Housing (Scotland) Bill

Bill Number: SP Bill 36
Introduced on: 13 January 2010
Introduced by: Nicola Sturgeon MSP (Executive Bill).
Passed: 3 November 2010
Royal Assent: 9 December 2010

Passage of the Bill

The Housing (Scotland) Bill [SP Bill 36] was introduced in the Parliament on 13 January 2010. Stage 1 commenced on 15 March 2005 with the Local Government and Communities Committee as the lead committee. The Stage 1 (general principles) debate took place on 23 June 2010 and the Bill was passed following the Stage 3 parliamentary debate on 3 November 2011.

Purpose and objectives of the Bill

The principal policy objectives of the Bill, as introduced, were to, “... improve the value that social housing delivers for tenants and taxpayers, to safeguard the supply of housing for the benefit of future generations of tenants and to improve the conditions in private sector housing” (Policy Memorandum).

Provisions of the Bill

The Bill, as introduced, was structured into 15 parts. Parts 1 to 10 concern the Scottish Housing Regulator and registered social landlords. The Bill would provide a framework for the establishment of a Scottish Housing Regulator as an independent body, rather than as an Executive Agency as it currently is, and modernise its functions and powers. The Regulator would be required to establish a Scottish Social Housing Charter which would define the outcomes that social landlords should be achieving and would provide the framework for the Regulator to assess and report on the performance of social landlords.

Part 11 would end the right to buy for new tenants and for new supply social housing. Part 12 would amend the system of private landlord registration while Part 13 would make changes to the powers available to local authorities under the Housing (Scotland) Act 2006 to address disrepair in private
housing. Part 13 would also make changes to the system of HMO licensing as set out in the Housing (Scotland) Act 2006.

Part 14 includes provisions regarding unauthorised tenants and changes to the definition of local connection in respect of homelessness applications. Finally, Part 15 sets out supplementary and final provisions.

**Parliamentary consideration**

The Local Government and Communities Committee, in its [Stage 1 Report](#), supported the general principles of the Bill but raised concerns over the inclusion of provisions relating to private rented housing given that another Bill on private rented housing was due to be introduced in the Parliament at a later date. In light of these concerns, the Scottish Government removed the provisions relating to private rented sector housing and HMOs at Stage 3 and included them in the [Private Rented Housing (Scotland) Bill](#) [SP Bill 54] which was introduced in Parliament on 4 October 2010.

At Stage 2 the majority of amendments agreed to were proposed by the Government and related to Parts 1 to 10 of the Bill and many of these were minor or technical amendments. A number of amendments sought to increase the participation of tenants, homeless persons and other services users in the work of the Scottish Housing Regulator.

More substantial amendments agreed at Stage 2 included provisions that sought to provide protection for tenants facing eviction for rent arrears. Further amendments would allow social landlords and their connected bodies to be exempt from the 20 years rules in relation to long leases and heritable securities. The aim of this change is to facilitate new forms of housing investment into the sector.

Other amendments agreed at Stage 2 sought to clarify the law in relation to unauthorised tenants. The effect of these amendments would be that after obtaining a repossession decree against a borrower who lets their property, a lender would have to raise further proceedings to evict any assured tenant under the Housing (Scotland) Act 1988.

A non-Government amendment agreed at Stage 2 would require local authorities to assess a homeless applicant’s need for housing support services, where it believed this was necessary, and to provide the required services. Government amendments at Stage 3 revised the wording of this provision and introduced a power to allow Scottish Ministers to make regulations about the assessment, and the provision of, housing support services. Ministers would also be required to consult bodies that represent local authorities and bodies that represent the interests of homeless persons.

Finally, at Stage 3, amendments were passed that require Scottish Ministers to collect certain statistical information about right to buy.

**Kate Berry**