POLICY NOTE

THE INVESTIGATION AND COMMENCEMENT OF REPAIR (SCOTLAND) REGULATIONS 2026

SSI 2026/173

The above instrument was made in exercise of the powers conferred by sections 20A(1) and (3) and 191(2) of the Housing (Scotland) Act 2006 (asp 1) and section 27(2) and 109(2) of the Housing (Scotland) Act 2001. The instrument is subject to affirmative procedure.

Summary Box

This instrument introduces new duties on social and private landlords to investigate reports of damp and mould and commence any required repairs within a set timescale, unless, for reasons beyond the control of the landlord, the landlord is unable to do so.

Policy Objectives

Everyone in Scotland deserves the right to live in a warm, safe and secure home, free from disrepair.

Subject to Parliament's approval, the Scottish Government is committed to introducing an equivalent of Awaab's Law in the rented sector, starting with tackling damp and mould, to ensure landlords promptly address issues that are hazardous to tenants' health.

Whilst many landlords already have damp and mould policies in place and respond swiftly to household repairs, this is not consistent across the entire rented sector. By requiring landlords to promptly investigate reports of damp and mould and act accordingly within set timeframes, this legislation will provide greater certainty to tenants and seek to reduce instances of long-term exposure to damp and mould, which can pose significant risks.

Damp and mould will be the starting point, with other qualifying hazards to be included over time.

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

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Investigation and Commencement of Repair (Scotland) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation
To inform the development of this instrument, a series of roundtables representing stakeholders across the rented sector were held in Autumn 2025. This included organisations representing landlords and tenants.

As a result of the engagement, general themes included that any regulation should be proportionate, build upon the existing housing framework in Scotland, have an appropriate lead in time for implementation to enable sufficient preparations, and be deliverable for urban, rural and island communities. Feedback did not raise any specific concerns around the general scope and timescales proposed, acknowledging existing practices and the need for prompt action. The content of this instrument has been informed by this engagement.

Impact Assessments
A suite of impact assessments has been completed on the draft SSI and are attached. This includes Equality, Child Rights and Wellbeing, Fairer Scotland Duty, Island Communities, and Business and Regulatory impact assessments. A Strategic Environment Assessment was pre-screened out on the basis that the regulations were not deemed to significantly impact the environment.

Overall, this instrument is deemed to have a positive impact on tenants' health and wellbeing, including but not limited to children, young people, older people, disabled people, pregnant people and black and minority ethnic groups. No unlawful discrimination has been identified.

Subject to the approval of this SSI, the Scottish Government will develop guidance in collaboration with stakeholders in preparation for commencement and the impact assessments will be reviewed as appropriate.

Financial Effects
A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. As this instrument builds upon landlords existing duties, this assessment does not determine that there will be a significant impact on businesses. We will continue to engage with the sector in the run up to commencement.

Scottish Government
Local Government and Housing Directorate

21 January 2026