

Housing (Scotland) Bill

1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Abolition of right to buy

12, 13, 42, 43, 44, 45

Notes on amendments in this group

Amendment 42 pre-empts amendments 43 and 44

Amendments 43 and 44 are direct alternatives

Reasonable preference in allocation of social housing

14, 1, 46, 2

Guidance published by Scottish Ministers on social housing matters

15, 17, 19, 28

Factors to be considered in allocation of social housing

49, 16

Minimum period for application to remain in force

18

Duties with respect to homelessness

3, 8

Short Scottish secure tenancy created on antisocial behaviour grounds

50, 20, 21, 22, 23, 24, 39, 40

Scottish secure tenancy: assignation, sublet, joint tenancy and succession

25, 26, 27, 47

Scottish starter tenancy

51, 57

Transfer of sheriff's jurisdiction to First-tier Tribunal

52, 29

Repairing standard

31, 53, 54, 48, 5, 30

Enforcement of repairing standard

6, 10, 11, 32, 41

Rent reviews and rent increases – private rented housing

33, 33A, 37

Security of tenure – private rented housing

34, 34A, 34B, 34C, 34D, 34E, 34F, 34G, 38

Houses let for holiday purposes

55, 58

Tenement management schemes

7, 35

Home maintenance framework duty

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Maintenance plans: areas

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Amendments in debating order

Abolition of right to buy

Alex Johnstone

- 12 Leave out section 1

Alex Johnstone

- 13 Leave out section 2

Alex Johnstone

- 42 In section 85, page 55, line 7, leave out subsection (4)

Margaret Burgess

- 43 In section 85, page 55, line 8, leave out <3> and insert <2>

Mary Fee

- 44 In section 85, page 55, line 8, leave out <3> and insert <1>

Alex Johnstone

- 45 In the long title, page 1, line 1, leave out <the abolition of the right to buy,>

Reasonable preference in allocation of social housing

Margaret Burgess

- 14 In section 3, page 2, line 12, leave out <held by the social landlord which the social landlord> and insert <which—

- (i) are held by a social landlord, and
- (ii) the social landlord selecting its tenants>

John Lamont

- 1 In section 3, page 2, line 13, at end insert <and
- (d) persons who appear to the social landlord to have a particular connection with a locality or community within its area.
- (1ZAA) It is for the social landlord to determine what constitutes a “locality” or “community” for the purposes of subsection (1ZA)(d).
- (1ZAB) Reference in subsection (1ZA)(d) to a person having a particular connection with a locality or community is a reference to the person having a connection with that locality or community—
- (a) because the person is, or in the past was, normally resident in it of the person’s own choice,
 - (b) because the person is employed in it,

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- (c) because of family associations, or
- (d) because of any other special circumstances.>

Jackie Baillie

- 46 In section 3, page 2, line 15, leave out from first <the> to end of line 16 and insert <circumstances prescribed in guidance published by the Scottish Ministers apply.”.>

John Lamont

- 2 In section 3, page 2, line 16, at end insert—
- <() In section 20 of the 1987 Act, sub-paragraph (i) of subsection (2)(a) and the word “or” immediately following it are repealed.>

Guidance published by Scottish Ministers on social housing matters

Margaret Burgess

- 15 In section 4, page 2, line 40, leave out <issued by the Scottish Ministers> and insert <published by the Scottish Ministers.
- (3AA) Before publishing any guidance mentioned in subsection (3A), the Scottish Ministers must consult such persons as they consider appropriate.>

Margaret Burgess

- 17 In section 7, page 4, line 26, leave out from <issued> to end of line 32 and insert <about this section (including the matters mentioned in subsection (4)) published by the Scottish Ministers.
- (3A) Before publishing any guidance mentioned in subsection (3), the Scottish Ministers must consult such persons as they consider appropriate.>

Margaret Burgess

- 19 In section 8, page 6, line 18, leave out from <, after> to end of line 22 and insert <—
- (a) in subsection (7), for “or 2” substitute “, 2 or 2A”, and
 - (b) after subsection (8), insert—
- “(9) A landlord must have regard to any guidance published by the Scottish Ministers—
- (a) before creating a tenancy which is a short Scottish secure tenancy by virtue of section 35 or paragraph 1, 2 or 2A of schedule 6, and
 - (b) when taking any steps in relation to such a tenancy with a view to—
 - (i) extending the term of the tenancy under section 35A, or
 - (ii) raising proceedings for the recovery of possession of the house under section 36.
- (10) Before publishing any guidance mentioned in subsection (9), the Scottish Ministers must consult such persons as they consider appropriate.”.>

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Margaret Burgess

28 In section 15, page 11, line 28, at end insert—

<() In section 14 of the 2001 Act (proceedings for possession), after subsection (2A) insert—

“(2B) Where such proceedings are to include a ground for recovery of possession set out in paragraph 2 of schedule 2, the landlord must have regard to any guidance published by the Scottish Ministers before raising such proceedings in relation to recovering possession of the house.

(2C) Before publishing any guidance mentioned in subsection (2B), the Scottish Ministers must consult such persons as they consider appropriate.”.>

Factors to be considered in allocation of social housing

Mary Fee

49 After section 4, insert—

<Factors which must be considered in allocation: sustainable communities

In section 20 of the 1987 Act (persons to have priority on housing list and allocation of housing), after subsection (2B) insert—

“(2C) In the allocation of housing falling within subsection (1), a social landlord may take into consideration the likely effects of that allocation on the sustainability of particular localities or communities.”.>

Margaret Burgess

16 Leave out section 5

Minimum period for application to remain in force

Margaret Burgess

18 In section 7, page 6, line 11, at end insert—

<() After the social landlord imposes a requirement under subsection (1) (whether or not previously varied under this subsection), it may—

(a) withdraw the requirement, or

(b) vary the requirement in order to shorten the period imposed for the application to have remained in force.>

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Duties with respect to homelessness

Jim Hume

3 After section 7, insert—

<Homelessness and allocation of housing

Duty of registered social landlord to provide accommodation

In section 5 of the 2001 Act (duty of registered social landlord to provide accommodation), after subsection (1) insert—

“(1A) Where a local authority has a duty under section 31(2) of the 1987 Act in relation to a homeless person—

- (a) no request may be made by the authority to a registered social landlord to provide accommodation to the person otherwise than in accordance with this section, and
- (b) any request made by a local authority to a registered social landlord which holds houses for housing purposes in its area to provide accommodation for such a person is deemed to be a request under this section.”>

Jim Eadie

Supported by: Alex Rowley

8 After section 16, insert—

<Duties of local authorities with respect to homelessness and threatened homelessness

Unsuitable accommodation orders: applicant with family commitments

In section 29 of the 1987 Act (interim duty to accommodate), after subsection (4), insert—

“(4A) Without prejudice to the generality of subsection (4), an order under subsection (3) must—

- (a) include provision that accommodation of a type specified in subsection (4B) is unsuitable accommodation where an applicant is an applicant with family commitments,
- (b) define “applicant with family commitments” for the purposes of paragraph (a).

(4B) The type of accommodation is accommodation which is not wind and watertight and in all other respects reasonably fit for human habitation.”>

Short Scottish secure tenancy created on antisocial behaviour grounds

Mary Fee

50 In section 8, page 6, line 41, at end insert—

<() after subsection (2) insert—

“(2A) Where subsection (2) applies, the landlord must include in the notice—

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- (a) details of the actions of the tenant or person that have caused the landlord to issue the notice, and
- (b) the support the landlord proposes to provide to the tenant or person in order to assist the tenant to sustain a Scottish secure tenancy.”;>

Margaret Burgess

20 In section 8, page 6, line 41, at end insert—

<() in subsection (3)(b), after “order” insert “or, as the case may be, has behaved as described in subsection (2)(b)”;>

Margaret Burgess

21 In section 10, page 8, line 14, after <tenancies> insert <—

() after subsection (5), insert—

“(5A) Subsection (5) does not apply to a tenancy mentioned in subsection (6A).”>

Margaret Burgess

22 In section 10, page 8, line 23, at end insert <, and

() for subsection (4), substitute—

“(4) Where a tenancy becomes a short Scottish secure tenancy by virtue of this section—

(a) subsection (5) of section 34 does not apply to the tenancy, but

(b) otherwise subsection (6) of that section does apply to the tenancy.”.>

Margaret Burgess

23 In section 10, page 8, line 27, leave out <or> and insert <and>

Margaret Burgess

24 In section 12, page 10, line 8, at end insert—

<() in subsection (5)(a), after “34(5)” insert “or, in a case where subsection (2)(aa) applies, the end of the term applicable to the tenancy in accordance with section 34(6A), 35(3A) or 35A(1)”;>

Margaret Burgess

39 In schedule 2, page 64, line 2, at end insert—

<() In section 24(5)(d), for “or 2” substitute “, 2 or 2A”.

() In section 31(5)(c), for “or 2” substitute “, 2 or 2A”.>

Margaret Burgess

40 In schedule 2, page 64, line 31, at end insert—

<() In section 5(4)(a), for “or 2” substitute “, 2 or 2A”.>

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Scottish secure tenancy: assignation, sublet, joint tenancy and succession

Margaret Burgess

- 25 In section 13, page 10, line 28, leave out from <that> to end of line 29 and insert <, at any time before that period began, the landlord was notified by—
- (a) the person, or
 - (b) any other person who was the tenant of the house in question when the notice was given,
- that the house in question was the person’s only or principal home.”.>

Margaret Burgess

- 26 In section 13, page 11, leave out lines 1 to 4 and insert—
- “(1A) For the purposes of an assignation mentioned in subsection (1)(b), a period may be considered in relation to a person only if—
- (a) the person was the tenant of the house throughout that period, or
 - (b) at any time before that period began, the landlord was notified by—
 - (i) the person, or
 - (ii) any other person who was the tenant of the house in question when the notice was given,
- that the house in question was the person’s only or principal home.
- (1B) For the purposes of a sublet mentioned in subsection (1)(c), a period may be considered in relation to a tenant only if—
- (a) the tenant was the tenant of the house throughout that period, or
 - (b) at any time before that period began, the landlord was notified by—
 - (a) the tenant, or
 - (b) any other person who was the tenant of the house in question when the notice was given,
- that the house in question was the tenant’s only or principal home.”, and>

Margaret Burgess

- 27 In section 14, page 11, line 26, leave out from <that> to end of line 27 and insert <, at any time before that period began, the landlord was notified by—
- (a) the person, or
 - (b) any other person who was the tenant of the house in question when the notice was given,
- that the house in question was the person’s only or principal home.”.>

Jackie Baillie

- 47 Leave out section 14

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Scottish starter tenancy

Alex Johnstone

51 After section 16, insert—

<Scottish starter tenancy

Scottish starter tenancy

- (1) The Scottish Ministers must by regulations make provision for a category of tenancy, to be known as a “Scottish starter tenancy”, which may be offered to a prospective tenant by a social landlord where the prospective tenant has not previously held a Scottish secure tenancy or a short Scottish secure tenancy with that landlord.
- (2) Regulations under subsection (1) must provide that a Scottish starter tenancy—
 - (a) will have a term of 12 months,
 - (b) may be terminated by the landlord at two months’ notice in the circumstances set out in subsection (3),
 - (c) may, if it has not been terminated before the end of the 12 month period, be converted into a Scottish secure tenancy,
 - (d) may be extended, for a period to be prescribed by the Scottish Ministers, in the circumstances set out in subsection (4).
- (3) The circumstances referred to in subsection (2)(b) are—
 - (a) that the tenant has been in rent arrears for such period as may be specified by the landlord in the tenancy agreement,
 - (b) that the landlord considers that the tenant has acted in an antisocial manner in relation to another person residing in the same locality, or to a person visiting or otherwise engaged in lawful activity in the locality of a house occupied by that person,
 - (c) that the landlord considers that the tenant has failed to take due care of the property, or
 - (d) such other circumstances as may be prescribed by the Scottish Ministers.
- (4) The circumstances referred to in subsection (2)(d) are that the landlord considers that the conduct of the tenant has been unsatisfactory but not to the extent that the landlord has considered it necessary to terminate the tenancy before the end of the 12 month period.
- (5) Regulations under subsection (1) must also provide that a landlord offering a Scottish starter tenancy must provide—
 - (a) such housing support services as the landlord considers appropriate with a view to enabling the conversion of the tenancy to a Scottish secure tenancy, and
 - (b) an appeals mechanism in relation to decisions—
 - (i) to terminate or extend a Scottish starter tenancy, or
 - (ii) not to convert a Scottish starter tenancy to a Scottish secure tenancy.
- (6) Regulations under subsection (1) may modify, or disapply any provision of, any enactment (including this Act).
- (7) For the purposes of this section, the terms “Scottish secure tenancy” and “short Scottish secure tenancy” have the meanings given in the 2001 Act.>

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Alex Johnstone

- 57 In section 82, page 54, line 19, at end insert—
<() under section (*Scottish starter tenancy*)(1),>

Transfer of sheriff’s jurisdiction to First-tier Tribunal

Jim Hume

- 52 In section 17, page 12, line 20, at end insert—
<() Tribunal Rules made under the Tribunals (Scotland) Act 2014 (asp 10) must make provision for the legal representation of tenants and occupiers in relation to actions arising from the tenancies and occupancy agreements listed in subsection (1) .>

Margaret Burgess

- 29 In schedule 1, page 62, leave out line 18, and insert—
<() the words “shall be made to the sheriff principal and” are repealed,>

Repairing standard

Jim Eadie

- 31 After section 22, insert—
<Repairing standard

Carbon monoxide alarms

In section 13 of the 2006 Act—

- (a) the word “and” after paragraph (e) of subsection (1) is repealed,
- (b) after paragraph (f) of subsection (1) insert “, and
 - (g) the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.”,
- (c) after subsection (5) insert—
 - “(6) In determining whether a house meets the standard of repair mentioned in subsection (1)(g), regard is to be had to any building regulations and any guidance issued by the Scottish Ministers on provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.”.>

Mark Griffin

- 53 After section 22, insert—
<Repairing standard: smoke alarms

Smoke alarms

In section 13 of the 2006 Act, in paragraph (f) of subsection (1), after “provision” insert “connected to the main electrical supply”.

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Bob Doris

54 After section 22, insert—

<Electrical safety inspections

(1) In section 13 of the 2006 Act (the repairing standard), after subsection (4) insert—

“(4A) In determining whether a house meets the standard of repair mentioned in subsection (1)(c) and (d) in relation to installations for the supply of electricity and electrical fixtures, fittings and appliances, regard is to be had to any guidance issued by the Scottish Ministers on electrical safety standards.”

(2) After section 19 of the 2006 Act insert—

“19A Duty to ensure regular electrical safety inspections

(1) The landlord must ensure that regular inspections are carried out for the purpose of identifying any work which—

(a) relates to installations for the supply of electricity and electrical fixtures, fittings and appliances, and

(b) is necessary to ensure that the house meets the repairing standard.

(2) The duty in subsection (1) is complied with if—

(a) an inspection has been carried out before the tenancy starts (but not earlier than 5 years before the start of the tenancy), and

(b) inspections are carried out during the tenancy at such intervals to ensure that there is a period of no more than 5 years between each inspection.

(3) The landlord must—

(a) before the start of the tenancy, provide the tenant with a copy of the record of the most recent inspection carried out, and

(b) provide the tenant with a copy of the record of any inspection carried out during the tenancy.

(4) For the purposes of sections 16(4), 17, 22 and 24 and schedule 2, references to a duty under section 14(1) include the duties under this section.

(5) In relation to a tenancy which started before the day of commencement of section (*Electrical safety inspections*)(2) of the Housing (Scotland) Act 2014 (asp 00)—

(a) subsections (2)(a) and (3)(a) do not apply, but

(b) the landlord must ensure that an inspection is carried out no later than the end of the period of 12 months beginning on that day (unless the tenancy ends before the end of that period).

19B Electrical safety inspections

(1) An inspection carried out in pursuance of section 19A must be carried out by a competent person.

(2) The person carrying out the inspection must prepare a record of the inspection including the following information—

(a) the date on which the inspection was carried out,

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- (b) the address of the house inspected,
 - (c) the name and address of the landlord or the landlord's agent,
 - (d) the name, address and relevant qualifications of the person who carried out the inspection,
 - (e) a description, and the location, of each installation, fixture, fitting and appliance inspected,
 - (f) any defect identified,
 - (g) any action taken to remedy a defect.
- (3) A copy of the record must be—
- (a) given to the landlord, and
 - (b) retained by the landlord for a period of 6 years.
- (4) The Scottish Ministers must publish guidance on the carrying out of inspections.
- (5) In determining who is competent to carry out an inspection, the landlord must have regard to the guidance.”.>

Claudia Beamish

48 After section 22, insert—

<Repairing standard: energy efficiency

Duty to make provision on energy efficiency standards

(1) After section 13 of the 2006 Act insert—

“13A Duty to make provision on energy efficiency standards

- (1) The Scottish Ministers must by regulations extend or vary the repairing standard to include provision—
- (a) setting minimum standards for energy efficiency,
 - (b) the application of those standards where a house forms part only of any premises,
 - (c) establishing a system of inspection to determine whether premises comply with those standards, and
 - (d) for penalties to be imposed on a landlord for failure to comply with those standards.
- (2) Regulations under subsection (1) must come into force by 1 January 2015.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as appear to them to be appropriate.”.

(2) In section 191(5) of the 2006 Act, after “section” insert “13A.”.>

Jim Eadie

5* After section 22, insert—

<The repairing standard: common areas

In section 15 of the 2006 Act (application of duty in relation to flats etc.), after subsection (2), insert—

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- “(3) A landlord is to be treated as having failed to comply with the duty imposed by section 14(1) where the landlord has failed to contribute the landlord’s share of the costs of keeping in a reasonable state of repair and in proper working order any part of the premises which the landlord is responsible for maintaining in common with others.”.>

Margaret Burgess

30 After section 22, insert—

<Power to modify repairing standard etc.

(1) After section 20 of the 2006 Act insert—

“20A Power to modify repairing standard etc.

- (1) The Scottish Ministers may by regulations vary or extend the repairing standard and a landlord’s duty to ensure a house meets that standard.
- (2) Regulations under subsection (1) may, in particular, make provision about—
- (a) the tenancies to which this Chapter applies,
 - (b) determining whether a house meets the repairing standard,
 - (c) carrying out inspections in relation to the repairing standard.
- (3) Regulations under subsection (1) may modify sections 12 to 14 and any other provision of this Chapter.”.
- (2) In section 191(5) of the 2006 Act, after “section” insert “20A.”.>

Enforcement of repairing standard

Jim Eadie

6 In section 23, page 15, line 28, at end insert—

- <() an owner of a house adjacent to or adjoining a house owned by a landlord,
() an organisation providing advice services relating to housing,>

Malcolm Chisholm

10 In section 23, page 15, line 28, at end insert—

- <() an owner (“A”) of a house neighbouring a house owned by a landlord, where the landlord has not contributed to the cost of the maintenance and repair of any thing owned in common by A and the landlord,>

Malcolm Chisholm

11 In section 23, page 15, line 28, at end insert—

- <() a person responsible for managing a service commissioned by a local authority,>

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Margaret Burgess

- 32 In section 23, page 16, line 18, leave out subsection (6) and insert—
- <() In section 181 of the 2006 Act (rights of entry: general)—
 - (a) after subsection (1) insert—
 - “(1A) Any person authorised by a third party applicant is entitled to enter any house in respect of which an application under section 22 may be made for the purposes of enabling or assisting the third party applicant to decide whether to make an application under section 22(1A).”, and
 - (b) in subsection (2), for “a tenant’s application under section 22(1)” substitute “an application under section 22(1) or (1A)”.
 - () In section 182 of the 2006 Act (warrants authorising entry)—
 - (a) in subsection (1), after “subsection (1)” insert “, (1A)”, and
 - (b) after subsection (3) insert—
 - “(3A) In relation to an application for a warrant under section 181(1A), the reference to the occupier in subsection (3) is to be read as including the tenant, the landlord and any known agent of the landlord.”.
 - () In section 184 of the 2006 Act (rights of entry: supplemental), after subsection (4) insert—
 - “(4A) In relation to the exercise of the right conferred by section 181(1A), the reference to occupants in subsection (4) is to be read as including the tenant, the landlord and any known agent of the landlord.”.
 - () In section 187 of the 2006 Act (formal communications), in subsection (3)(b), for “the recorded delivery service” substitute “a service which provides for the delivery of the communication to be recorded”.>

Margaret Burgess

- 41 In schedule 2, page 65, line 22, at end insert—
- <Housing (Scotland) Act 2006 (asp 1)
- In section 22 of the 2006 Act—
- (a) subsection (4)(c) is repealed, and
 - (b) subsection (6) is repealed.>

Rent reviews and rent increases – private rented housing

James Kelly

- 33 After section 25, insert—

<Rent reviews and rent increases

Rent reviews and rent increases

- (1) The Scottish Ministers must by regulations make provision that, in relation to a tenancy of a dwelling-house other than a tenancy granted by a social landlord—

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- (a) prohibits a landlord from reviewing the rent payable under such a tenancy before the expiry of the period of one year since the previous such review,
 - (b) specifies the maximum amount by which the total of the rent payable under such a tenancy may be increased at each review, and
 - (c) makes such further provision in connection with the matters described in paragraphs (a) and (b) as the Scottish Ministers consider necessary or expedient for the purposes of those matters.
- (2) Regulations under subsection (1) must come into force by 1 January 2015.
 - (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as appear to them to be appropriate.
 - (4) Regulations under subsection (1) may modify, or disapply any provision of, any enactment (including this Act).>

Patrick Harvie

- 33A** As an amendment to amendment 33, line 13, leave out <come into force> and insert <be laid before the Scottish Parliament>

James Kelly

- 37** In section 82, page 54, line 20, at end insert—
<() under section (*Rent reviews and rent increases*)(1),>

Security of tenure – private rented housing

James Kelly

- 34** After section 25, insert—

<Security of tenure

Security of tenure

- (1) The Scottish Ministers must by regulations make provision that, in relation to a tenancy of a dwelling-house other than a tenancy granted by a social landlord—
 - (a) establishes that such a tenancy may have an initial term of 6 months,
 - (b) establishes that, subject to satisfactory completion of the initial term, the period of such a tenancy will be at least 3 years,
 - (c) after the completion of the initial term, permits the tenant to terminate the tenancy on giving the landlord notice of one month,
 - (d) after the completion of the initial term, permits the landlord to terminate the tenancy on giving the tenant notice of two months if—
 - (i) the tenant has such arrears of rent as may be prescribed,
 - (ii) the tenant has acted in such antisocial manner as may be prescribed,
 - (iii) the tenant otherwise breaches the terms of the tenancy agreement,
 - (iv) the landlord wishes to sell the dwelling-house,

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- (v) the dwelling-house is required as the principal residence of the landlord or a member of the landlord's family, or
 - (vi) the landlord intends to refurbish or change the use of the dwelling-house, and
- (e) makes such further provision in connection with the matters described in paragraphs (a) to (d) as the Scottish Ministers consider necessary or expedient for the purposes of those matters.
- (2) Regulations under subsection (1) must come into force by 1 January 2015.
 - (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as appear to them to be appropriate.
 - (4) Regulations under subsection (1) may modify, or disapply any provision of, any enactment (including this Act).>

Patrick Harvie

34A As an amendment to amendment 34, leave out line 6

Patrick Harvie

34B As an amendment to amendment 34, line 7, leave out <, subject to satisfactory completion of the initial term,>

Patrick Harvie

34C As an amendment to amendment 34, line 9, leave out <after the completion of the initial term,>

Patrick Harvie

34D As an amendment to amendment 34, line 11, leave out <after the completion of the initial term,>

Patrick Harvie

34E As an amendment to amendment 34, line 18, leave out <or> and insert—

<() permits—

- (i) the landlord to terminate the tenancy on giving the tenant notice of six months where>

Patrick Harvie

34F As an amendment to amendment 34, line 20, at end insert—

- <(ii) the tenant to reacquire the tenancy at the same rent if the dwelling-house is re-let,>

Patrick Harvie

34G As an amendment to amendment 34, line 20, at end insert—

- <() where a tenancy has been terminated under paragraph (d)(iv) or (v), the dwelling-house may not be re-let for a period of six months from the date of termination, and>

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James Kelly

- 38** In section 82, page 54, line 20, at end insert—
<() under section (*Security of tenure*)(1),>

Houses let for holiday purposes

Drew Smith

- 55** After section 25, insert—
<Houses let for holiday purposes

Houses let for holiday purposes

- (1) The Scottish Ministers may by regulations provide that a local authority may serve a closure notice prohibiting access to premises by any person other than—
 - (a) a person who habitually resides in the premises, or
 - (b) the owner of the premisesin the circumstances set out in subsection (2).
- (2) The circumstances are that the premises—
 - (a) is situated in the local authority’s area,
 - (b) has been privately let for holiday purposes—
 - (i) on at least two occasions during which a person occupying or visiting the premises has engaged in antisocial behaviour, and
 - (ii) the authority anticipates further use of those premises that will result in antisocial behaviour.
- (3) Regulations under subsection (1) must include provision for—
 - (a) the form of a closure notice and the means by which it is to be served,
 - (b) the period for which a closure notice can apply,
 - (c) the means by which a closure notice is to be enforced,
 - (d) an appeals mechanism, and
 - (e) such other matters as the Scottish Ministers consider necessary or expedient.
- (4) For the purposes of this section, “antisocial behaviour” has the meaning given by section 81(4) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8).>

Drew Smith

- 58** In section 82, page 54, line 20, at end insert—
<() under section (*Houses let for holiday purposes*)(1),>

THIS IS NOT THE MARSHALLED LIST

Tenement management schemes

Jim Eadie

- 7 In section 72, page 50, line 36, after <2004”,> insert—
- <() for subsection (3), substitute—
- “(3) The repayable amount is recoverable in—
- (a) 30 equal annual instalments payable on the same date (specified in the charge) in each calendar year, or
 - (b) monthly instalments over such shorter period of time as the local authority determines to be reasonable in the circumstances.
- (3A) Where a local authority determines a repayment period under subsection (3)(b), it must provide the owner of, or any other person interested in, any living accommodation subject to the repayment charge with assistance under section 71(1).”,>

Malcolm Chisholm

- 35 In section 72, page 50, line 36, after <2004”,> insert—
- <() in subsection (4), after the word “register” where it second appears, insert “, and on its being so registered has priority over all existing and future burdens on the same living accommodation”,>

Home maintenance framework duty

Jim Eadie

- 9 After section 73, insert—
- <**Home maintenance framework**
- (1) Before section 42 of the 2006 Act, insert—
- “Home maintenance framework*
- 41A Home maintenance framework**
- (1) Where any premises consist of two or more houses, the owners of those houses must prepare jointly a framework (a “home maintenance framework”) in relation to any part of the premises which is owned in common by those owners.
 - (2) A home maintenance framework must set out how the maintenance and repair of such parts of the premises will be managed and must in particular include—
 - (a) arrangements for an annual inspection of any roof areas owned in common by the owners,
 - (b) a payment plan or other arrangements to fund maintenance and repairs to any part of the premises which is owned in common, and
 - (c) arrangements for the appointment of a responsible person or agent to manage the implementation of the framework.”
- (2) In section 42 of the 2006 Act, after subsection (2) insert—

THIS IS NOT THE MARSHALLED LIST

“(2A) Where any premises consist of two or more houses, the local authority may consider for the purposes of subsection (2)(b) that those houses are unlikely to be maintained to a reasonable standard if it appears to the authority that a satisfactory home maintenance framework has not been prepared under section 41A in relation to the houses.”>

Maintenance plans: areas

James Kelly

56 In section 75, page 51, line 25, at end insert—

<() In section 44(1) of the 2006 Act (maintenance plans for two or more houses), after “premises,” insert “and any garden area associated with the premises,”.>

