



The Scottish Parliament
Pàrlamaid na h-Alba

Published 23 March 2023
SP Paper 347
4th Report, 2023 (Session 6)

Local Government, Housing and Planning Committee

Subordinate Legislation under the Cost of Living (Tenant Protection) (Scotland) Act 2022 considered by the Local Government, Housing and Planning Committee on 21 March 2023

Published in Scotland by the Scottish Parliamentary Corporate Body.

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Contents

Introduction	1
The Regulations	2
Committee Consideration	3
Conclusion	4

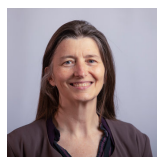
Local Government, Housing and Planning Committee

To consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.



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Scottish National Party



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Scottish National Party



Annie Wells
Scottish Conservative
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Introduction

1. At its meeting on 21 March 2023, the Local Government, Housing and Planning Committee considered the following affirmative instrument:
 - [Cost of Living \(Tenant Protection\) \(Scotland\) Act \(Incidental Provision Regulations 2023](#)

The Regulations

2. The Cost of Living (Tenant) Protection (Scotland) Act 2022 gives the Scottish Ministers temporary power to cap rents for private and social tenants, as well as for student accommodation. The Act also introduces a temporary pause on the enforcement of eviction orders in certain cases.
3. The Regulations make a technical amendment to put beyond doubt that the powers conferred on the Scottish Ministers in Schedule 3, function as intended as a power to amend the existing rent adjudication process in the Private Housing (Tenancies) (Scotland) Act 2016 by renaming a title and heading, renumbering a section, and correcting a reference.
4. This incidental provision will ensure clarity if, and when, the Scottish Ministers choose to exercise the powers conferred to them in Schedule 3 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 in anticipation or on expiry of the rent cap.

Committee Consideration

5. At its meeting on 7 March 2023 the Delegated Powers and Law Reform Committee considered the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Incidental Provision) Regulations 2023 and agreed not to draw the instrument to the attention of the lead Committee.
6. The Local Government, Housing and Planning Committee took evidence on the Regulations on 21 March 2023 from the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights.
7. After taking evidence, the Committee was invited to consider S6M-07858— That the Local Government, Housing and Planning Committee recommends that the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Incidental Provision) Regulations 2023 [draft] be approved.
8. After debate the Committee agreed the motion.

Conclusion

9. The Local Government, Housing and Planning Committee recommends that the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Incidental Provision) Regulations 2023 [draft] be approved

