to them to use (and after consulting in accordance with new section 64O of the 2016 Act), lay a draft instrument containing regulations before the Scottish Parliament and, if the draft instrument is approved by the Parliament, they must make the regulations.
- Section 64M confers a power on the Scottish Ministers to make provision about when it is reasonable for a landlord to refuse consent to make a change. The Scottish Ministers must, as soon as reasonably practicable after the power becomes available to them to use (and after consulting in accordance with new section 64O of the 2016 Act), lay a draft instrument containing regulations before the Scottish Parliament and, if the draft instrument is approved by the Parliament, they must make the regulations.
- Section 64N gives a regulation-making power to the Scottish Ministers to make provision about when a consent condition on the making of a change is reasonable.
- Section 64O provides that, before laying draft regulations under section 64L, 64M or 64N, the Scottish Ministers must consult persons representing tenants and landlords.

Section 36 - Scottish secure tenancies etc.: keeping pets

110. This section inserts section 31A to 31D, and Part 1A of schedule 5, into the 2001 Act—

- Section 31A provides that it is a term of every Scottish secure tenancy that the tenant may keep a pet at the house with the landlord's consent and this consent cannot be unreasonably withheld. But if the tenancy allows the tenant to do so without consent, no consent is required. Section 31A also says that the provisions in a new Part 1A of schedule 5 have effect as terms of every Scottish secure tenancy.
- Part 1A provides that where a landlord has consented the tenant may keep the pet at the house until the tenancy ends, but the landlord's consent to keep the pet may be subject to reasonable conditions. It also provides that an application for the landlord's consent must be in writing and fulfil any other requirements specified in regulations. The landlord must intimate its consent or refusal, and any conditions imposed, to the tenant within one month of the application. Any such conditions must be reasonable. If no such intimation is given the landlord is taken to have consented to the application.
- Section 31B confers a power on the Scottish Ministers to make provision about when it is reasonable for a landlord to refuse consent to keep a pet. The Scottish Ministers must, as soon as reasonably practicable after the power becomes available to them to use (and after consulting in accordance with new section 31D of the 2001 Act), lay a draft instrument containing regulations before the Scottish Parliament and, if the draft instrument is approved by the Parliament, they must make the regulations.

- Section 31C gives a regulation-making power to the Scottish Ministers to make provision about when a consent condition on the keeping of a pet is reasonable.
- Section 31D provides that, before laying draft regulations under section 31B or 31C, the Scottish Ministers must consult persons representing tenants and landlords.

PART 4 – OTHER MATTERS RELATING TO TENANTS

Unclaimed tenancy deposits

Section 37 - Use of unclaimed deposits

111. Part 4 of the 2006 Act (tenancy deposits) comprises sections 120 to 123. In that Part, references to a "tenancy deposit" and a "tenancy deposit scheme" are construed in accordance with section 120. Section 121 gives a regulation-making power to the Scottish Ministers to set out conditions that a tenancy deposit scheme must meet before it can be approved by them, and to make such further provision about tenancy deposit schemes as they think fit.

112. Section 37 of the 2025 Act modifies the regulation-making power in section 121 so that it can also be used to 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 matters relating to unclaimed deposits. It also inserts a requirement that any such regulations must include provision to ensure that a tenancy deposit that is held under an approved scheme is not repaid unless a relevant application has been made, within a specified 5-year period, for it to be repaid. "Approved scheme", "scheme administrator", "relevant application", "5-year period" and other relevant terms are defined in new subsection (5) of section 121 or new section 123A.

113. The following sections are also inserted into the 2006 Act—

- Section 122A provides that a tenancy deposit held under a tenancy deposit scheme that has been approved by the Scottish Ministers (an "approved scheme") is to be determined, by the scheme administrator, to be an unclaimed deposit if satisfied that no relevant application was made, within the specified 5-year period, for it to be repaid.
- Section 122B provides that the Scottish Ministers may direct the scheme administrator of an approved scheme to the transfer of any unclaimed deposits to them or another person (a "fund administrator"). The scheme administrator must comply.
- Section 122C provides that transferred unclaimed deposits may be used for certain purposes to support private tenants (or potential new tenants) and to cover reasonable administrative costs.
- Section 122D provides that the Scottish Ministers must prepare a report on the use of unclaimed deposits that are transferred to them or another person. The report must be published within 3 years of the first day on which requested deposits are transferred. A copy must be laid before the Scottish Parliament as soon as reasonably practicable after publication. To inform any such report, the Scottish Ministers may direct a fund administrator to provide them with a report on the use of any unclaimed deposits that are transferred to the fund administrator.

- Section 122E provides that the Scottish Ministers may, on the application of a former occupant, repay all or part of a tenancy deposit that was transferred to them or another person if they are satisfied that the applicant had a reasonable excuse for not making a relevant application within the 5-year period and would otherwise be entitled to it.
- Section 123A defines various expressions used in Part 4 of the 2006 Act.

Registration of letting agents etc.

Section 38 - Applications for registration

114. This section amends section 30 of the 2014 Act so that, in a case where an applicant for registration as a letting agent is a partnership, a company or a body with some other legal status (other than a sole trader), the application must state the name and address of any person who owns 25% or more of the partnership, company or body. It also amends section 32 of the 2014 Act so that, before refusing an application for registration as a letting agent, the Scottish Ministers must, if they are considering doing this for reasons that differ from or supplement those previously notified, give the applicant a further notice under section 32(6) of the 2014 Act stating that they are considering refusing it and their reasons.

Section 39 - Duty to inform: change of circumstances

115. Section 37 of the 2014 Act provides that a registered letting agent must notify the Scottish Ministers as soon as practicable if any information provided as part of the application process for registration becomes inaccurate. Section 30(2)(f) of the 2014 Act provides that an application for registration as a letting agent must include such other information as the Scottish Ministers may specify in regulations. Section 39 of the 2025 Act modifies section 37 of the 2014 Act to give a regulation-making power to the Scottish Ministers to specify when information required by regulations under section 30(2)(f) is relevant information for the purpose of section 37. It also modifies section 37 of the 2014 Act so that the duty to notify the Scottish Ministers if relevant information becomes inaccurate also applies to information provided by a registered letting agent to the Scottish Ministers in accordance with a notice under sections 52(1) of the 2014 Act (for the purpose of monitoring compliance with regulatory requirements relating to letting agents).

Section 40 - Revocation of registration: where agent no longer exists

116. This section amends section 39 of the 2014 Act so that the Scottish Ministers may also remove a registered letting agent from the corresponding register if they are satisfied that the agent no longer exists, and the duties to notify an agent of certain matters apply only if this is possible. It also amends section 39 so that, before removing a registered letting agent from the corresponding register, the Scottish Ministers must, if they are considering doing this for reasons that differ from or supplement those previously notified, give the agent a further notice under section 39(6) stating that they are considering removing the agent and their reasons.

Section 41 - Removal from register on application: notification of agent

117. This section amends section 40 of the 2014 Act so that the duty to notify a registered letting agent of the decision taken on an application for removal from the corresponding register applies only if this is possible. This would not be possible, for example, if the agent no longer exists.

Section 42 - Note on register where entry refused or removed: duration

118. Section 42 of the 2014 Act requires the Scottish Ministers to note in the register of letting agents if a person's entry in it or a renewal of the person's entry has been refused, and if a person has been removed from the register. Section 42 of the 2025 Act amends section 42 of the 2014 Act so that any such note must remain on the register for 3 years (instead of 12 months).

Section 43 - Power to obtain information and carry out inspections

119. Section 52 of the 2014 Act provides that the Scottish Ministers may, for the purpose of monitoring compliance with the provisions in Part 4 of that Act, serve a notice on a person who appears to be a letting agent requiring the person to provide them with information specified in the notice. Section 43(2) of the 2025 Act amends section 52 of the 2014 Act so that, despite any such notice, a person is not required to provide such information 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.

120. Section 53 of the 2014 Act provides that, for the purposes of carrying out an inspection of premises which appear to be being used for the purpose of carrying out letting agency work, any person may be required to give such information as an authorised person considers necessary. Section 43(3) of the 2025 Act amends section 53 of the 2014 Act so that, despite any such requirement, a person is not required to give such information 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

Section 44 - Private residential tenancies: ending a joint tenancy

121. This section modifies sections 48 and 49 of the 2016 Act and inserts a new section 48A.

122. Section 48 is modified so that, in the case of a joint tenancy, one of the joint tenants may bring to an end a PRT by giving the landlord a notice in accordance with that section. Section 48 is also modified so that the tenancy does not come to an end on the day stated in the notice if, before that day, the interest of the joint tenant is assigned to another person.

123. New section 48A provides that, where a notice to bring an end to a PRT under section 48 is given by a joint tenant, the notice has no effect unless, at least 2 months (but not more than 3 months) before, a pre-notice is given by the joint tenant to every other joint tenant and the landlord. A regulation-making power is given to the Scottish Ministers to specify other requirements that must be met by a pre-notice. Any subsequent notice to bring the tenancy to an end under section 48 also has no effect unless it is given within 28 days of the end of the 2-month pre-notice period and is accompanied by a statement that a pre-notice has been given to every other joint tenant in accordance with subsection (1)(a) of the new section. A regulation-making power is given to the Scottish Ministers to enable them to provide that a notice under section 48(1) must also be accompanied by such evidence in support of the statement as they may specify. In addition, the subsequent notice has no effect unless, within 7 days of the notice being given, the joint tenant has given every other joint tenant a copy of the notice and has given the landlord a statement confirming this (along with such supporting evidence as may be required by regulations). Regulation-making powers are conferred on the

Scottish Ministers to modify the period within which the pre-notice must be given by the tenant, and the period within which the tenant must give a copy of the subsequent notice to the other joint tenants and the statement to the landlord.

124. Section 49 is modified so that, where a notice to bring an end to a PRT under section 48 states a day on which the tenancy is to end which is before the end of the minimum notice period, the landlord and the tenant may agree in writing to the tenancy ending on that day. But, in the case of a joint tenancy, the tenant here means all of the joint tenants.

Ending student tenancies

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

125. This section confers a regulation-making power on the Scottish Ministers to 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. Regulations may not be made under this power unless the Scottish Ministers have consulted persons who appear to them to represent the interests of tenants and landlords under such tenancies, and a draft of the regulations has been laid before, and approved by, the Scottish Parliament.

Social landlords: qualifying repairs

Section 46 - Social landlords: qualifying repairs

126. This section modifies section 27(2) of the 2001 Act. Section 27 of that Act confers a regulation-making power on the Scottish Minister to make provision for entitling a tenant under a Scottish secure tenancy, whose landlord is a landlord specified in the regulations, to have qualifying repairs carried out to the house which is the subject of the tenancy.

127. Section 46 of the 2025 Act modifies this power so that the regulations can make provision for, or in connection with, entitling such a tenant to have qualifying repairs carried out to the house. In addition, it ensures that regulations under this power may, among other things, make provision for or in connection with (a) the period within which an inspection of the house is to take place to determine whether a qualifying repair is required, (b) the period within which a qualifying repair is to be commenced, (c) compensation payable in relation to a failure to comply with a requirement imposed by the regulations, (d) any review or appeal in relation to such a failure.

Tolerable standard: damp

Section 47 - Tolerable standard: damp

128. This section modifies section 86 of the Housing (Scotland) Act 1987 (definition of house meeting a tolerable standard) to provide that guidance issued by the Scottish Ministers about construing references to a house not meeting the tolerable standard or being brought up to that standard, may also include guidance on the circumstances in which a house is to be considered substantially free from rising or penetrating damp for the purpose of section 86(1)(b) of that Act.

Succession to tenancies: qualifying periods

Section 48 - Private residential tenancies: succession

129. This section modifies sections 67, 68 and 69 of the 2016 Act.

130. Section 67 of the 2016 Act provides that, when the sole tenant under a private residential tenancy dies, the tenant's bereaved partner becomes the tenant under the tenancy if certain conditions are met. In a case where the tenant and bereaved partner were neither married to, nor in a civil partnership with, one another immediately before the tenant's death, there is a condition that, for a continuous period of at least 12 months ending with the tenant's death, the let property was occupied as the bereaved partner's only or principal home. Section 48(2) of the 2025 Act reduces this period to a period of at least 6 months.

131. Section 68 of the 2016 Act provides that, when the sole tenant under a private residential tenancy dies and specified circumstances apply, any member of the tenant's family who meets certain conditions becomes the tenant. One condition is that the family member is occupying the let property as the family member's only or principal home at the time of the tenant's death, and has done so for a continuous period of at least 12 months ending with the tenant's death. Section 48(3) of the 2025 Act reduces this period to a period at least 6 months.

132. Section 69 of the 2016 Act provides that, when the sole tenant under a private residential tenancy dies and specified circumstances apply, a resident carer who meets certain conditions becomes the tenant. One condition is that the resident carer is occupying the let property as the resident carer's only or principal home at the time of the tenant's death, and has done so for a continuous period of at least 12 months ending with the tenant's death. Section 48(4) of the 2025 Act reduces this period to a period at least 6 months.

Section 49 - Scottish secure tenancies: succession

133. This section modifies paragraphs 2, 3, 4 and 11 of schedule 3 of the 2001 Act.

134. For the purposes of section 22 of the 2016 Act (succession to Scottish secure tenancy), a person falling within any of paragraphs 2 to 4 of the schedule is a qualified person.

135. By virtue of paragraph 2, a qualified person includes a person whose only or principal home at the time of the tenant's death was the house in question and who was, at that time, living with the tenant as husband and wife or in a relationship which has the characteristics of the relationship between civil partners. In addition, the house must have been the person's only or principal home throughout the period of 12 months ending with the tenant's death. Section 49(2)(a) reduces the period of 12 months to a period of 6 months.

136. By virtue of paragraph 3, a qualified person includes a member of the tenant's family aged at least 16 years where the house in question was the person's only or principal home throughout the period of 12 months ending with the tenant's death. Section 49(2)(b) reduces the period of 12 months to a period of 6 months.

137. By virtue of paragraph 4, a qualified person also includes a carer aged over 16 years who is providing, or has provided, care for the tenant, or a member of the tenant's family, where the house in question was the carer's only or principal home throughout the period of 12 months ending with the tenant's death, and the carer had a previous only or principal home which was given up. Section 49(2)(c) reduces the period of 12 months to a period of 6 months.

138. By virtue of paragraph 11, where a qualified person is entitled to a tenancy under schedule 3 of the 2001 Act but the qualified person declines the tenancy by giving notice to the landlord, the qualified person must vacate the house within 3 months of giving the notice. Section 49(2)(d) extends this period so that the qualified person must vacate the house within 6 months.

Delivery of notices etc.

Section 50 - Social landlords: delivery of notices etc.

139. This section modifies section 40 of the 2001 Act to provide that a notice or document authorised or required by Chapter 1 (Scottish secure tenancies) of Part 2 of the 2001 Act may be given to a person by sending it 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. It also inserts new subsection (1A) which provides that the delivery of any such notice or document may be recorded in a way that evidences that the notice or document 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.

140. This section also inserts new subsections (3) and (4) into section 40 of the 2001 Act so that notice of an increase in rent or other charges under section 25(1) of the 2001 Act may also be given by sending it to the tenant using electronic communications including, for example, by email. But this is only allowed if the landlord and the tenant agree in writing beforehand that the tenant may be given the notice in this way and in an electronic form specified by tenant for the purpose.

Converting older tenancies

Section 51 - Assured tenancies: power to convert

141. This section inserts new paragraph 6 into schedule 5 of the 2016 Act. This new paragraph gives the Scottish Ministers the power to, by regulations, appoint a day (at least 12 months after the regulations come into force) on which a relevant assured tenancy under the 1988 Act ceases to be an assured tenancy and becomes a PRT. But the regulations cannot convert a tenancy that is an assured tenancy into a PRT if the tenancy is also another type of tenancy that cannot be a PRT by virtue of schedule 1 of the 2016 Act. The new paragraph also provides that where any such tenancy becomes a PRT under this power, the immediately preceding terms of the tenancy are unchanged so far as they are consistent with the 2016 Act. Before laying draft regulations to appoint a day, the Scottish Ministers must consult representatives of tenants and landlords under assured tenancies.

PART 5 - HOMELESSNESS PREVENTION

Duties of relevant bodies

Section 52 - Duties of relevant bodies in relation to homelessness

142. This section modifies sections 24, 26, 28, 30, 32, 33, 35A, 40 and 43 of the 1987 Act, and also inserts new sections 36A to 36E, 40A and 43A.

143. Section 24(2B) is modified to take account of changes made to section 28 of the 1987 Act that also allow a relevant body to make an application under that section for accommodation or for assistance in obtaining accommodation in respect of a person. Subsection (4) is also modified so that, for the purposes of the 1987 Act, a person is threatened with homelessness if it is likely that the person will become homeless within 6 months.

144. Section 28 is modified so that an application may be made to a local authority by a relevant body in respect of a person (for accommodation or assistance to secure accommodation). But any such application by a relevant body must be made in accordance with new sections 36B or 36C.

145. Section 28 is also modified so that a local authority may no longer make inquiries as to whether a person became threatened with homelessness intentionally, and modifications are made to sections 26, 30(3) and (4), 32(2), (3), (5A) and (6) and 40 in consequence of this change.

146. In section 32, subsection (2) is modified so that the local authority must take reasonable steps to remove or, where this is not possible, minimise the threat of homelessness, and to secure that accommodation is available for occupation by the applicant. New subsection (2ZA) provides that the local authority must take reasonable steps to secure that the accommodation occupied by the applicant, when the application is made, continues to be available for occupation and, only if that accommodation will no longer continue to be available, that other accommodation is available for occupation by the applicant. New subsection (2C) requires the local authority to give the applicant advice and assistance of such type as may be prescribed where the local authority considers it appropriate for the purposes of removing or minimising the threat of homelessness and securing that accommodation continues to be, or is otherwise, available for occupation by the applicant.

147. Where a local authority receives an application for accommodation or for assistance in obtaining accommodation under section 28 of the 1987 Act, section 33 makes provision for the referral of the application to another local authority (including a local authority in England or Wales) if certain conditions are met. But the Homeless Persons (Suspension of Referrals between Local Authorities) (Scotland) Order 2022 (S.S.I. 2022/356) modified section 33 so that a Scottish local authority cannot refer any such application to another Scottish local authority. Section 52(7) of the 2025 Act inserts new subsection (7) into section 33 of the 1987 Act so that a Scottish local authority will not be able to refer an application to a local authority in England or Wales in a case where the application is made in respect of a person by a relevant body. This will avoid extending the existing duty on local authorities in England and Wales (created by section 34(2) of the 1987 Act) by also obliging those authorities to deal with referrals of applications from relevant bodies.

148. Section 35A is modified so that a local authority must, on request by an applicant for accommodation (or for assistance in obtaining accommodation), review any decision as to the requirement to take the step mentioned in new section 36B(2) or the steps mentioned in new section 36C(2). The steps to be taken are explained below in the Notes on each new section. In addition, section 35A is modified to make it clear that the reference in section 35A(2)(a) to any decision under section 32 includes, in particular, any decision as to the steps required under section 32(2) and any decision as to the advice or assistance required under section 32(2C).

149. Section 43 is modified to define "appropriate local authority" and "relevant body", and to remove the obsolete words "or threatened with homelessness intentionally".

150. The new sections inserted into the 1987 Act make provision as follows—

- Section 36A provides that 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 if this is the case. The relevant body must also ask if the person is aware of any application having been made for accommodation or assistance in getting it under section 28 of the 1987 Act, and whether the person consents to the body making such an application if appropriate.
- Section 36B provides that, if the relevant body has been informed or otherwise has reason to believe that the person is homeless, the body must make an application under section 28 of the 1987 Act to the appropriate local authority in respect of the person; but only if satisfied that this is appropriate and that it has the person's consent.
- Section 36C provides that, if the relevant body has been informed or otherwise has reason to believe that the person is threatened with homelessness, the body must take such action as it considers appropriate to remove that threat or, where this is not possible, to minimise it (other than by making an application under section 28). Before taking any such action, the relevant body must consult other relevant bodies at it considers appropriate and cooperate with them in taking the action. If the body is satisfied that it is unable to take action itself to remove the threat, it must also make an application under section 28 the appropriate local authority in respect of the person; but only if satisfied that this is appropriate and that it has the person's consent.
- The relevant body must also take other such action as the Scottish Ministers may by regulations specify under subsection (2)(c) of section 36C. The regulations may include provision specifying: the processes that must be followed in connection with assessing the action required, matters that must be taken into account when carrying out the assessment, and information that must be given to the person in question after the assessment. Regulations may not be made under this subsection (2)(c) unless the Scottish Ministers have consulted every other relevant body, and a draft of the regulations has been laid before, and approved by, the Scottish Parliament (see section 36C(8) and (9)).
- Section 36D provides that 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.
- Section 36E provides that a relevant body must, in the exercise of its functions, have regard to the need to prevent homelessness and any relevant guidance issued by the Scottish Ministers.

- Section 40A confers a regulation-making power on the Scottish Ministers to modify section 24 of the 1987 Act to change the meaning, for the purposes of Part 2 of that Act, of a person who is homeless or of a person who is threatened with homelessness. Regulations may not be made under section 40A unless the Scottish Ministers have consulted every other relevant body, and a draft of the regulations has been laid before, and approved by, the Scottish Parliament (see subsections (3) and (4)).
- Section 43A gives a regulation-making power to the Scottish Ministers to modify the meaning of "relevant body". Where they propose to make regulations under this section to add a body to the definition, they must consult the person or a representative.

Homeless persons: intentionality

Section 53 - Power to modify provision about a person becoming homeless intentionally

151. This section inserts new section 40B into the 1987 Act.

152. The new section confers a regulation-making power on the Scottish Ministers to modify, for the purposes of Part 2 of that Act (which makes provision in relation to homeless persons), the meaning of a person becoming homeless intentionally, the power of a local authority to make further inquiries about whether a person became homeless intentionally, and any other provision of the Part that relates to a local authority's determination as to whether or not a person became homeless intentionally. Regulations may not be made under section 40B unless the Scottish Ministers have consulted local authorities, and a draft of the regulations has been laid before, and approved by, the Scottish Parliament (see inserted subsections (3) and (4)).

Assessment of housing support services

Section 54 - Assessment of housing support services

153. Section 89 of the 2001 Act provides that a local authority, when required to do so by the Scottish Ministers, must assess housing provision and the provision of related services in its area. Section 54 of the 2025 Act provides that any such assessment must, in particular, assess the needs of persons in the area for, and the availability of, services that must be provided in accordance with section 32B(4) of the 1987 Act and other housing support services.

154. The services that must be provided under section 32B(4) are specified in regulations. The Housing Support Services (Homelessness) (Scotland) Regulations 2012 (S.S.I. 2012/331) specify the following services so far as they are relevant to enabling a person to occupy, or to continue to occupy, residential accommodation as the person's sole or main residence—

- advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit claims,
- assisting a person to engage with individuals, professionals or other bodies with an interest in that person's welfare,
- advising or assisting a person in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities,
- advising or assisting a person in settling into a new tenancy.

155. Other "housing support services" (as defined by section 91(8) of the 2001 Act) include any service which provides support, assistance, advice or counselling to an individual with particular needs with a view to enabling that individual to occupy, or to continue to occupy, as a person's sole or main residence, residential accommodation (other than such excepted accommodation as may be specified in regulations by the Scottish Ministers).

Tenants affected by domestic abuse

Section 55 - Local authorities etc.: consideration of domestic abuse

156. This section modifies section 20, 24, 33 and 43 of the 1987 Act.

157. Section 20 of the 1987 Act provides that a social landlord must, in relation to all houses held by it for housing purposes, secure that when selecting tenants a reasonable preference is given to certain persons including homeless persons and persons threatened with homelessness.

158. In the allocation of such housing, a social landlord must take no account of whether an applicant is resident in its area if the applicant runs the risk of domestic abuse and wishes to move into the area. Subsection (2)(a) of section 55 of the 2025 Act replaces the reference to "domestic abuse" with a reference to "abuse" (defined by section 43 of the 1987 Act). The meaning of abuse is also extended by subsection (5) of section 55 to include domestic abuse by a partner or ex-partner within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021.

159. In addition, in the allocation of such housing, a social landlord must, where certain circumstances apply, take no account of the ownership of, or value of, heritable property owned by: the applicant, any person who normally resides with the applicant, or any person who it is proposed will reside with the applicant. One such circumstance is where it is probable that occupation of the property will lead to abuse from someone residing in the property or who previously resided with the person. Subsection (2)(b) of section 55 of the 2025 Act modifies this so that it just has to be probable that occupation of the property will lead to abuse (within the meaning given by section 43 of the 1987 Act, as extended to include domestic abuse by a partner or ex-partner within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021).

160. Section 24(3) of the 1987 Act provides that a person is homeless if, among other things, the person has accommodation, but it is probable that occupation of it will lead to abuse including from someone who previously resided with the person. Section 55(3) of the 2025 Act modifies this so that it just has to be probable that occupation of the accommodation will lead to abuse (within the meaning given by section 43 of the 1987 Act, as extended to include domestic abuse by a partner or ex-partner within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021).

161. Section 33 of the 1987 Act provides that, if a Scottish local authority is satisfied that an applicant under section 28 of the 1987 Act is homeless unintentionally and that certain conditions are met, the local authority may refer any such application made by the homeless person to a local authority in England or Wales. One of the conditions for referral is that neither the applicant nor any person who might reasonably be expected to reside with the applicant ("person A") will run the risk of abuse in the other local authority's area from a person with whom, but for the risk of abuse, person A might reasonably be expected to reside, or from a person with whom person A formerly resided. Section 55(4) of the 2025 Act modifies this so

that there just needs to be a risk that occupation of accommodation in the other local authority's district will lead to abuse (within the meaning given by section 43 of the 1987 Act, as extended to include domestic abuse by a partner or ex-partner within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021).

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

162. Section 14 of the 2001 Act provides that a landlord under a Scottish secure tenancy may raise proceedings by way of summary cause for recovery of possession of the house. Such proceedings may not be raised unless the landlord has, among other things, served a notice on the tenant specifying the ground on which the proceedings are raised. Where such proceedings are to include the ground that rent lawfully due from the tenant has not been paid, the notice must not be served unless the landlord has complied with pre-action requirements in section 14A of that Act.

163. Section 56 of the 2025 Act inserts a new pre-action requirement into section 14A. This applies where a social landlord considers that a tenant has experienced or is experiencing domestic abuse and that this explains or partly explains why the rent lawfully due from the tenant has not been paid. In these circumstances the landlord must take such action to support the needs of the tenant arising in connection with rent arrears as the landlord considers reasonable having regard to its domestic abuse policy under section 56A of the 2001 Act (inserted by section 57 of the 2025 Act). In addition, the landlord must 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. In this context, "domestic abuse" means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021.

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

164. This section inserts new Chapter 4 into Part 2 (tenants of social landlords) of the 2001 Act. Chapter 4 comprises section 56A. This new section provides that each local authority landlord and registered social landlord must prepare 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. The policy must 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) of the 2001 Act (as inserted by section 56 of the 2025 Act). In this context, "domestic abuse" means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021. A landlord must have regard to its policy under section 56A when exercising its functions. The landlord must also have regard to any related guidance issued by the Scottish Ministers.

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

165. Section 31 of the 2010 Act requires the Scottish Ministers to set out standards and outcomes which social landlords should aim to achieve when performing housing activities. The document containing these standards and outcomes is referred to as the "Scottish Social Housing Charter". Section 32 of the 2010 Act provides that the standards and outcomes set out in the Charter may, for example, relate to various matters mentioned in subsection (1)(b) of that section. One such example is the prevention and alleviation of homelessness.

166. Section 58 of the 2025 Act modifies section 32 of the 2010 Act so that the example of matters in subsection (1)(b), in relation to which standards and outcomes may be set, includes the support (associated with the prevention and alleviation of homelessness) that social landlords should provide to tenants whom they have reason to believe have experienced, are experiencing, or are at risk of, domestic abuse (within the meaning of new subsection (3) of section 32 of the 2010 Act).

Housing First

Section 59 - Annual report on Housing First

167. This section requires the Scottish Ministers to prepare and publish a report on the use of Housing First tenancies as soon as practicable after a period of 12 months beginning with the day on which the section comes into force, and each successive period of 12 months. The report must be laid before the Scottish Parliament as soon as practicable after the reporting period that it covers.

PART 6 - OTHER HOUSING MATTERS

Mobile homes

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

168. This section modifies section 4 of the Mobile Homes Act 1983 ("the 1983 Act") to provide that the Tribunal has jurisdiction (instead of the sheriff or, where the parties have agreed, the arbiter) to determine any question arising under that Act or any agreement to which it applies, and to entertain any proceedings brought under that Act or any such agreement (see subsection (5)). It also makes consequential changes to the title of section 4 and to sections 1, 2, 2B and 5 and schedule 1 of the 1983 Act.

Section 61 - New pitch fees: considerations

169. This section modifies section 2B and schedule 1 of the 1983 Act. The 1983 Act applies to any agreement under which a person is entitled to station a mobile home on land forming part of a protected site and to occupy the mobile home as the person's only or main residence. The terms in Part 1 of schedule 1 are implied terms of each such agreement and a sheriff may, on application by either party to the agreement within the relevant period, order that terms concerning the matters mentioned in Part 2 of the schedule are also to be implied terms. The sheriff has jurisdiction to determine any question arising under the 1983 Act or any agreement to which it applies, including any question arising about a pitch fee review.

170. The Scottish Ministers may amend Parts 1 and 2 of schedule 1 using an order-making power in section 2B. Section 61(2) of the 2025 Act modifies section 2B so that they can also use the order-making power to make provision to substitute a different economic index (used in connection with the setting new pitch fees) for the one mentioned in paragraph 23(1)(b) of the schedule. It also inserts a new subsection (4A) so that a second or subsequent order under section 2B may provide that any such new economic index applies in relation to any agreement to which the 1983 Act applies.

171. Section 61(3) of the 2025 Act modifies paragraphs 20, 22, 23 and 32 of schedule 1—

- Paragraph (a) modifies paragraph 20 in a case where an application is made to the sheriff under paragraph 17(1) or 19(1) of the schedule for an order determining a new pitch fee and the Tribunal is satisfied that a portion of the new pitch fee proposed by the owner has been calculated to compensate a person for the change made by the 2025 Act to the economic index in paragraph 23 of the schedule or any future change made to it. The Tribunal cannot include this compensatory portion in the new pitch fee.
- Paragraph (b) modifies paragraph 22, which sets out what is to be taken into account when determining the amount of a new pitch fee in relation to a mobile home on a protected site, so that regard must be had to any direct effect of a relevant enactment on the costs payable by the owner in relation to the maintenance or management of the protected site. But no regard is to be had to any actual or anticipated financial loss arising as a result of a change made by the 2025 Act to the economic index in paragraph 23 of the schedule or any future change to it.
- Paragraphs (c) and (d) modify paragraphs 23 and 32 so that, when determining the amount of a new pitch fee, there is a presumption that the new pitch fee will not increase or decrease by a percentage that is more than the change in the consumer prices index (rather than the retail prices index) since the last review date, unless this would be unreasonable having regard to matters mentioned in paragraph 22(1).

Section 62 - Meaning of "protected site"

172. This section modifies the meaning of "protected site" in section 5(1) of the 1983 Act so that it has the same meaning as in Part 1 of the Caravans Sites Act 1968. Accordingly, a protected site is any land in respect of which a site licence is required under the Caravan Sites and Control of Development Act 1960 (or would be if there were no exemption for local authority sites). But it does not include land in respect of which the relevant planning permission or site licence—

- is expressed to be granted for holiday use only, or
- is otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation.

Decisions of the Scottish Housing Regulator: reviews and appeals

Section 63 - Decisions of the Scottish Housing Regulator: reviews and appeals

173. This section modifies the 2010 Act to insert a new Part 5A which makes provision for and in connection with reviews and appeals against specified decisions of the Scottish Housing Regulator. It also confers a regulation-making power on the Scottish Ministers to modify this new Part and make such further provision as they consider appropriate in relation to reviews and appeals of decision by the Regulator. Regulations may not be made under the new power unless a draft of them has been laid before, and approved by, the Scottish Parliament.

Property factors

Section 64 - Registration: fit and proper person considerations

174. This section modifies section 5 of 2011 Act to provide that the Scottish Ministers must, when deciding whether a person is a fit and proper person to be a property factor, have regard (among other things) to any material that shows that any person who is (or is to be) directly concerned with the control or governance of the property factor, has been convicted of any offence involving firearms or has been convicted of a sexual offence (within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995), or has contravened a provision of the law in relating to housing, landlord and tenant law, or the law relating to property.

175. In addition, it provides that the Scottish Ministers must have regard to any material if it shows the extent to which any such person has (i) failed to provide information required under section 14A or 14B(2)(d)(i) of the 2011 Act, (ii) obstructed a person acting in the proper exercise of the person's functions under sections 14B to 14D of that Act, or failed to comply with a requirement made by a person who is so acting.

Section 65 - Revocation of registration: where property factor no longer exists

176. This section modifies section 8 of the 2011 Act to cater for the scenario that a property factor no longer exists. In particular, it enables the property factor to be removed from the register.

Section 66 - Removal from register following application

177. This section inserts new section 8A into the 2011 Act to make provision to allow for a registered property factor to apply to be removed from the register. The Scottish Ministers must remove a property factor from the register if they are satisfied that the property factor is no longer carrying out activities as such and it is appropriate to remove the property factor from the register.

Section 67 - Note on register where refusal or removal

178. This section inserts new section 8B into the 2011 Act to ensure that a note is made in the register of any decision of the Scottish Ministers to refuse to enter a person on the register of property factors, and of any decision taken by them to remove a property factor from the register.

Section 68 - Property factor registered numbers: inclusion in communications

179. This section modifies section 13 of the 2011 Act so that a registered property factor must take all reasonable steps to ensure that the "property factor registered number" is included in any communication in relation to the activities of the property factor. (The property factor registered number is a number allocated by the Scottish Ministers to each registered property factor.)

Section 69 - Monitoring of compliance

180. This section inserts new sections 14A to 14E into the 2011 Act which confer additional powers on the Scottish Ministers to obtain information, carry out inspections, obtain warrants for entry, and provides for a related offence where a person does not provide the information required.

Manager of related properties

Section 70 – Power for majority of owners to dismiss and appoint manager

181. Subsection (1) of section 64 of the Title Conditions (Scotland) Act 2003 provides that, if a person is the manager of related properties, the owners of two thirds of the properties may dismiss the person and appoint another person to be the manager. Section 70 of the 2025 Act modifies this so that a majority of the owners may dismiss the person and appoint another person to be the manager.

Fuel poverty

Section 71 - Fuel poverty strategy: consultation

182. This section modifies section 7 of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 ("the Fuel Poverty Act"). The modification to subsection (1) makes it clear that, in reviewing the fuel poverty strategy, the Scottish Ministers must consult such persons as they consider appropriate including those listed in subsection (2). New subsection (3A) provides that the duty to consult the persons mentioned in paragraphs (a) and (c) to (f), respectively, of subsection (2) may be met by consulting persons representing the interests of those persons.

Section 72 - Periodic reports: periods, consultation and publication etc.

183. This section modifies sections 10 and 11 of the Fuel Poverty Act. Section 10 is modified so that, in preparing a periodic report under section 9, the Scottish Ministers must consult such persons as they consider appropriate including the Scottish Fuel Poverty Advisory Panel. Section 11 is modified so that the Scottish Ministers must publish each periodic report, and lay a copy before the Scottish Parliament, within 6 months after the reporting period for the report ends.

Section 73 - Advisory panel: removal of funding cap

184. This section modifies section 15 of the Fuel Poverty Act so that there is no limit on the financial resources that the Scottish Ministers may provide to support the operation of the Scottish Fuel Poverty Advisory Panel (established by section 14 of that Act).

New homes ombudsman

Section 74 - Disclosure of information to new homes ombudsman

185. Section 20 of the Scottish Public Services Ombudsman Act 2002 provides that the Ombudsman may disclose relevant information to a person or body specified in the first column of schedule 5 of the 2002 Act if it relates to a matter specified in the second column.

186. Section 74 of the 2025 Act modifies that schedule so that the Ombudsman may also disclose relevant information to the new homes ombudsman (see section 137(3) of the Building Safety Act 2022) if it appears to the Ombudsman that it relates to a matter of which the new homes ombudsman could exercise any function conferred by the new homes ombudsman scheme (see section 136 of that Act).

Council tax

Section 75 - Variation of council tax for unoccupied dwellings

187. Section 33(1) of the Local Government in Scotland Act 2003 ("the 2003 Act") confers a regulation-making power on the Scottish Ministers to provide that the amount of council tax payable in respect of a chargeable dwelling and any day is to be subject to a variation if, on that day, there is no resident of the dwelling (and for the calculation of the amount of that variation). But section 33(1A) of the 2003 Act imposes a limit so that the power may not be used to increase the amount of council tax for unoccupied dwellings by more than the unvaried amount (i.e. the power could not be used to more than double the unvaried amount).

188. Section 75(2)(a) of the 2025 Act removes the limitation imposed by section 33(1A) so that regulations under section 33(1) of the 2003 Act may increase the amount of council tax for unoccupied dwellings, without any such limitation on the increase. As the power will continue to be subject to the affirmative procedure, regulations may not be made under this power unless a draft of the regulations has been laid before, and approved by, the Scottish Parliament.

189. If the Scottish Ministers make regulations that vary the amount of council tax for unoccupied dwellings, they may also confer powers on local authorities to modify the application of the regulations within their respective areas. Where such powers are conferred, local authorities may modify the default variation provided for in regulations made by the Scottish Ministers so that a different amount of variation (or no variation) applies in relation to some circumstances in which there is no resident of a chargeable dwelling but not in relation to others. But section 33(4)(a) of the 2003 Act imposes a limit so that the power may not be used to allow local authorities to increase the amount of council tax for unoccupied dwellings by more than the unvaried amount (i.e. the power could not allow them to more than double the unvaried amount).

190. Section 75(2)(b) of the 2025 Act removes the limitation imposed by section 33(4)(a) so that regulations under section 33(1) of the 2003 Act may allow local authorities to increase the amount of council tax for unoccupied dwellings by more than the unvaried amount, albeit the regulations may still specify limits in relation to the exercise of any such powers conferred on local authorities (see section 33(4)(b) of the 2003 Act).

191. Section 75(2)(c) of the 2025 Act inserts new subsection (4A) into section 33 of the 2003 Act. The new subsection provides that, where a power is conferred on a local authority to modify the application of regulations made under section 33(1) of the 2003 Act, the regulations may also provide that, in exercising the power, the local authority must have regard to guidance issued by the Scottish Ministers about the exercise of the power.

Section 76 - Review of council tax arrears: joint and several liability

192. This section provides that 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. The review must be completed within one year of Royal Assent. On completing the review, the Scottish Ministers must lay a report on the review before the Scottish Parliament and publish it. The report must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.

Section 77 – Review of classification of properties

193. This section provides that the Scottish Ministers must carry out a review of the process for determining whether particular properties (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). The review must be completed within two years of Royal Assent. On completing the review, the Scottish Ministers must lay a report on the review before the Scottish Parliament and publish it. The report must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.

Housing revenue accounts

Section 78 - Transfer of funds into the housing revenue account

194. This section modifies paragraph 2(1)(h) of schedule 15 of the 1987 Act so that a local authority must carry to the credit of its housing revenue account amounts equal to any income arising from a contribution out of its general fund (kept under section 93 of the Local Government (Scotland) Act 1973) that is receivable by the local authority for that year, being income relating to expenditure falling to be debited to the account for that year. It also modifies paragraph 2(5) of schedule 15 of the 1987 Act so that a local authority may, without the consent of the Secretary of State, carry to the credit of its housing revenue account, in addition to the amounts required by paragraph 2(1) to (4) of the schedule, such further amounts, if any, as they think fit.

Emergency housing

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

195. This section confers a regulation-making power on the Scottish Ministers to make provision for or in connection with the declaration of a national housing emergency by the Scottish Ministers. The regulations may, in particular, include provision about any matter mentioned in subsection (2) including, for example, what is meant by a national housing emergency for the purpose of the regulations. The Scottish Ministers must, within 18 months of this section coming into force, lay before the Scottish Parliament a draft of the first regulations that they propose to make under this section.

Section 80 – Guidance for local authorities about a local housing emergency

196. This section provides that the Scottish Ministers may issue guidance to local authorities about the declaration of a local housing emergency by a local authority. The guidance may, in particular, include provision about any matter mentioned in subsection (2) including, for example, what is meant by a local housing emergency. A local authority must, in the exercise of its functions in relation to housing, have regard to any guidance issued under this section. Before issuing and publishing any guidance under this section, the Scottish Ministers must consult local authorities.

PART 7 – IMPACT ASSESSMENT

Section 81 – Rural impact assessment

197. This section provides that the Scottish Ministers must, no later than 12 months after Royal Assent, conduct an impact assessment of the provisions of the 2025 Act on rural and island communities. On completing the impact assessment, the Scottish Ministers must lay a report on the impact assessment before the Scottish Parliament and publish it. The report must include a statement of the action, if any, the Scottish Ministers intend to take as a result of carrying out the assessment.

PART 8 - FINAL PROVISIONS

Section 82 - Regulations

198. This section makes further provision about the regulation-making powers given to the Scottish Ministers under the 2025 Act. It allows any such regulations to make different provision for different purposes and areas, and specifies the parliamentary procedure that applies in each case.

199. This section does not apply to the regulation-making power in section 86(2) because this power is subject instead to a requirement to lay the instrument containing the regulations before the Scottish Parliament as soon as reasonably practicable after the legislation is made, and in any event before it is due to come into force (see section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010). In addition, separate provision is made in section 86(4) to allow regulations under this power to make different provision for different purposes.

Section 83 - Ancillary provision

200. This section empowers the Scottish Ministers to make, by regulations, ancillary provision for the purposes of, in connection with, or for giving full effect to the 2025 Act or any provision made under it.

201. Regulations under this section may modify any enactment (including the 2025 Act itself). The word "enactment" is defined in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010 and includes Acts of the Scottish or UK Parliaments as well as secondary legislation.

202. If regulations under this section textually amend an Act then they are subject to the affirmative procedure, but otherwise they are subject to the negative procedure (see sections 28 and 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

Section 84 - Interpretation

203. This section defines what is meant by "the 2016 Act", "First-tier Tribunal" and "private residential tenancy" where these expressions are used in the 2025 Act (but not where these expressions appear in text that is inserted by the 2025 Act into other legislation, as the other legislation will determine what is meant by any such expression inserted into that other legislation).

Section 85 - Minor and consequential modifications

204. This section introduces the schedule of the 2025 Act, which contains provision that makes minor and consequential modifications of other enactments.

Section 86 - Commencement

205. This section sets out when the provisions of the 2025 Act will come into force (i.e. take effect).

206. The sections in Part 8 of the 2025 Act, except for section 85, come into force on the day after Royal Assent. The other provisions of the 2025 Act, including section 85, come into force in accordance with regulations made by the Scottish Ministers. The regulations may include transitional, transitory or saving provision related to commencement. They may also make different provision for different purposes, and this allows different provisions to be commenced on different days.

207. But if any provision of Part 5 is not in force within a period of 3 years of Royal Assent, the provision comes into force on the day after the end of that period.

208. Regulations under this section will, unless exercised in conjunction with powers under other sections, be laid before the Scottish Parliament but will not be subject to any parliamentary procedure (see section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010).

Section 87 - Short title

209. This section provides for the 2025 Act to be known as the Housing (Scotland) Act 2025.

SCHEDULE - MINOR AND CONSEQUENTIAL AMENDMENTS

Rent (Scotland) Act 1984

Paragraph 1

210. Under section 89A of the 1984 Act, as read with section 20(1) of the 2016 Act, the Scottish Ministers may, by regulations, make provision about sums which may be charged in connection with the grant, renewal or continuance of a PRT. The regulations may, in particular, specify categories of sum that are not to be treated as a premium for the purposes of Part 8 of the 1984 Act. Paragraph 1 of this schedule modifies section 89A so that any such regulations may include ancillary provision of the type mentioned and may modify any enactment (including section 90(3) of the 1984 Act which declares that certain deposits are not premiums for the purposes of Part 8).

Housing (Scotland) Act 1988

Paragraph 2

211. This paragraph modifies section 53(2) of the 1988 Act in consequence of subsections (6) and (7) of new section 20A of that Act (inserted by section 30(2) of the 2025 Act), and subsection (5) and (6) of section 37 of that Act (inserted by section 32(3) of the 2025 Act). Section 20A(7) provides that regulations made under section 20A(6) are subject to the affirmative procedure, and section 37(6) provides that regulations made under section 37(5)

are subject to the affirmative procedure. The modification made to section 53(2) ensures that the default negative procedure for regulations under the 1988 Act does not apply to regulations under new sections 20A(6) and 37(5).

Housing (Scotland) Act 2001

Paragraph 3

212. This paragraph modifies section 109 of the 2001 Act. Sub-paragraph (2)(a) inserts a new subsection (2A) so that regulations under paragraph 8B in Part 1A of schedule 5 of the 2001 Act (inserted by section 36(3) of the 2025 Act) may specify the content and form of, and manner of giving, an application under paragraph 8A of that Part. Sub-paragraph (2)(b) and (c) modifies subsections (4) and (6) so that regulations under sections 16A(6), 31B(1), 31C(1) and 36A(6) of the 2001 Act (inserted by section 29(2) and (3) and 36(2) of the 2025 Act) are subject to the affirmative procedure. Sub-paragraph (3) modifies the title of schedule 5 of the 2001 Act to take account of section 36(3) of the 2025 Act.

Housing (Scotland) Act 2006

Paragraph 4

213. This paragraph modifies section 182(2)(b) of the 2006 Act to remove an unnecessary (repeated) word.

Property Factors (Scotland) Act 2011

Paragraph 5

214. This paragraph modifies the title of section 8, and sections 9, 15 and 30, of the 2011 Act in consequence of the changes made to the 2011 Act by sections 64 to 69 of the 2025 Act.

Housing (Scotland) Act 2014

Paragraph 6

215. Section 36 of the 2014 Act requires a registered letting agent to take all reasonable steps to ensure that the agent's letting agent registration number is included in, among other things, any communication in relation to the agent's letting agency work or a communication of a type specified by order. This paragraph modifies the meaning of communication in section 36 so that it includes electronic communications sent to, or placed on, a website by or on behalf of the agent.

Private Housing (Tenancies) (Scotland) Act 2016

Paragraph 7

216. This paragraph modifies Part 4 (including the repeal of section 24(2) and Chapter 3), sections 73, 76, 77 and 78 and schedule 2 of the 2016 Act.

217. Sub-paragraph (2)(a) repeals section 24(2) in consequence of sub-paragraph (3). Subsection (2)(b) extends the period, from 21 days to 30 days, within which a tenant may under section 24 of the 2016 Act make a referral to a rent officer after receiving a rent-increase notice.

218. Sub-paragraph (3) repeals Chapter 3 of Part 4 as it is no longer needed in consequence of alternative provision for the designation of rent control areas under Chapter 1 of Part 1 of the 2025 Act.

219. Sub-paragraph (4) modifies section 73 so that an error in completing a notice, referral, application or request (as the case may be) under new sections 43L(1), 43N(2), 43Q(1), 64B(1), or (2), 64C(2), 64I(1) or (2) or 64J(2) (inserted by sections 23(4) and 35(2) of the 2025 Act) does not make the document invalid unless the error materially affects the effect of the document.

220. Sub-paragraph (5) modifies section 76 so that ancillary regulations under subsection (1) of that section may modify any enactment (including other subordinate legislation).

221. Sub-paragraph (6) modifies section 77 as follows—

- Paragraph (a) modifies subsection (1) so that a power to make regulations conferred by the 2016 Act also includes the power to make different provision for different areas.
- Paragraph (b) modifies subsection (2) so that regulations under new sections 43L(3)(b), 48A(3)(c), 64B(1)(b) or (3)(d), 64C(3), 64I(1)(b) or (3)(d) or 64J(3) of the 2016 Act (inserted by sections 23(4), 35(2) and 44(3) of the 2025 Act) may specify the content and form of, and manner of giving, any notice, pre-notice or request (as the case may be) to which the regulation-making power relates.
- Paragraph (c) modifies subsection (3) so that regulations under new sections 17A(6), 17D(1), 19(1)(a), 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) and 64N(1) and paragraph 6(1) of schedule 5 of the 2016 Act (inserted by sections 22(2), 23(3) and (4), 24(2)(a), 28(2), 34(2)(e), 35(2), 44(3) and 51(2) of the 2025 Act) are subject to the affirmative procedure.
- Paragraph (d) modifies subsection (4) so that regulations under new sections 43L(3)(b), 43N(3), 43Q(2)(b), 43S(4)(a), 48A(1)(b)(ii) and (c)(ii)(B), 48A(3)(c), 64B(1)(b) and (3)(d), 64C(3), 64I(1)(b) and (3)(d) and 64J(3) of the 2016 Act (inserted by sections 23(4), 35(2) and 44(3) of the 2025 Act) are subject to the negative procedure.

222. Sub-paragraph (7) modifies section 78 to add definitions for the expressions "2025 Act", "rent control area" and "rent-increase notice".

223. Sub-paragraph (8) modifies paragraph 2 of schedule 2 in consequence of new Part 4A of the 2016 Act (inserted by section 23(4) of the 2025 Act).

PARLIAMENTARY HISTORY

224. The following is a list of the proceedings in the Scottish Parliament on the Bill for the 2025 Act and significant documents connected to the Bill published by the Parliament during the Bill's parliamentary passage.

Proceedings and reports	***Reference***
Bill as introduced	SP Bill 45 Housing (Scotland) Bill [as introduced] Session 6 (2024)
Explanatory Notes	SP Bill 45 Housing (Scotland) Bill [explanatory notes] Session 6 (2024)
Policy Memorandum	SP Bill 45 Housing (Scotland) Bill [policy memorandum] Session 6 (2024)
Financial Memorandum	SP Bill 45 Housing (Scotland) Bill [financial memorandum] Session 6 (2024)
Delegated Powers Memorandum	SP Bill 45 Housing (Scotland) Bill [delegated powers memorandum] Session 6 (2024)
Stage 1	
Local Government, Housing and Planning Committee, 16 April 2024	SP OR Local Government, Housing and Planning Committee 16 April 2024
Social Justice and Social Security Committee, 18 April 2024	SP OR Social Justice and Social Security Committee 18 April 2024
Local Government, Housing and Planning Committee, 28 May 2024	SP OR Local Government, Housing and Planning Committee 28 May 2024
Local Government, Housing and Planning Committee, 4 June 2024	SP OR Local Government, Housing and Planning Committee 4 June 2024
Delegated Powers and Law Reform Committee, 4 June 2024	SP OR Delegated Powers and Law Reform Committee 4 June 2024
Social Justice and Social Security Committee, 6 June 2024	SP OR Social Justice and Social Security Committee 6 June 2024
Local Government, Housing and Planning Committee, 11 June 2024	SP OR Local Government, Housing and Planning Committee 11 June 2024
Social Justice and Social Security Committee, 13 June 2024	SP OR Social Justice and Social Security Committee 13 June 2024
Local Government, Housing and Planning Committee, 18 June 2024	SP OR Local Government, Housing and Planning Committee 18 June 2024
Social Justice and Social Security Committee, 20 June 2024	SP OR Social Justice and Social Security Committee 20 June 2024
Local Government, Housing and Planning Committee, 25 June 2024	SP OR Local Government, Housing and Planning Committee 25 June 2024
Delegated Powers and Law Reform Committee, 25 June 2024	SP OR Delegated Powers and Law Reform Committee 25 June 2024
Social Justice and Social Security Committee, 27 June 2024	SP OR Social Justice and Social Security Committee 27 June 2024
Local Government, Housing and Planning Committee, 3 September 2024	SP OR Local Government, Housing and Planning Committee 3 September 2024
Delegated Powers and Law Reform Committee, 3 September 2024	SP OR Delegated Powers and Law Reform Committee 3 September 2024

Proceedings and reports	***Reference***
Delegated Powers and Law Reform Committee report	Delegated Powers and Law Reform Committee 50th report, 2024, Delegated powers in the Housing (Scotland) Bill at Stage 1 (SPP 637)
Social Justice and Social Security Committee, 5 September 2024	SP OR Social Justice and Social Security Committee 5 September 2024
Local Government, Housing and Planning Committee, 10 September 2024	SP OR Local Government, Housing and Planning Committee 10 September 2024
Social Justice and Social Security Committee, 12 September 2024	SP OR Social Justice and Social Security Committee 12 September 2024
Social Justice and Social Security Committee report	Social Justice and Social Security Committee 10th report, 2024, Stage 1 Report on Housing (Scotland) Bill: Part 5 (homelessness prevention) and Part 6 (other housing matters - fuel poverty) (SPP 645)
Local Government, Housing and Planning Committee, 1 October 2024	SP OR Local Government, Housing and Planning Committee 1 October 2024
Local Government, Housing and Planning Committee, 8 October 2024	SP OR Local Government, Housing and Planning Committee 8 October 2024
Local Government, Housing and Planning Committee, 12 November 2024	SP OR Local Government, Housing and Planning Committee 12 November 2024
Local Government, Housing and Planning Committee report	Local Government, Housing and Planning Committee 7th report, 2024, Housing (Scotland) Bill Stage 1 Report (SPP 684)
Chamber, 28 November 2024	SP OR 28 November 2024
Stage 2	
Local Government, Housing and Planning Committee, 28 January 2025	SP OR Local Government, Housing and Planning Committee 28 January 2025
First Marshalled List of Amendments for Stage 2: SJSSC	SP Bill 45 Housing (Scotland) Bill [first marshalled list of amendments for stage 2] Session 6 (2025)
First Groupings of Amendments for Stage 2: SJSSC	SP Bill 45 Housing (Scotland) Bill [first groupings of amendments for stage 2] Session 6 (2025)
Social Justice and Social Security Committee, 20 March 2025	SP OR Social Justice and Social Security Committee 20 March 2025
Second Marshalled List of Amendments for Stage 2: SJSSC	SP Bill 45 Housing (Scotland) Bill [second marshalled list of amendments for stage 2] Session 6 (2025)
Second Groupings of Amendments for Stage 2: SJSSC	SP Bill 45 Housing (Scotland) Bill [second groupings of amendments for stage 2] Session 6 (2025)
Social Justice and Social Security Committee, 27 March 2025	SP OR Social Justice and Social Security Committee 27 March 2025

Proceedings and reports	***Reference***
Third Marshalled List of Amendments for Stage 2: SJSSC	SP Bill 45 Housing (Scotland) Bill [third marshalled list of amendments for stage 2] Session 6 (2025)
Third Groupings of Amendments for Stage 2: SJSSC	SP Bill 45 Housing (Scotland) Bill [third groupings of amendments for stage 2] Session 6 (2025)
Social Justice and Social Security Committee, 24 April 2025	SP OR Social Justice and Social Security Committee 24 April 2025
First Marshalled List of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [first marshalled list of amendments for stage 2] Session 6 (2025)
First Groupings of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [first groupings of amendments for stage 2] Session 6 (2025)
Local Government, Housing and Planning Committee, 6 May 2025	SP OR Local Government, Housing and Planning Committee 6 May 2025
Second Marshalled List of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [second marshalled list of amendments for stage 2] Session 6 (2025)
Second Groupings of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [second groupings of amendments for stage 2] Session 6 (2025)
Local Government, Housing and Planning Committee, 13 May 2025	SP OR Local Government, Housing and Planning Committee 13 May 2025
Local Government, Housing and Planning Committee, 14 May 2025	SP OR Local Government, Housing and Planning Committee 14 May 2025
Third Marshalled List of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [third marshalled list of amendments for stage 2] Session 6 (2025)
Third Groupings of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [third groupings of amendments for stage 2] Session 6 (2025)
Local Government, Housing and Planning Committee, 20 May 2025	SP OR Local Government, Housing and Planning Committee 20 May 2025
Fourth Marshalled List of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [fourth marshalled list of amendments for stage 2] Session 6 (2025)
Fourth Groupings of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [fourth groupings of amendments for stage 2] Session 6 (2025)
Local Government, Housing and Planning Committee, 27 May 2025	SP OR Local Government, Housing and Planning Committee 27 May 2025
Local Government, Housing and Planning Committee, 29 May 2025	SP OR Local Government, Housing and Planning Committee 29 May 2025
Fifth Marshalled List of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [fifth marshalled list of amendments for stage 2] Session 6 (2025)
Fifth Groupings of Amendments for Stage 2: LGHPC	SP Bill 45 Housing (Scotland) Bill [fifth groupings of amendments for stage 2] Session 6 (2025)
Local Government, Housing and Planning Committee, 3 June 2025	SP OR Local Government, Housing and Planning Committee 3 June 2025
Bill as amended at Stage 2	SP Bill 45A Housing (Scotland) Bill [as amended at Stage 2] Session 6 (2025)
Supplementary Delegated Powers Memorandum	SP Bill 45A Housing (Scotland) Bill [supplementary delegated powers memorandum] Session 6 (2025)

Proceedings and reports	***Reference***
Supplementary Financial Memorandum	SP Bill 45A Housing (Scotland) Bill [supplementary financial memorandum] Session 6 (2025)
Delegated Powers and Law Reform Committee report	Delegated Powers and Law Reform Committee 59th report, 2025, Delegated Powers in the Housing (Scotland) Bill (as amended at Stage 2) (SPP 853)
Revised Explanatory Notes	SP Bill 45A Housing (Scotland) Bill [revised explanatory notes] Session 6 (2025)
Stage 3	
Marshalled List of Amendments for Stage 3	SP Bill 45A Housing (Scotland) Bill [marshalled list of amendments for stage 3] Session 6 (2025)
Timed Groupings of Amendments for Stage 3	SP Bill 45A Housing (Scotland) Bill [timed groupings of amendments for stage 3] Session 6 (2025)
Chamber, 23 September 2025	SP OR 23 September 2025
Chamber, 24 September 2025	SP OR 24 September 2025
Second Marshalled List of Amendments for Stage 3	SP Bill 45A Housing (Scotland) Bill [second marshalled list of amendments for stage 3] Session 6 (2025)
Second Timed Groupings of Amendments for Stage 3	SP Bill 45A Housing (Scotland) Bill [second timed groupings of amendments for stage 3] Session 6 (2025)
Chamber, 30 September 2025	SP OR 30 September 2025
Bill as passed	SP Bill 45B Housing (Scotland) Bill [as passed] Session 6 (2025)
Post passage	
Royal Assent, 6 November 2025	2025 asp 13

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