

Amendments to Bills lodged on 29 April 2025

Housing (Scotland) Bill — Stage 2

Local Government, Housing and Planning Committee Daily List

Section 2

Ross Greer

519 In section 2, page 2, line 24, at end insert—

<() if so, whether or not it recommends to the Scottish Ministers that paragraph 4A of schedule 2A of the Land and Buildings Transaction Tax (Scotland) Act 2013 should apply to the proposed rent control area, and>

Section 19

Meghan Gallacher

329K As an amendment to amendment 329, line 24, at end insert—

<(2A) Regulations under subsection (1)—

- (a) must include in the definition of an exempt property any property under a relevant tenancy for which the landlord works with a charity which has as its purpose, or among its purposes, the prevention of homelessness,
- (b) may include a list of organisations which the Scottish Ministers consider to be charities which have as their purpose, or among their purposes, the prevention of homelessness for the purposes of subsection (2A)(a).>

Meghan Gallacher

329L As an amendment to amendment 329, line 31, at end insert—

<(5) In this section, “charity” means a charity within the meaning of the Charities and Trustee Investment (Scotland) Act 2005.”.>

Before section 24

Meghan Gallacher

520 Before section 24, insert—

<Succession to tenancy

Succession to Scottish secure tenancy: qualified persons

- (1) The Housing (Scotland) Act 2001 is modified as follows.
- (2) In schedule 3 (succession to Scottish secure tenancy: qualified persons)—
 - (a) in paragraph 2, sub-paragraph (2) is repealed,
 - (b) in paragraph 3, for the words “throughout the period of 12 months ending with” substitute “at the time of”,
 - (c) in paragraph 4, for the words “throughout the period of 12 months ending with” substitute “at the time of”,
 - (d) paragraph 4A is repealed,
 - (e) in paragraph 11(3)—

- (i) in sub-sub-paragraph (a) for the words “must vacate the house within 3 months of” substitute “is entitled to be the tenant for a period not exceeding 6 months beginning with”,
- (ii) after sub-sub-paragraph (b) insert—
 - “(c) is entitled to receive reasonable assistance from the landlord to find suitable alternative accommodation.”.>

Meghan Gallacher

521 *In substitution for amendment 121*

Before section 24, insert—

<Succession to tenancy

Entitlement to inherit

- (1) The 2016 Act is modified as follows.
- (2) In section 67 (partner’s entitlement to inherit)—
 - (a) in subsection (1)—
 - (i) the “and” immediately following paragraph (a) is repealed,
 - (ii) paragraph (b) is repealed,
 - (b) subsections (3) and (4) are repealed.
- (3) In section 68 (other family member’s entitlement to inherit)—
 - (a) in subsection (2)(b)—
 - (i) the word “and” immediately following sub-paragraph (i) is repealed,
 - (ii) sub-paragraph (ii) is repealed,
 - (b) subsection (3) is repealed.
- (4) In section 69 (carer’s entitlement to inherit)—
 - (a) in subsection (2)(b), sub-paragraph (ii) is repealed,
 - (b) subsection (3) is repealed.
- (5) After section 69 insert—

“69A Entitlement to inherit: qualified person

- (1) A qualified person who is entitled to become a tenant under a tenancy by virtue of section 67, 68 or 69 may decline the tenancy by giving the landlord notice in writing within 4 weeks of the tenant’s death.
- (2) Notice under subsection (1) has effect as if given at the time of the tenant’s death.
- (3) A qualified person who declines the tenancy—
 - (a) is entitled to be the tenant for a period not exceeding 6 months beginning with the date of the notice under subsection (1) declining the tenancy,
 - (b) is liable to pay rent which becomes due after the tenant’s death only in respect of any rental period (that is to say, a period in respect of which an instalment of rent falls to be paid) during any part of which the qualified person has occupied the house after the tenant’s death,
 - (c) is entitled to receive reasonable assistance from the landlord to find suitable alternative accommodation as specified in regulations by the Scottish Ministers.

- (4) Regulations under subsection (3)(c) are subject to the negative procedure.”.>

Section 29

Emma Roddick

- 522 In section 29, page 34, line 14, at end insert—

<(3A) Where a landlord considers that the tenant has not complied with the reasonable conditions imposed and withdraws consent, the tenant may appeal the withdrawal of consent under a process to be established by Scottish Ministers in regulations.>

Emma Roddick

- 523 In section 29, page 34, line 35, for “42” substitute “28”

Emma Roddick

- 524 In section 29, page 35, leave out lines 18 and 19

Emma Roddick

- 525 In section 29, page 35, line 24, leave out “(including any deemed refusal)”

Emma Roddick

- 526 In section 29, page 35, leave out lines 34 and 35

Emma Roddick

- 527 In section 29, page 36, leave out lines 17 to 25

Emma Roddick

- 528 In section 29, page 36, line 35, at end insert—

<(1A) Regulations under subsection (1) must specify that it is only reasonable for a landlord to refuse such consent—

- (a) on grounds which are necessary and proportionate, and
- (b) where clear reasoning or supporting evidence is provided.>

Emma Roddick

- 529 In section 29, page 36, line 35, at end insert—

<(1B) For the purposes of subsection (1A), grounds which are necessary and proportionate may include grounds in relation to—

- (a) the suitability of the let property for the pet,
- (b) the welfare of the pet,
- (c) demonstrable risks to the safety, health, or wellbeing of—
 - (i) another tenant of the let property,
 - (ii) any resident of a property neighbouring the let property.>

Section 30

Emma Roddick

530 In section 30, page 42, line 22, at end insert—

<(1A) Regulations under subsection (1) must specify that it is only reasonable for a landlord to refuse such consent—

- (a) on grounds which are necessary and proportionate, and
- (b) where clear reasoning or supporting evidence is provided.>

Emma Roddick

531 In section 30, page 42, line 22, at end insert—

<(1B) For the purposes of subsection (1A), grounds which are necessary and proportionate may include grounds in relation to—

- (a) the suitability of the let property for the pet,
- (b) the welfare of the pet,
- (c) demonstrable risks to the safety, health, or wellbeing of—
 - (i) another tenant of the let property,
 - (ii) any resident of a property neighbouring the let property.>

Emma Roddick

532 In section 30, page 43, line 19, for “one month” substitute “28 days”

Emma Roddick

533 In section 30, page 43, line 20, at end insert—

<8FA If an intimation is not provided in accordance with paragraph 8F, the landlord is to be deemed to have consented.>

Emma Roddick

534 In section 30, page 43, line 24, at end insert—

<8GA Where a landlord considers that the tenant has not complied with the reasonable conditions imposed and withdraws consent, the tenant may appeal the withdrawal of consent under a process to be established by Scottish Ministers in regulations.>

Before section 31

Maggie Chapman

535 Before section 31, insert—

<Guarantor scheme

Guarantor scheme for non-UK domiciled students

- (1) The Scottish Ministers must by regulations set up a scheme for a public body to act as guarantor for a tenant who is—
 - (a) a student, and
 - (b) not domiciled in the United Kingdom.
- (2) Regulations under subsection (1) must be introduced no later than 1 year after Royal Assent.
- (3) The Scottish Ministers must review the scheme no later than 3 years following the day on which regulations under subsection (1) are made.

- (4) A review under subsection (3) must include—
- (a) impact of the scheme, and
 - (b) any changes required to improve the scheme.
- (5) In this section—
- “guarantee” is a contractual promise to be responsible for the performance of an obligation owed by the tenant to a landlord under the tenancy if the tenant fails to perform the obligation,
- “guarantor” is a person who enters into a guarantee in relation to a tenancy,
- “public body” includes further or higher education institutions,
- “tenant” means a person occupying a residential property under a lease, including student lets.>

Maggie Chapman

536 Before section 31, insert—

<Tenancy deposits review: non-UK domiciled students

Tenancy deposits review: non-UK domiciled students

- (1) The Housing (Scotland) Act 2006 is modified as follows.
- (2) After section 120 (tenancy deposits: preliminary) insert—

“120A Tenancy deposits: non-UK domiciled students

- (1) The Scottish Ministers must—
 - (a) review the payment of tenancy deposits by students not domiciled in the United Kingdom within 1 year of the coming into force of section (*Tenancy deposits review: non-UK domiciled students*) of the Housing (Scotland) Act 2025, and
 - (b) publish a report on the review undertaken under subsection (1) within 2 years of the coming into force of that section.
- (2) The Scottish Ministers may, by regulations, make provision for the purposes of restricting the value or number of tenancy deposits to be paid by students not domiciled in the United Kingdom.”>

After section 31

Pam Duncan-Glancy

537 After section 31, insert—

<Pre-tenancy requirements: student funding

Pre-tenancy requirements: student funding

- (1) The Scottish Ministers must, by regulations, provide that, for the purposes of pre-tenancy requirements, student funding has equal status to other forms of income.
- (2) For the purposes of this section—

“pre-tenancy requirements” includes the requirement for a deposit or guarantor,

“student funding” includes any grant, loan or other form of funding provided to an individual for the purpose of undertaking a course of education.>

After section 38

Emma Roddick

444A As an amendment to amendment 444, line 5, at end insert—

- <() Regulations under subsection (1) must provide for a process to require a landlord, where they have failed to comply with their obligations under those regulations, to make a compensatory payment to the tenant.>

Ariane Burgess

538 After section 38, insert—

<Housing standards: local authority inspections

Housing standards: local authority inspections

- (1) A local authority may make arrangements to inspect the house entered in a person’s entry in the authority’s landlord register who—
 - (a) has been entered in the authority’s register for a period of 3 years, and
 - (b) is renewing the person’s application to be entered in the authority’s register.
- (2) Where the house is currently let to a tenant, the local authority may enter the house only with the consent of the tenant.
- (3) Where the authority is satisfied that the house of the person does not meet the tolerable standard within the meaning of section 86 of the Housing (Scotland) Act 1987 (or future equivalent standard), the authority may require the person to pay an amount not exceeding £10,000.
- (4) The Scottish Ministers must by regulations make provision for a process by which a person fined under subsection (3) may appeal.
- (5) In this section—

“house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,

“landlord register” in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act.>

Ariane Burgess

539 After section 38, insert—

<Housing standards: local authority inspections

Housing standards: local authority inspections: further provision

- (1) A local authority may at any time carry out an inspection of a house entered in a person’s entry in the authority’s landlord register.
- (2) Where the house is currently let to a tenant, the local authority may enter the house only with the consent of the tenant.
- (3) Where the authority is satisfied that the house of the person does not meet the tolerable standard within the meaning of section 86 of the Housing (Scotland) Act 1987 (or future equivalent standard), the authority may require the person to pay an amount not exceeding £10,000.
- (4) The Scottish Ministers must by regulations make provision for a process by which a person fined under subsection (3) may appeal.
- (5) In this section—

“house” is to be construed in accordance with section 101 of the Antisocial Behaviour etc. (Scotland) Act 2004,

“landlord register” in relation to a local authority, means the register prepared and maintained by the local authority for the purpose of Part 8 of that Act.>

Ross Greer

540 After section 38, insert—

<Termination of student residential tenancies

Tenant’s ability to bring tenancy to an end

- (1) A tenant may bring to an end a student residential tenancy by giving to the landlord a notice which fulfils the requirements described in subsection (3).
- (2) A tenancy comes to an end in accordance with subsection (1) on the day on which the notice states (in whatever terms) that it is to come to an end.
- (3) A notice fulfils the requirements referred to in subsection (1) if—
 - (a) it is in writing, and
 - (b) it states, as the day on which the tenancy is to end, a day that is after the last day of the minimum notice period.
- (4) In subsection (3)(b), “the minimum notice period” means a period which—
 - (a) begins on the day the notice is received by the landlord, and
 - (b) ends on the day falling—
 - (i) in a case where subsection (5) applies, 7 days after the period begins, or
 - (ii) in any other case, 28 days after the period begins.
- (5) This subsection applies where—
 - (a) the tenancy was entered into before the coming into force of this Part, and
 - (b) the let property was occupied by the tenant under the tenancy at any time before the coming into force of this Part.
- (6) In this section—

“student” has the same meaning as in paragraph 5 of schedule 1 of the 2016 Act,

“student residential tenancy” means a tenancy—

 - (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and
 - (b) to which sub-paragraph (2) or (3) of paragraph 5 of schedule 1 (tenancies which cannot be private residential tenancies) of the 2016 Act applies,

“tenancy” includes sub-tenancy,

“tenant” includes sub-tenant.
 - (7) In a case where two or more persons jointly are the landlord under a tenancy, references in this section to the landlord are to any of those persons.
 - (8) In a case where two or more persons jointly are the tenant under a tenancy, references in this section to the tenant are to all of those persons (except in subsection (5)).
 - (9) In a case where two or more persons jointly are the tenant under the tenancy, the reference in subsection (5) to the tenant is to any of those persons.>

Pam Duncan-Glancy

541 After section 38, insert—

<Power to enable tenants to terminate student residential tenancies

Power to enable tenants to terminate student residential tenancies

- (1) The Scottish Ministers may, by regulations, make such provision as they consider necessary to provide for a student residential tenancy to be terminated by a tenant in the same manner as a private residential tenancy may be terminated by a tenant under Part 5 of the 2016 Act.
- (2) In this Part, “student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

After section 51

Ross Greer

192A As an amendment to amendment 192, line 7, at end insert—

<(c) after subsection (2A), insert—

“(2B) Regulations under subsection (1) must provide that—

- (a) where there is a variation to increase the amount of council tax payable, and
- (b) the owner of the dwelling is not ordinarily resident in Scotland, an additional variation to further increase the amount of council tax payable, as determined by the local authority, may be applied.”.>

Ross Greer

542 After section 51, insert—

<Council tax arrears

Review of council tax arrears: scale and impact

- (1) The Scottish Ministers must, no later than six months after Royal Assent, undertake a review of the scale and impact of council tax arrears.
- (2) On completing the review, the Scottish Ministers must—
 - (a) lay a report on the review before the Scottish Parliament,
 - (b) publish the report in such manner as they consider appropriate.
- (3) The report under subsection (2) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.>

Ross Greer

543 After section 51, insert—

<Council tax arrears

Review of council tax arrears: joint and several liability

- (1) The Scottish Ministers must, no later than six months after Royal Assent, undertake a review of the impact of joint and several liability for council tax arrears on those who have experienced, or are experiencing, domestic abuse.
- (2) On completing the review, the Scottish Ministers must—
 - (a) lay a report on the review before the Scottish Parliament,
 - (b) publish the report in such manner as they consider appropriate.

- (3) The report under subsection (2) must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review.
- (4) In this section, “domestic abuse” means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act).>

Ross Greer

544 After section 51, insert—

<Land and buildings transaction tax

Additional amount surcharge: rent control areas

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—

“(jza) paragraph 4A(3) or (4) of schedule 2A.”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
 - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
 - (b) after paragraph 4 insert—

“Additional amount surcharge: rent control areas

4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.

(2) Where—

 - (a) this schedule applies to a chargeable transaction,
 - (b) the transaction is a residential property transaction,
 - (c) the dwelling is in a rent control area designated by Scottish Ministers under section 9 of the Housing (Scotland) Act 2025, and
 - (d) the Scottish Ministers have not prescribed in regulations under sub-paragraph (4) that this paragraph does not apply to the rent control area in which the dwelling is situated,

the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (3).
- (3) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).
- (4) The Scottish Ministers may, by regulations, set out the rent control areas designated under section 9 of the Housing (Scotland) Act 2025 which this paragraph does not apply to.
- (5) Where the Scottish Ministers make regulations under sub-paragraph (4), the Scottish Ministers must publish the reasons for doing so.
- (6) Regulations under sub-paragraphs (3) and (4) may make different provision for different purposes or areas.”.>

Ross Greer

545 After section 51, insert—

<Land and buildings transaction tax

Additional amount surcharge: National Parks

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—

“(jza) paragraph 4A(2) or (5) of schedule 2A.”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
 - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
 - (b) after paragraph 4 insert—

“Additional amount surcharge: National Parks

4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.

 - (2) The Scottish Ministers may, by regulations set out the National Parks designated under section 6 of the National Parks (Scotland) Act 2000 which this paragraph applies to.
 - (3) In making regulations under sub-paragraph (2), the Scottish Ministers must have regard to the views of the relevant National Park authorities.
 - (4) Where—
 - (a) this schedule applies to a chargeable transaction,
 - (b) the transaction is a residential property transaction,
 - (c) the dwelling is in an area of a National Park designated by Scottish Ministers under section 6 of the National Parks (Scotland) Act 2000, and
 - (d) the Scottish Ministers have prescribed in regulations under sub-paragraph (1) that this paragraph applies to the area of the National Park in which the dwelling is situated,

the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (4).
 - (5) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).
 - (6) Regulations under sub-paragraphs (2) and (5) may make different provision for different purposes or areas.”.>

Ross Greer

546 After section 51, insert—

<Land and buildings transaction tax

Additional amount surcharge: buyers not ordinarily resident in Scotland

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 68 (subordinate legislation), in subsection (2), after paragraph (j) insert—

“(jza) paragraph 4A(3) of schedule 2A.”.
- (3) In schedule 2A (additional amount: transactions relating to second homes etc.)—
 - (a) in paragraph 4, in sub-paragraph (2), after “consideration” insert “, except where paragraph 4A applies”,
 - (b) after paragraph 4 insert—

“Additional amount surcharge: buyers not ordinarily resident in Scotland

- 4A(1) This paragraph comes into force on the day after the Housing (Scotland) Act 2025 receives Royal Assent.
- (2) Where—
- (a) this schedule applies to a chargeable transaction,
 - (b) the transaction is a residential property transaction,
 - (c) the buyer is not ordinarily resident in Scotland, and
 - (d) the buyer does not intend to use the dwelling as their only or main residence,
- the amount of tax chargeable in respect of the transaction (as determined under section 25(1) or 26(1)) is increased by the additional amount mentioned in sub-paragraph (3).
- (3) The additional amount is an amount prescribed by the Scottish Ministers in regulations exceeding the amount specified in paragraph 4(2).”.>

Ross Greer

547 After section 51, insert—

<Land and buildings transaction tax

Transactions of £1 million or more

- (1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is modified as follows.
- (2) In section 24 (tax rates and tax bands), after subsection (2) insert—
- “(2A) The tax bands above the nil rate tax band mentioned in subsection (2)(c) and specified in an order under subsection (1) must include a tax band for properties for which the chargeable consideration is £1,000,000 or more.
 - (2B) The Scottish Ministers must make an order under subsection (1) for the 2026-27 financial year.”.>

Ross Greer

548 After section 51, insert—

<Student residential tenancies

Development of model terms and conditions

- (1) The Scottish Ministers must, no later than 18 months after Royal Assent, publish a model terms and conditions for student residential tenancies.
- (2) The model terms and conditions mentioned in subsection (1) must include provisions on—
- (a) the rent payable, including—
 - (i) the affordability of the rent payable, including with reference to available financial support for students,
 - (ii) that the rent payable cannot be increased more than once in any period of 12 months,
 - (iii) that the landlord must provide the tenant with a minimum of 3 months’ notice before any rent increase takes effect,
 - (b) tenancy deposits, including—
 - (i) that deposits cannot be an amount exceeding the monthly rent payable under the tenancy,
 - (ii) that where a person is required, as a condition of the grant of a tenancy, to

provide a guarantor in relation to the observance or performance of the tenant's obligations under the tenancy, the landlord must not require that the guarantor is resident in Scotland,

- (c) ending the tenancy, including—
 - (i) ending the tenancy before the tenancy commences,
 - (ii) the notice period for ending the tenancy,
 - (iii) the rights of the tenant,
 - (d) the rights and responsibilities of the tenant and landlord in relation to the maintenance and repair of the property, including—
 - (i) rights of access to the property for maintenance and repair,
 - (ii) that the landlord must provide a minimum notice of 24 hours before the property is accessed for maintenance and repair,
 - (e) the provision of information from the landlord to the tenant on matters including—
 - (i) complaints and redress,
 - (ii) financial and debt advice,
 - (iii) financial support,
 - (iv) other support, including pastoral support,
 - (f) arrangements for—
 - (i) communication between the tenant and landlord,
 - (ii) data sharing,
 - (iii) insurance,
 - (iv) the provision of receipts for the payment of rent.
- (3) The model terms and conditions mentioned in subsection (1) may include provisions on any other matters the Scottish Ministers consider appropriate.
- (4) In developing the model terms and conditions mentioned in subsection (1), the Scottish Ministers must consult any persons they consider appropriate.
- (5) The Scottish Ministers may, by regulations, make provision as they consider appropriate to require landlords of student residential tenancies to comply with any terms and conditions set out in the model terms and conditions.
- (6) In this Part, “student residential tenancy” means a tenancy the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and to which paragraph 5(2) or (3) of schedule 1 (tenancies which cannot be private residential tenancies: student lets) of the 2016 Act applies.>

Ross Greer

549 After section 51, insert—

<Student residential tenancies

Development of model complaints procedure

- (1) The Scottish Ministers must, no later than 18 months after Royal Assent, publish a model complaints procedure for student residential tenancies.
- (2) The model complaints procedure mentioned in subsection (1) must include a procedure by which a tenant under a student residential tenancy may make complaints (or other representations) in relation to the landlord.
- (3) The model complaints procedure mentioned in subsection (1) may include—

- (a) different provisions for different types of landlord,
- (b) provisions on any other matters the Scottish Ministers consider appropriate,
- (4) In developing the model complaints procedure mentioned in subsection (1), the Scottish Ministers must consult any persons it considers appropriate.
- (5) The Scottish Ministers may, by regulations, make provision to require landlords of student residential tenancies to comply with the model complaints procedure.>

Ross Greer

550 After section 51, insert—

<Infrastructure levy

Infrastructure levy: housing developments

- (1) The Planning (Scotland) Act 2019 is modified as follows.
- (2) In section 58 (lapsing of power to provide for levy)—
 - (a) in subsection (1), after “exercisable” insert “in relation to developments other than housing developments”,
 - (b) subsection (2) is repealed.>

Pam Duncan-Glancy

551 After section 51, insert—

<Accessibility of housing

Adaptations to housing

- (1) The Scottish Ministers must by regulations provide for a scheme to provide adaptations to housing to improve accessibility.
- (2) The scheme referred to in subsection (1) must—
 - (a) apply irrespective of housing tenure,
 - (b) integrate adaptations into planned repair, maintenance, and upgrade programmes,
 - (c) include a mechanism for evaluating the adaptations made for the purposes of informing future strategy and resource allocation,
 - (d) ensure that the evaluation referred to in paragraph (c) involves engagement with relevant advocacy organisations.>

Jamie Halcro Johnston

552 After section 51, insert—

<Direct emission heating systems: residential housing

Direct emission heating systems: residential housing

- (1) When the Scottish Ministers consider the regulation of direct emission heating systems, there must be a presumption in favour of enabling direct emission heating systems which provide secondary heating to be installed in any dwelling in—
 - (a) a remote or rural area,
 - (b) an island,
 - (c) any other circumstances Scottish Ministers consider appropriate,
- (2) The Scottish Ministers may by regulations define “remote or rural area” for the purposes of subsection (1).

(3) In this section—

“dwelling” includes a new build home under construction,

“new build home” has the same meaning as in section 138 of the Building Safety Act 2022,

“secondary heating” has the same meaning as in paragraph 6.11 of schedule 5 of the Building (Scotland) Regulations 2004.>

Ariane Burgess

553 After section 51, insert—

<Self-build register

Registers of persons seeking to acquire land to build a home

(1) The Town and Country Planning (Scotland) Act 1997 is modified as follows.

(2) Section 16E is repealed.

(3) After section 20AA insert—

“Self-build register

20AB Registers of persons seeking to acquire land to build a home

(1) In this section and sections 20AD and 20AH, “self-build and custom housebuilding” means the building or completion by—

(a) individuals of houses to be occupied as homes for those individuals,

(b) a qualifying body (as defined by subsection (6)) of a house or houses.

(2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

(3) Each local authority must keep a register of—

(a) individuals, and

(b) qualifying bodies,

who are seeking to acquire a plot or plots of land capable of being developed in the authority’s area for their own self-build and custom housebuilding.

(4) Each local authority must publicise its register under this section.

(5) It is the responsibility of an individual or qualifying body (as the case may be) to ensure that their entry on the register is up to date.

(6) For the purposes of subsection (1), a “qualifying body” means—

(a) an association of individuals who are custom builders,

(b) a cohousing group,

(c) a community benefit society,

(d) a community interest company,

(e) a third sector or charitable organisation, or

(f) any other community housing body that meets the criteria set out in subsection (7).

(7) The criteria are—

(a) the body has the explicit purpose of benefiting a defined local authority area,

- (b) the body is not-for-profit, with any surpluses used for the benefit of the local community,
 - (c) when engaged in housing, the body can demonstrate that—
 - (i) members of the local community have been able to participate in defining local housing needs and demands, and
 - (ii) those local housing needs and demands form the basis of the community housing body’s housing project or projects (as the case may be).
- (8) In this section, “home” in relation to an individual, means the individual’s sole or main residence.

20AC Duty as regard to registers

- (1) Each local authority must have regard to its register when carrying out the functions mentioned in subsection (2).
- (2) The functions are functions in relation to—
 - (a) planning,
 - (b) housing,
 - (c) disposal of land by the authority,
 - (d) regeneration.

20AD Duty as regard to planning permission

- (1) This section applies where the local authority is acting in its capacity as planning authority.
- (2) The authority must give consideration to giving development permission for the carrying out of self-build and custom housebuilding on enough plots of land to meet the demand for self-build and custom housebuilding in the authority’s area in respect of each base period.
- (3) Regulations must specify the time allowed for compliance with the duty under subsection (2) in relation to any base period.
- (4) The first base period, in relation to an authority, is the period—
 - (a) beginning with the day on which the register under section 20AB kept by the authority is established, and
 - (b) ending with 31 March 2028.
- (5) Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period.
- (6) In this section, “development permission” means planning permission or permission in principle (within the meaning of this Act).
- (7) Regulations may make provision specifying descriptions of planning permissions or permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.
- (8) For the purposes of this section—
 - (a) the demand for self-build and custom housebuilding in an authority’s area in respect of a base period is the aggregate of—
 - (i) the demand for self-build and custom housebuilding arising

in the authority's area in the base period, and

- (ii) any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which—
 - (A) the time allowed for complying with the duty in subsection (2) expired during the base period in question, and
 - (B) the duty in subsection (2) has not been met,
- (b) the demand for self-build and custom housebuilding arising in an authority's area in a base period is evidenced by the number of entries added during that period to the register under section 20AB kept by the authority,
- (c) an authority gives development permission if such permission is granted—
 - (i) by the authority,
 - (ii) by the Scottish Ministers.
- (9) A grant of development permission in relation to a particular plot of land may not be taken into account in relation to more than one base period in determining whether the duty in this section is discharged.
- (10) No account is to be taken for the purposes of this section of development permission granted before the start of the first base period.
- (11) Regulations under subsection (3)—
 - (a) may make different provision for different authorities or descriptions of authority,
 - (b) may make different provision for different proportions of the demand for self-build and custom housebuilding in respect of a particular base period.

20AE Exemption from duty

- (1) If an authority applies for exemption to the Scottish Ministers in accordance with regulations, the Scottish Ministers may direct that the authority is not subject to the duty in section 20AD.
- (2) The regulations may specify the cases or circumstances in which an authority may apply for exemption.
- (3) Regulations may make further provision about applications under subsection (1), and may in particular—
 - (a) require an application to be supported by specified information and by any further information that the Scottish Ministers require the authority to provide,
 - (b) require an authority that is granted exemption to notify persons on the register kept under section 20AB.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.

20AF Guidance

- (1) A relevant authority must have regard to any guidance issued by the Scottish Ministers when exercising any function conferred or imposed by or under section 20AB.

- (2) An authority that is subject to the duty in section 20AD must have regard to any guidance issued by the Scottish Ministers in relation to that duty.

20AG Regulations

- (1) The Scottish Ministers may by regulations make further provision about the register maintained under section 20AB.
- (2) Regulations under subsection (1) may make provision about—
 - (a) the form in which a register is to be kept,
 - (b) the content of an entry in a register (including matters not to be included in an entry),
 - (c) amending an entry,
 - (d) removal of an entry,
 - (e) the periodic renewal of an entry,
 - (f) eligibility to be on the register,
 - (g) applications to be entered on the register.
- (3) Regulations making provision in respect of subsection (2)(c) and (d) must ensure that the individual or qualifying body (as the case may be) is responsible for ensuring that information on the register relating to them is kept up to date.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.

20AH Disposal of land for self-build

When disposing of a plot of land for self-build, a local authority must make a calculation as to whether it should be sold at market value or best value in accordance with any guidance prepared by Scottish Ministers in pursuance of section 2(1)(a) of the Local Government in Scotland Act 2003.”.>

Ariane Burgess

554 After section 51, insert—

<Housing co-operative advisory body

Housing co-operative advisory body

- (1) The Scottish Ministers may by regulations designate a public body to exercise the functions set out in subsection (2).
- (2) The functions referred to in subsection (1) are to—
 - (a) provide advice and support to any person seeking to establish a housing co-operative, including in relation to—
 - (i) incorporation,
 - (ii) financing,
 - (iii) governance
 - (iv) property acquisition,
 - (b) support established housing co-operatives with issues including—
 - (i) asset locks,
 - (ii) conflict resolution,

- (iii) governance,
 - (iv) property acquisition,
 - (v) retrofitting,
 - (vi) scaling,
 - (vii) tax,
- (c) work with parties to promote, identify and facilitate opportunities to develop property for housing cooperative use or to establish new housing co-operatives,
 - (d) collaborate with and advise housing co-operatives in relation to negotiating the purchase of land,
 - (e) act as a guarantor against the demutualisation of a housing co-operative,
 - (f) any other functions related to the support and promotion of housing co-operatives that the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1) may, in particular, include provision about—
 - (a) the status and membership of the body designated by the regulations,
 - (b) the organisation and procedure of the body,
 - (c) reports and accounts (including audit).
 - (4) Regulations under subsection (1) may enable the Scottish Ministers to give directions to the body in relation to the matters mentioned in subsection (2).
 - (5) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional or saving provision, which may include provision amending, repealing or revoking an enactment.
 - (6) In this section—
 - “housing co-operative” means a housing provider that is a registered co-operative society incorporated under the Co-operative and Community Benefit Societies Act 2014 and may include a secondary housing co-operative,
 - “secondary housing co-operative” means multiple housing co-operatives acting together.>

Section 52

Jamie Halcro Johnston

- 555** In section 52, page 61, line 17, after <(4)> insert <or (*Secondary heating systems: residential housing*)(2)>

Pam Duncan-Glancy

- 556** In section 52, page 61, line 18, after <18(1)> insert <, or (*Pre-tenancy requirements: student funding*)(1)>

Ariane Burgess

- 557** In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing standards: local authority inspections*)(1)>

Ariane Burgess

- 558** In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing standards: local authority inspections: further provision*)(1)>

Ross Greer

- 559** In section 52, page 61, line 18, after <18(1)> insert <, or (*Development of model terms and conditions*)(5)>

Ross Greer

- 560** In section 52, page 61, line 18, after <18(1)> insert <, or (*Development of model complaints procedure*)(5)>

Pam Duncan-Glancy

- 561** In section 52, page 61, line 18, after <18(1)> insert <, or (*Adaptations to housing*)(1)>

Ariane Burgess

- 562** In section 52, page 61, line 18, after <18(1)> insert <, or (*Housing cooperative advisory body*)(1)>

Schedule

Emma Roddick

- 563** In the schedule, page 63, line 26, after <36A(6)> insert <or paragraph 8GA of schedule 5>

Emma Roddick

- 564** In the schedule, page 65, line 6, after <51A(6),> insert <64A(3A),>