



Clerk to the Delegated Powers and Law Reform Committee
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Scottish Parliament
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James Hynd
Head of Cabinet, Parliament and Governance Division
Scottish Government

3 November 2015

Private Housing (Tenancies) (Scotland) Bill

1. The Delegated Powers and Law Reform Committee considered the above Bill on Tuesday 3 November and seeks an explanation of the following matters:

Section 9(1) – Specified information

Power conferred on:	the Scottish Ministers
Power exercisable by:	regulations made by Scottish statutory instrument
Parliamentary procedure:	affirmative

2. Section 9(1) enables the Scottish Ministers to make regulations which impose a duty on landlords to provide tenants with information which is to be specified in the regulations. That information will be required to be sent to the tenant by a deadline which will also be specified in the regulations.

3. **The Committee asks the Scottish Government whether the information could be specified in the Bill:**

The Committee asks the Scottish Government whether consideration has been given to including, on the face of the Bill, the proposed specified information under section 9(1) of the Bill which a landlord will be under a duty to provide to a tenant?

The Committee asks the Scottish Government whether they would consider it appropriate to include such information on the face of the Bill in a similar manner to the approach taken with the statutory terms in schedule 2?

Section 10 – Regulations about provision of information

Power conferred on:	the Scottish Ministers
Power exercisable by:	regulations made by Scottish statutory instrument
Parliamentary procedure:	affirmative

4. Section 10 allows Ministers to make regulations specifying how the duty to provide information which arises under sections 8 (duty to provide written terms of tenancy) and 9 (duty to provide specified information) is to be performed. The regulations may also specify the circumstances when the duty is deemed to have been performed.

5. **The Committee asks the Scottish Government whether the details about the provision of information could be specified in the Bill:**

The Committee asks the Scottish Government whether consideration has been given to including the proposed provisions about how a duty arising under section 8 or section 9 of the Bill is to be performed on the face of the Bill rather than in regulations under section 10?

6. Please email your response to the Delegated Powers and Law Reform Committee e-mail address above by 5pm on **Tuesday 24 November**.

Deborah Cook
Assistant Clerk to the Committee