



Delegated Powers and Law Reform Committee

Margaret Burgess MSP
Minister for Housing and Welfare
The Scottish Government

T1.01
Chamber Office
EDINBURGH
EH99 1SP

Direct Tel: 0131-348-5212
(RNID Typetalk calls welcome)
Fax: 0131-348-5088
(Central) Textphone: 0131-348-5415
DPLR.Committee@scottish.parliament.uk

8 March 2016

Private Housing (Tenancies) (Scotland) Bill

Dear Margaret,

At its meeting on 8 March the Committee considered the new or substantially amended delegated powers in the Private Housing (Tenancies) Bill as amended at Stage 2.

The Committee raised concerns on the revised delegated power in section 30 – power to designate a rent pressure zone.

Rent pressure zones are to be designated in regulations which are subject to the affirmative procedure in the Parliament. However, the Bill has been amended at Stage 2 so that any subsequent revocation or amendment of the zone is subject to the negative rather than the affirmative parliamentary procedure.

The Committee was concerned that substantial changes could be made to rent pressure zones, after they have been designated, impacting on both tenants and landlords. Such changes would not be subject to a similar level of parliamentary scrutiny which would be available for designating a rent pressure zone. The Committee raised this concern having regard to the extensive steps which must be undertaken before a rent pressure zone is designated by Scottish Ministers in regulations, as well as being subject to the affirmative procedure in the Parliament.

The Committee understands the Scottish Government has explained that the change in procedure is required in order to be able respond quickly to market conditions, with the affirmative procedure acting as a barrier to prompt action.

The Committee considers that the provisional affirmative procedure would provide adequate Parliamentary scrutiny and meet the Scottish Government's needs to be able to act quickly. A model can be found in section 68(4) of the Land and Buildings Transaction Tax (Scotland) Act 2013. The provisional affirmative procedure would allow regulations to be made quickly, and if necessary, have effect during periods of recess.

The Committee is likely to consider the matter again at its meeting on Thursday 10 March, where the Committee will have an opportunity to discuss possible options, including whether it might be appropriate to lodge a Committee amendment to the Bill. I would therefore be grateful for a reply to this letter by Wednesday 9 March 2016.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nigel Don'.

Nigel Don MSP
Convener