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Local Government and Communities Committee Comataidh Riaghaltas Ionadail is Coimhearsnachdan

Report on the Private Housing (Tenancies) (Scotland) Act 2016 (Modification of Schedule 1) Regulations 2019



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Local Government and Communities Committee

To consider and report on communities, housing, local government, measures against poverty, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities and Local Government.



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Introduction

1. The Local Government and Communities Committee reports to the Parliament as follows—
2. The [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(Modification of Schedule 1\) Regulations 2019](#) was laid before the Parliament on 7 May 2019 and was referred to the Local Government and Communities Committee for consideration.
3. The instrument was made under sections 6(1) and 76(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (the Act) and all other powers enabling them to do so. It is subject to the affirmative (Rule 10.6) procedure because it modifies schedule 1 of the Act. It is for this Committee to recommend to the Parliament whether the Order should be approved.
4. The regulations modify schedule 1 of the Act to ensure that Private Residential Tenancies cannot be granted where a charity provides accommodation to veterans or temporary accommodation to care leavers as they transition to independent living.
5. The policy note accompanying the instrument states that this change should ensure that certain charities can continue to offer veterans and their families temporary accommodation for periods of rehabilitation and training, or permanent accommodation in line with the organisations' charitable purpose and the needs of the veterans. It should also allow charities to continue providing private rented temporary accommodation for care leavers, enabling them to transition to independent living in the social rented sector.

Consideration by Committees

6. The Delegated Powers and Law Reform Committee considered this instrument [at its meeting on 14 May 2019](#) and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.
7. [At its meeting on 29 May 2019](#), the Local Government and Communities Committee took evidence on the instrument from:
 - Kevin Stewart, Minister for Local Government, Housing and Planning, and
 - Linda Leslie, Head of Private Rented Sector Policy, Scottish Government.
8. During the evidence session, the Minister clarified that the proposed exemptions were not incorporated in the Act, as the issue facing charities providing accommodation to veterans was not brought to light until these organisations alerted Ministers to the problem at a meeting in October 2018. It was at this point that Ministers undertook an exercise to ascertain whether this issue was affecting any other organisations and they were alerted to similar problems faced by Barnardos, which provides temporary accommodation to care leavers, in relation to some of the housing it operates.
9. The Minister also clarified that the specific reference in the legislation is to charities as the concerns were specifically about undermining the charitable objects of those organisations. The Scottish Government was unaware of any other type of organisation that provides this kind of accommodation, other than registered social landlords who are not required to use the private residential tenancy.
10. Following the evidence session on the instrument, Kevin Stewart moved motion S5M-17292—

That the Local Government and Communities Committee recommends that the Private Housing (Tenancies) (Scotland) Act 2016 (Modification of Schedule 1) Regulations 2019 [draft] be approved.

The motion was agreed to without debate or division.

Conclusions

11. The Local Government and Communities Committee recommends that the Private Housing (Tenancies) (Scotland) Act 2016 (Modification of Schedule 1) Regulations 2019 be approved.

