POLICY NOTE

THE SCOTTISH SECURE TENANCIES (PROCEEDINGS FOR POSSESSION) (FORM OF NOTICE) AMENDMENT REGULATIONS 2025

SSI 2025/404

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 14(4) of the Housing (Scotland) Act 2001(**1**) and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

These Regulations add a new notice of proceedings form to the Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012 ("the 2012 Regulations") which is to be used where the landlord is seeking to recover possession or terminate a joint tenant's interest in a tenancy on domestic abuse grounds.

Policy Objectives

The overarching policy objectives of Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 are to to improve the immediate and longer term housing outcomes of domestic abuse victims living in social housing who wish to continue living in the family home, including through helping to avoid homelessness.

Section 22 of the 2021 Act amends sections 14 and 16 and schedule 2 of the Housing (Scotland) Act 2001. Section 22(4) inserts paragraph 15A into schedule 2 of the 2001 Act, creating a new ground on which the landlord under a Scottish secure tenancy may raise court proceedings under section 14 of the 2001 Act. These Regulations amend the Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012 to provide that the prescribed form of notice where proceedings are to be raised on the new ground in paragraph 15A of schedule 2 of the 2001 Act is contained in the new schedule 3 of the 2012 Regulations (as inserted by these Regulations). These Regulations are therefore necessary to support paragraph 15A of schedule 2 of the 2001 Act being brought into force.

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 Scottish Ministers certify that, in their view, the Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

(**1**) 2001 asp 10 ("the 2001 Act"). Section 14 is relevantly amended by section 155(a) of the Housing (Scotland) Act 2010 (asp 17), section 14(1) of the Housing (Scotland) Act 2014 (asp 14) and section 22(2) and 22(5) of the Domestic Abuse (Protection) (Scotland) Act 2021 (asp 16). In relation to a short Scottish secure tenancy, section 14(4) is modified by section 36(8) of the 2001 Act. Section 36(8) was inserted by section 11(f) of the Housing (Scotland) Act 2014 (asp 14). Section 109 is relevantly amended by section 155(c)(ii) of the Housing (Scotland Act 2010 (asp 17) and article 2 of S.S.I. 2011/445.

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

Consultation

Key stakeholders including the Chartered Institute of Housing, Scotland, the Society of Local Authority Lawyers and Administrators, Scottish Women's Aid and a small number of social landlords were consulted in the development of these regulations. Changes were made to the proposed SSI to take account of suggestions made by the Society of Local Authority Lawyers and Administrators. This included the development of separate prescribed form of notice where proceedings are to be raised on the new ground in paragraph 15A of schedule 2 of the 2001 Act.

Impact Assessments

A range of impact assessments were carried out for the Domestic Abuse (Protection) (Scotland) Bill 2020 including an Equality Impact Assessment and a Child Rights and Wellbeing Impact Assessment. The impacts as set out in these assessments remain relevant and we are not publishing updated assessments, other than for Child Rights and Wellbeing Impact Assessment at this time.

Financial Effects

The Cabinet Secretary for Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Better Homes Directorate

9 December 2025