

**The Cost of Living (Tenant Protection)  
(Scotland) Act 2022: Report to the Scottish  
Parliament covering the period 1 October  
to 31 December 2023**

**Laying number: SG/2024/2**

**January 2024**



# Executive Summary

## Overview

To respond to the emergency situation caused by the impact of the costs crisis on those living in the rented sector, the Cost of Living (Tenant Protection) (Scotland) Act 2022 (“the Act”)<sup>1</sup> introduced a temporary, variable rent cap<sup>2</sup> and a temporary moratorium on evictions, along with increased damages for unlawful evictions. These measures can only remain in force provided it is necessary and proportionate. The Act also contains powers to temporarily modify the rent adjudication process in connection with the expiry or suspension of the rent cap.

The Scottish Government legislated on the basis that emergency action was required to respond to the exceptional economic circumstances being faced across Scotland as a result of the costs crisis. In seeking Parliament’s approval to pass the Act enabling us to respond to the crisis, the Government has made clear:

- that the powers taken are necessary and proportionate in order to respond to the costs crisis and will last only as long as required; and
- that the Scottish Parliament have continued oversight of the powers and hold Scottish Ministers to account for their use.

As required by the Act, this report covers the period 1 October 2023 to 31 December 2023 and is the final statutory reporting period under the emergency legislation with Part 1 of the Act expiring on 31 March 2024 at the latest.<sup>3</sup>

This report provides a review of the status and operation of the remaining provisions in Part 1 setting out the Scottish Government’s position on the necessity and proportionality of the measures. As part of the review process, a consultation exercise has taken place with local authorities, and a wide range of stakeholders that represent the interests of tenants, landlords and financial institutions/investors that may be affected by the Act.

Specifically, the report will cover the following:

- how any of the remaining powers conferred by Part 1 have been exercised (section 9(2)(a));
- the steps that Scottish Ministers have taken to meet the requirement in section 3 to ensure that tenants affected by the provisions of Part 1 receive appropriate information, advice and support for the period during which Part 1 remains in force (section 9(2)(b));
- the status (whether or not any power under a provision has been exercised, whether it is still in force, whether it has been suspended or revived or expired during the reporting period) (section 9(2)(c)(i) and section 9(5));
- a statement that the Scottish Ministers are satisfied that the status of those provisions is appropriate (section 9(2)(c)(ii)); and

---

<sup>1</sup> 2022 asp 10. Hereafter, all references to statutory provisions (i.e. ‘section’ or ‘Part’ numbers) relate to the Act unless otherwise specified.

<sup>2</sup> Defined in the Act as the ‘permitted rate’

<sup>3</sup> Section 9(6)(b) of the Act

- a summary of how the views of those consulted were taken into account by the Scottish Ministers in finalising this report (section 9(3) and (4)).

This report also sets out the legislative changes that have been made to the Act since it was introduced in October 2022, including where provisions have been expired, suspended, varied and extended.

The end of this reporting period for the Act was 31 December 2023, and the report is being published within 14 days of the reporting period ending, as per our duty to do so. This helps ensure that the Scottish Parliament has regular oversight of the legislation, allowing it to hold the Scottish Ministers to account for their use of the powers available to them, and is important as part of our commitment to transparency.

**Statement by Ministers on their satisfaction that the status of the Part 1 provisions is appropriate (required by section 9(2)(c)(ii) of the Act)**

This report covers the period from 1 October to 31 December 2023. Scottish Ministers have undertaken a review of the remaining provisions of Part 1 of the Act, in order to consider whether those provisions remain necessary and proportionate in connection with the cost of living.

At the end of this reporting period, the economic analysis indicates that although there has been some improvement the economic challenges continue to impact on those who rent their home and therefore, having considered the outcome of this review, Scottish Ministers are satisfied that the status of the remaining Part 1 provisions in the Act is appropriate at the end of this reporting period. This will be kept under review going forward.

Scottish Ministers have also undertaken a review of the Scottish Statutory Instruments (SSIs) related to the Act and are also satisfied that the status of the SSIs, at the end of this reporting period, is appropriate.

**Patrick Harvie MSP**  
**Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights**

## Contents

<b>1. Introduction</b>	Page 5
<b>2. Status and operation of provisions</b>	Page 8
<b>3. Duty to provide information and advice for tenants and steps taken</b>	Page 10
<b>4. Updated economic context</b>	Page 13
<b>5. Consultation with stakeholders</b>	Page 23
<b>6. Operation of Part 1 and assessment of necessity and proportionality</b>	Page 28
<b>7. Reporting on related Scottish Statutory Instruments</b>	Page 39
<b>Annex A: Persons notified of Call for Evidence</b>	Page 42

## 1. Introduction

1.1 The Act came into force on 28 October 2022 as a temporary response to the ongoing emergency situation caused by the impact of the costs crisis on those living in the private and social rented sectors, and students living in college or University Halls of Residence and Purpose Built Student Accommodation in Scotland. Part 1 of the Act can only remain in force until 31 March 2024 at the latest.

1.2 Section 4 provides a detailed update on the evolving economic context since the last report to the Scottish Parliament. The key points are as follows:

- Households in the rented sector entered the cost of living crisis in a more vulnerable position than owner occupiers, and the most recent (November 2023) YouGov polling for the Scottish Government shows that private renters continue to be more likely to report concern about paying mortgage/rent than households generally (15% vs. 9%) as well as more likely to say that they were struggling at least a little to pay for household bills (65% vs. 47%).
- While consumer price index (CPI) inflation has fallen from 11.1% in October 2022 to 3.9% in November 2023, it remains above the Bank of England's 2% inflation target, and the level of prices remains much higher than it was prior to the cost of living crisis: over the two years from November 2021 to November 2023, the overall CPI is 15% higher, and the CPI subindex for the category "electricity, gas and other fuels" is 48% higher.
- As a result of the continuing high level of energy prices, it is estimated that the fuel poverty rate in the private rented sector will stand at 47% during the January-March 2024 Ofgem price cap period, as compared to the 36% in 2019 prior to the cost of living crisis.
- While there have been increases in real pay in recent months, this follows a period of sustained falls; for example, median real pay in Scotland based on HMRC PAYE records was 2.6% lower in the period September-November 2023 than at its peak in March-May 2021.
- The Scottish Fiscal Commission (SFC) expects that overall living standards in Scotland will fall slightly in 2023-24, which after the large fall in 2022-23, will result in a cumulative fall of 2.7% from 2021-22 to 2022-23, the largest since records for Scotland began in 1998. The SFC expects that it will take until 2026-27 for living standards to return to their 2021-22 levels.
- The decline in inflation in recent months has led to a fall in interest rates, including on buy-to-let mortgages, although rates remain significantly above pre-crisis levels.

1.3 Overall, while there have been some signs of improvement in economic conditions for households in recent months, these improvements follow a period of significant pressure such that that, on average, households continue to face economic and financial conditions which are significantly more challenging than they were prior to the cost of living crisis. Private rented households continue to report being on average under greater financial stress than the average for all households. For their part, landlords face lower inflationary pressures and somewhat lower interest rates than at the time of the last report, although again there has not been a significant improvement.

1.4 Therefore, the Scottish Government's assessment is that the economic data released since the last report to Parliament has not materially changed the balance of considerations and thus our judgement remains that the regulations remain proportionate.

### **Changes to the emergency Act since introduction**

1.5 Since the Act was introduced, Scottish Ministers have used the powers available to them to make a number of changes to the Act, including:

- laying [regulations](#) to expire the social sector rent cap from 26 February 2023 and suspend the rent cap in relation to student residential tenancies from 31 March 2023; and
- [varying the rent cap](#) for the private rented sector from 1 April 2023.

1.6 On 1 April 2023, further regulations came into force that extended the emergency Act beyond its initial first six month period, for a further 6 months until 30 September 2023. The regulations also varied the rent cap provisions in relation to the private rented sector, increasing the 'permitted rate' by which rent can be increased during a tenancy from 0% to 3%. This decision was taken following a comprehensive analysis of the latest economic context and consideration of a wide range of evidence from stakeholders. A [Statement of Reasons](#) providing a full justification and evidence base underpinning that decision was published alongside the regulations.

1.7 On 1 October 2023, The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Date) Regulations 2023 came into force, extending the remaining provisions within Part 1 of the Act for a further, and final, six month period to 31 March 2024 at the latest. A further [Statement of Reasons](#) providing a full justification and evidence base underpinning that decision was published alongside the regulations.

### **Our approach to reporting**

1.8 Section 9 of the Act sets out statutory reporting requirements for Scottish Ministers. This means that every three months Scottish Ministers must review and report on the need for the provisions in the Act to either be continued or to suspend, vary or expire, where appropriate, based on the evidence available at the time. The statutory reports must undertake a review of the operation of the measures with a view to considering whether they remain necessary and proportionate in connection with the cost of living (section 9(1)(a) in accordance with sections 9(2) and 9(5)).

1.9 Before Scottish Ministers prepare a report, section 9(3) of the Act sets out that they must consult stakeholders who represent the interests of tenants and landlords that may be affected by the provisions in Part 1, and also with Local Authorities. Scottish Ministers may also consult other persons considered appropriate. Section 9(4) also sets out that Scottish Ministers must include a summary of how those views were taken into account in finalising their report. The report details engagement with stakeholder groups – representing tenant, landlord, financial institutions/investors

and local authorities – in order to understand and gather evidence on the impact of the provisions, since they came into force.

1.10 The report must also set out the steps the Scottish Ministers have taken to meet the requirements in section 3 (information and advice for tenants) to demonstrate action taken to ensure that tenants affected by the provisions of Part 1 receive appropriate information, advice and support for the period during which Part 1 remains in force.

1.11 When extensions to Part 1 were sought, a Statutory Statement of Reasons setting out the justification and evidence base for it was required. During reporting periods that a Statement of Reasons was laid, it replaced the need for a formal report on the review of the operation of the provisions in Part 1 of the Act for that reporting period (section 9(8)).

1.12 Since the Act came into force, the following statutory reports and Statement of Reasons have been published:

- [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022: First Report to Parliament](#)
- [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022: Proposed Extension – Statement of Reasons \(January 2023\)](#)
- [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022: 2<sup>nd</sup> Proposed Extension – Statement of Reasons \(June 2023\)](#)
- [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022: Report to the Scottish Parliament covering the period 1 July to 30 September 2023 \(October 2023\)](#)

1.13 As set out in section 9(6)(b), this is the final statutory report required to be laid on the operation of Part 1 of the Cost of Living (Tenant Protection) (Scotland) Act 2022. Part 1 of the Act is due to expire on 31 March 2024 at the latest.

## **Status Update**

1.14 The tables on pages 8 and 9 of this report, provides detail on the status and operation of the provisions in Part 1 of the Act.

1.15 In addition, and in line with the range of evidence and supporting information provided in the accompanying documents and Impact Assessments that were published alongside the Cost of Living (Tenant Protection) Bill when it was introduced to Parliament last year, this report also provides an updated overview of the current economic context underpinning the provisions (see section 4).

1.16 Our approach to reporting will ensure that Parliament is given as much information as is available on the operation of the Act. Where supplementary information has been provided, this is indicated within the 'Operation of provision in the reporting period' column within the table on pages 8 and 9, with further detail available in section 6 of this report.

## 2. Status and operation of provisions

Up to 31 December 2023

<b>Provision:</b> <b>Paras 1&amp;2, Part 1, Schedule 1: Rent cap for residential tenancies (private residential tenancies; and applicable assured and short assured tenancies)</b>	
<b>Description:</b> Introduces a temporary, variable rent cap in the private rented sector – set at 3% since 1 April 2023 in relation to in-tenancy rent increases. The provisions also allow for consideration of private landlords' 'prescribed property costs' as defined by the Act (associated with the rented property).	
<b>Operation of the provision in the reporting period:</b>  <b>In operation</b> See supplementary information provided at 6.1 for further information.	<b>Status at the end of the reporting period:</b>  <b>Commenced and still in force</b>
<b>Provision:</b> <b>Para 3, Part 1, Schedule 1: Rent cap for social tenancies (Scottish secure and short Scottish secure tenancies)</b>	
<b>Description:</b> Introduced a temporary, variable rent cap in the social rented sector – initially set at 0% in relation to in-tenancy rent increases for tenancies under Housing (Scotland) Act 2001.	
<b>Operation of the provision in the reporting period</b>  <b>Expired</b>	<b>Status at the end of the reporting period:</b>  <b>Expired.</b> The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Early Expiry and Suspension of Provisions) Regulations 2023 expired the rent cap provisions that applied to the social rented sector from 26 February 2023.
<b>Provision:</b> <b>Para 4, Part 1, Schedule 1: Rent cap for student residential tenancies</b>	
<b>Description:</b> Introduced a temporary, variable rent cap in relation to college and university rented accommodation and Purpose Built Student Accommodation (PBSA) – initially set at 0% in relation to in-tenancy rent increases.	
<b>Operation of the provision in the reporting period</b>  <b>Suspended</b>	<b>Status at the end of the reporting period:</b>  <b>Suspended.</b> The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Early Expiry and Suspension of Provisions) Regulations 2023 suspended the rent cap provisions that applied to Purpose Built Student Accommodation from 30 March 2023.



<b>Provision:</b> <b>Part 1, Schedule 2: Protection against eviction from residential properties</b>	
<b>Description:</b> The provisions prevent the enforcement of eviction action in the private rented, social rented and student accommodation sectors from 6 September 2022 but with relevant exemptions in relation to specified circumstances.	
<b>Operation of the provision in the reporting period</b>  <b>In operation</b> See supplementary information provided at 6.2 for further information.	<b>Status at the end of the reporting period:</b>  <b>Commenced and still in force.</b>

### 3. Duty to provide information and advice for tenants and steps taken

3.1 Section 3 of the Act requires that Scottish Ministers must take steps to ensure that tenants affected by the provisions of Part 1 receive appropriate information, advice and support whilst Part 1 remains in force.

3.2 In recognition of this, a wide range of information has been published for both private, social and student tenants on the Scottish Government [website](#), as follows:

- information for [private tenants](#) on the eviction moratorium and rent cap;
- information for [social housing tenants](#) on the eviction moratorium; and
- information on the emergency measures for students living in [purpose built student accommodation and student halls](#) (in addition, links to this page were also provided via the Student Information Scotland website).

3.3 The above information can also be accessed via the Scottish Government's Cost of Living [portal](#).

3.4 Wider communication activity to support the measures coming into force and to help drive up awareness of tenants' new rights included:

- a Scottish Government news release on the day the measures came into force across all usual media streams;
- a wide range of social content was launched, including an [explainer video](#) – running across the main channels;
- the existing [Renters Rights website](#) was updated to include the new measures;
- information on tenants' rights was also included in the Cost of Living leaflet, which was distributed across Scotland (including GP surgeries, libraries, community centres and leisure centres). The leaflet included helpline numbers for organisations able to offer advice and support. This included both Shelter Scotland and Citizens Advice Scotland. The leaflet included a QR code which links to a digital copy of the leaflet, as well as translated and accessible versions;
- direct communications were also issued to all key partners (including tenant and landlord representative bodies, local authority landlords, housing associations and educational establishments) which included an update on the new legislation, and access to the campaign assets (such as website content, videos and images) to enable them to share via their own communication channels;
- direct communication with all registered landlords via local authorities text messaging alert took place;
- direct communication with all registered letting agents;
- engagement with the three Tenancy Deposit Schemes took place, to facilitate dissemination of information with tenants registered to their relevant newsletters – raising awareness and providing further information on the introduction of emergency measures; and

- a direct message to an extensive list of stakeholders, including colleges and university and purpose built student accommodation provider representatives, confirming the nature of the measures and that they have come into force which was sent along with links to information documents.

3.5 In addition, renting rights was one of three policy strands which formed the Cost of Living Support marketing campaign. That campaign launched on 28 September and ran until 22 November 2022.

3.6 Scottish Government social media led communications, news releases and direct email communications through Tenancy Deposit Schemes and the Scottish Landlord Register were also undertaken earlier this year to raise awareness of the changes to the emergency legislation from 1 April. This included awareness raising of a tenants' right to seek verification that a rent increase notice issued by their landlord is within the permitted 3% rent cap.

### Young Scot Campaign

3.7 In September we collaborated with Young Scot to deliver a Tenants' Rights Awareness Raising Campaign to increase young people's awareness of their rights when renting a property in the private rented sector. The campaign ran for a 2-week period through August and September 2023, timed to support the start of the academic year, and was targeted at young people and students aged 18 to 24. The campaign delivered:

- a dedicated landing hub hosted on young.scot bringing together key information for young people on tenants' rights;
- TikTok/Instagram Reels style videos created by young content creators from Young Scot's 'Creator Collective' group; and
- paid digital marketing activity which ran for two weeks

3.8 One of the main aims of the campaign was to inform young people of the Cost of Living (Tenant Protection) (Scotland) Act 2022 and how, and where, to get support if they feel their rights have been challenged.

3.9 The overall impact of the campaign has been positive, with over 1.3 million impressions<sup>4</sup>, a reach<sup>5</sup> of over 650k and over 70k unique video views. A post-campaign evaluation survey carried out by Young Scot found that, as a result of seeing or engaging with this campaign, of the young people within Young Scot's audience, 80% agreed or strongly agreed that the content was clear about their rights, and 68% agreed or strongly agreed that they are more aware of the opportunity to challenge their landlord when necessary. On the Act, 66% agreed or strongly agreed that they are more informed about the temporary rent cap.

---

<sup>4</sup> A social media metric that measures the number of times a piece of content has been seen by users

<sup>5</sup> A social media metric that refers to the number of individual users who have seen or interacted with a piece of content

3.10 The campaign has supported young people to access high-quality, relevant and timely information to make informed decisions about renting in Scotland, and to feel empowered to exercise their rights should they need to.

Providing information and advice to tenants in preparation of the emergency measures coming to an end

3.11 As Part 1 of the Act will end by 31 March 2024 at the latest, work is underway to ensure that tenants are adequately informed about the emergency measures ending and the transitional rent adjudication measures being put in place.

3.12 Prior to the emergency Act coming into force, private tenants in Scotland already benefitted from some of the strongest protections in the UK through the Private Residential Tenancy introduced in 2017. Communications activities will therefore take place to raise awareness of those existing rights, whilst also highlighting the rent adjudication modifications that will be put in place, subject to approval by the Scottish Parliament.

3.13 We will make use of a range of Scottish Government communication channels to do so and will also engage with a range of tenant and landlord representative bodies – including via the already established Private Rented Sector Stakeholder Group - in order to explore ways of enhancing awareness raising in the run up to (and following) 31 March.

## 4. Updated Economic Context

4.1 The Statement of Reasons which accompanied the proposal for a second extension of the Cost of Living (Tenant Protection) Act, published on 1 June 2023, provided an updated economic context and Business and Regulatory Impact Assessment,<sup>6</sup> and there was a further update on the economic context in the report to Parliament covering the period from 1 June 2023 to 30 September 2023.<sup>7</sup> This section summarises data which has been released subsequent to those two publications. Overall, while the data provides evidence of some improvement in the economic situation, this follows a sustained period of deterioration in household finances, and economic and financial conditions remaining challenging for households in the private rented sector.

4.2 Households in the rented sector entered the cost of living crisis in a more vulnerable position than owner occupiers – across the period 2018-2020, 63% of social rented households and 40% of private rented households in Scotland were estimated to be financially vulnerable, with savings which would cover less than one month of income at the poverty line, compared to 24% of households buying with a mortgage and 9% of households owning outright.<sup>8</sup>

4.3 According to recent YouGov polling for the Scottish Government, in November 2023<sup>9</sup> private renting households continued to be more likely to report concern about paying mortgage/rent<sup>10</sup> than households in all tenures. The proportions were 15% for private renters and 9% for all tenures, although these levels had reduced from 27% for private renters and 12% for all tenures in August 2023.

4.4 In addition, the same polling shows that private renters remain more likely than households generally to say that they are struggling at least a little<sup>11</sup> to pay for household bills, including energy bills, rent and mortgage payments (65% of private renters compared to 47% of all tenures – these proportions have remained relatively steady since November 2022<sup>12</sup>), and that they are managing less well financially<sup>13</sup> (28% of private renters compared to 19% for all tenures). A majority of private renters

---

<sup>6</sup> [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 - 2nd proposed extension: statement of reasons](#); see in particular Section 4 and Annex F.

<sup>7</sup> Section 4. Updated Economic Context, at [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022: report to the Scottish Parliament - 1 June to 30 September 2023](#).

<sup>8</sup> Scottish Government, [Wealth in Scotland 2006-2020](#).

<sup>9</sup> From YouGov online polling for Scottish Government. Total sample size was c.1,000 adults. Fieldwork was undertaken between 7-9 November 2023. The survey was carried out online. The figures have been weighted and are representative of all adults in Scotland (aged 18+). Base size for private renters is 130. Data tables for all adults can be found at [Public attitudes to cost of living and other topics: tracker - data tables](#).

<sup>10</sup> This was part of a prompted list of potential concerns in the next 2-3 months.

<sup>11</sup> Households who said they were either “struggling a little” OR “struggling somewhat” OR “struggling a lot”.

<sup>12</sup> The proportions were 64% for private renters and 53% all tenures in November 2022.

<sup>13</sup> Households who said they were “not managing very well” OR “having some financial difficulties” OR “in deep financial trouble”. This has increased very slightly for private renters since polling in November 2022 (which showed 25% among private renters compared to 21% for all tenures as a whole).

(56%) report that their mental health had been impacted negatively<sup>14</sup> by the cost of living.

4.5 A major challenge faced by households is the degree to which energy costs have risen, pushing more households into fuel poverty. Tables 1 and 3 show the number of households in fuel poverty and the fuel poverty rate respectively, while Tables 5 and 7 show the total number of households in extreme fuel poverty and extreme fuel poverty rate respectively from the October 2022-March 2023 Ofgem price cap period to the January-March 2024 price cap period.<sup>15</sup> Similarly, Tables 2 and 4 show the change in the number of households in fuel poverty and the change in fuel poverty rate, while Tables 6 and 8 show the change in the number of households in extreme fuel poverty and the change in the extreme fuel poverty rate.

4.6 These tables show that the fuel poverty rate is expected to rise slightly to 34% in January-March 2024 when the Ofgem Energy Price Cap for the typical dual fuel household paying by direct debit rises by 5.1% to £1,928, which equates to an increase of around 20,000 households in fuel poverty relative to estimates for October-December 2023. This brings the total number of fuel poor households in Scotland to 840,000, of which 570,000 (23%) will be in extreme fuel poverty, which is an increase of around 40,000 households from October-December 2023.

4.7 While all tenure types will see an increase in both fuel poverty and extreme fuel poverty, the rates remain uneven between tenures. In January-March 2024 we estimate that 47% of households in the private rented sector and 53% of households in the social rented sector will be in fuel poverty. This represents a very slight increase of one percentage point from estimates for October-December 2023 for social rented households and an increase of less than one percentage point for PRS properties. In contrast, for January-March 2024 we estimate that 23% of owner occupied households will be in fuel poverty, meaning that the overall trend of social and private renters having higher rates of fuel poverty remains. Overall, the picture shows that there has been little change in the energy cost pressures faced by privately renting households, as well as by households in other tenures, since October 2022.

4.8 Furthermore, fuel poverty rates remain significantly higher than before the cost of living crisis. In 2019 the national fuel poverty rate was 24.6%, around 9 percentage points lower than the estimated January-March 2024 rate. Similarly, in 2019 the fuel poverty rate for social rented properties was 37%, around 16 percentage points lower than what is estimated for January-March 2024, while the fuel poverty rate for households in the private rented sector was 36%, around 11 percentage points lower than what is estimated for January-March 2024. By comparison the fuel poverty rate for owner occupiers in 2019 was 17%, around 6 percentage points lower than January-March 2024.

---

<sup>14</sup> Either “to some extent” OR “to a large extent”.

<sup>15</sup> The fuel poverty rate is estimated for the periods to which different Ofgem price caps apply.

**Table 1: Fuel poverty levels (000s of households) by tenure**

	<b>Oct 22 - Mar 23</b>	<b>Apr - Jun 23</b>	<b>Jul - Sep 23</b>	<b>Oct - Dec 23</b>	<b>Jan - Mar 24</b>
Owned outright	250	270	240	230	240
Mortgaged	130	130	120	120	120
Owner Occupied Subtotal	370	400	360	350	360
Local Authority	190	200	190	180	190
Housing Association	150	170	150	150	150
Social Rented Subtotal	340	370	340	330	340
Private rented	150	150	140	140	140
<b>All</b>	<b>860</b>	<b>920</b>	<b>850</b>	<b>830</b>	<b>840</b>

**Table 2: Changes in fuel poverty levels (000s of households) by tenure**

	<b>Difference between Jan - Mar 24 and</b>		
	<b>Oct 22 - Mar 23</b>	<b>Jul - Sep 23</b>	<b>Oct - Dec 23</b>
Owned outright	-10	[low]	10
Mortgaged	[low]	[low]	[low]
Owner Occupied Subtotal	-10	[low]	10
LA	-10	[low]	[low]
HA	[low]	[low]	[low]
Social Rented Subtotal	-10	[low]	10
Private rented	[low]	[low]	[low]
<b>All</b>	<b>-20</b>	<b>[low]</b>	<b>20</b>

\* [low] indicates a value of less than 10,000

\* Note differences may not sum due to rounding

**Table 3: Fuel poverty rates by tenure**

	<b>Oct 22 - Mar 23</b>	<b>Apr - Jun 23</b>	<b>Jul - Sep 23</b>	<b>Oct - Dec 23</b>	<b>Jan - Mar 24</b>
Owned outright	28%	31%	28%	27%	28%
Mortgaged	19%	19%	18%	18%	18%
Owner Occupied Subtotal	24%	26%	23%	23%	23%
LA	52%	55%	51%	49%	50%
HA	57%	62%	57%	56%	57%
Social Rented Subtotal	54%	58%	54%	52%	53%
Private rented	48%	50%	47%	46%	47%
<b>All</b>	<b>35%</b>	<b>37%</b>	<b>34%</b>	<b>33%</b>	<b>34%</b>

**Table 4: Changes in fuel poverty rates by tenure**

	Difference (% points) between Jan - Mar 24 and		
	Oct 22 - Mar 23	Jul - Sep 23	Oct - Dec 23
Owned outright	-1	[low]	1
Mortgaged	-1	[low]	[low]
Owner Occupied Subtotal	-1	[low]	[low]
LA	-2	-1	1
HA	[low]	[low]	1
Social Rented Subtotal	-1	[low]	1
Private rented	-1	[low]	[low]
<b>All</b>	<b>-1</b>	<b>[low]</b>	<b>1</b>

\* [low] indicates a value of less than 1 percentage point

\* Note differences may not sum due to rounding

**Table 5: Extreme fuel poverty levels (000s of households) by tenure**

	Oct 22 - Mar 23	Apr - Jun 23	Jul - Sep 23	Oct - Dec 23	Jan - Mar 24
Owned outright	210	250	200	190	200
Mortgaged	80	100	80	70	80
Owner Occupied Subtotal	290	340	280	260	270
LA	110	140	110	100	100
HA	90	110	80	70	80
Social Rented Subtotal	200	260	190	170	190
Private rented	110	120	110	100	110
<b>All</b>	<b>600</b>	<b>720</b>	<b>580</b>	<b>530</b>	<b>570</b>

**Table 6: Change in extreme fuel poverty levels (000s of households) by tenure**

	Difference between Jan - Mar 24 and		
	Oct 22 - Mar 23	Jul - Sep 23	Oct - Dec 23
Owned outright	-10	-10	10
Mortgaged	[low]	[low]	10
Owner Occupied Subtotal	-20	-10	10
LA	-10	[low]	10
HA	[low]	[low]	10
Social Rented Subtotal	-10	[low]	20
Private rented	[low]	[low]	10
<b>All</b>	<b>-30</b>	<b>-10</b>	<b>40</b>

\* [low] indicates a value of less than 10,000

\* Note differences may not sum due to rounding



**Table 7: Extreme fuel poverty rates by tenure**

	<b>Oct 22 to Mar 23</b>	<b>Apr to Jun 23</b>	<b>Jul to Sep 23</b>	<b>Oct to Dec 23</b>	<b>Jan to Mar 24</b>
Owned outright	24%	28%	23%	22%	23%
Mortgaged	12%	14%	11%	11%	11%
Owner Occupied Subtotal	19%	22%	18%	17%	18%
LA	31%	39%	30%	27%	28%
HA	32%	42%	31%	28%	31%
Social Rented Subtotal	31%	40%	30%	27%	30%
Private rented	35%	40%	35%	33%	35%
<b>All</b>	<b>24%</b>	<b>29%</b>	<b>23%</b>	<b>21%</b>	<b>23%</b>

**Table 8: Change in extreme fuel poverty rates by tenure**

	<b>Difference (% points) between Jan - Mar 24 and</b>		
	<b>Oct 22 - Mar 23</b>	<b>Jul - Sep 23</b>	<b>Oct - Dec 23</b>
Owned outright	-1	-1	1
Mortgaged	-1	[low]	1
Owner Occupied Subtotal	-1	[low]	1
LA	-2	-1	2
HA	-1	[low]	4
Social Rented Subtotal	-2	-1	3
Private rented	[low]	[low]	2
<b>All</b>	<b>-1</b>	<b>[low]</b>	<b>1</b>

\* [low] indicates a value of less than 1 percentage point

\* Note differences may not sum due to rounding

4.9 The tables above on fuel poverty assume different mitigation packages to reflect the change in mitigations announced by the UK Government and Scottish Government. These are outlined in Table 9 on the following page.

**Table 9. Mitigation schemes**

Mitigation	Included in scenario for		Eligibility
	Oct 22 - Mar 23	From Apr – Jun 23 to Jan – Mar 24	
Energy Bills Support Scheme	Yes (£400)	No	Universal and received by all households in 2022/23. Not being continued in 2023/24.
Alternative Fuel Payments	No (£200)	No	Received by all households using fuels other than gas or electricity to heat their homes in 2022/23. Not being continued in 2023/24 but officials from the Department for Business, Energy & Industrial Strategy have advised that they will be keeping this under review.
Cost of living payment for households on means tested benefits	Yes (£650)	Yes (£900)	Received by households on <a href="#">means tested benefits</a> in 2022/23 and 2023/24. Note: the amount has increased to £900 in 2023/24 up from £650 in 2022/23.
Cost of living payment for pensioners	Yes (£300)	Yes (£300)	Received by pensioner households in 2022/23 and 2023/24. Note: the eligibility criteria have changed and this has become universal in 2023/24, i.e. it will be received by all pensioner households, whereas in 2022/23 it was only received by pensioner households in receipt of the Cold Weather Payment.
Cost of living payment for people on disability benefits	Yes (£150)	Yes (£150)	Received by people on <a href="#">disability benefits</a> in 2022/23 and 2023/24.
The Scottish Government's Cost of Living Award	Yes (£150)	No	This £150 Council Tax rebate was received in 2022/23 by households in Council Tax bands A-D or in receipt of Council Tax Reduction benefit.

4.10 Annual Consumer Price Index (CPI) inflation, which reached a peak of 11.1% in October 2022 (its highest rate since 1981), has subsequently moderated, falling to 3.9% in November 2023, its lowest level since September 2021. The most recent Bank of England forecasts (published on 2 November 2023, prior to the most recent CPI publication) project that CPI inflation will continue to fall, reaching around 3.6%

in Q2 2024, although this remains above the 2% inflation target.<sup>16</sup> Furthermore, even if the inflation rate (the change in prices) moderates, the level of prices, and energy prices in particular, will be significantly higher than prior to the cost of living crisis. Looking over a two-year period, i.e. comparing November 2023 to November 2021, the overall CPI is 15% higher, while the CPI subindex for the category “electricity, gas and other fuels” is 48% higher. Office for National Statistics provisional estimates for inflation rates for different income groups show that, while the gap has narrowed, low-income households continue to experience higher inflation than high-income households: in September 2023 (the latest available figure for this breakdown), annual CPI inflation was 7.0% for low-income households, compared to 6.5% for high-income households, and 6.7% for all households.<sup>17</sup>

4.11 For the 3-month period August-October 2023, annual growth in employees’ (seasonally adjusted) median regular<sup>18</sup> pay in Great Britain was 7.3%, which, although down from the series peak of 7.9% recorded in June-August 2023, remains amongst the highest nominal growth rates since comparable records began in 2001.<sup>19</sup> The growth in pay was also above CPI inflation over this three-month period, meaning that in real terms, regular pay rose by an annual 1.2%. However, increases in real regular pay in recent months follow a period of consistent falls, with real pay in August-October 2023 3.8% below the series peak recorded in March-May 2021.

4.12 Data from an alternative source (HMRC PAYE records) shows that the annual growth rate in (seasonally adjusted) median nominal pay in Scotland was 6.7% in the period September-November 2023. In real terms (adjusting using CPI), pay rose by an annual 1.6%, although again the recent improvement in real pay follows a period of significant decline; relative to the series peak in March-May 2021, real pay in September-November 2023 was 2.6% lower.

4.13 The long-lasting impact of the cost of living crisis on household living standards is also highlighted by the latest Scottish Fiscal Commission (SFC) Economic and Fiscal Forecasts released alongside the Scottish Government’s 2024-25 Budget in December 2023. The SFC note that while declining inflation combined with strong nominal earnings growth has returned real earnings to growth during 2023-24 (as illustrated above), they still expect living standards (as measured by real disposable income per person)<sup>20</sup> to fall slightly (by 0.2%) in 2023-24.<sup>21</sup> Taken together with the fall of 2.5% in 2022-23, the cumulative fall over the two-year period

---

<sup>16</sup> Bank of England, [Monetary Policy Report - November 2023](#); modal CPI forecast based on market interest rate expectations.

<sup>17</sup> Data from ONS, [Provisional CPIH and CPI-consistent inflation rate estimates for UK household groups: January to September 2023](#). The inflation rate for households whose income is in the second decile of equivalised income is used to represent low-income households, while the inflation rate for households in the ninth income decile is used to represent high-income households – this is in line with previous ONS practice. The gap between these two measures had reached 1.7 percentage points in January 2023.

<sup>18</sup> Regular pay excludes bonuses; including bonuses, total pay rose by 7.2% in Aug-Oct 2023.

<sup>19</sup> ONS, [Average weekly earnings in Great Britain: September 2023](#).

<sup>20</sup> Living standards are determined not only by earnings but also by other factors, such as sources of income other than earnings, all direct taxes paid by households level and mortgage interest payments.

<sup>21</sup> See discussion in Chapter 3 of Scottish Fiscal Commission, [Scotland’s Economic and Fiscal Forecasts – December 2023](#).

from 2021-22 to 2023-24 is 2.7%, which is the largest reduction since Scottish records began in 1998. The SFC expect that living standards will take until 2026-27 to return to their 2021-22 level.

4.14 In its recent Autumn Statement,<sup>22</sup> the UK Government confirmed that it will, as per usual practice, increase working-age benefits in line with September CPI inflation, which was 6.7%. The UK government also announced that the National Living Wage will increase by 9.8% to £11.44 with the age threshold lowered from 23 to 21 years old. Local Housing Allowance rates, which have been frozen since 2020, will be restored to the 30<sup>th</sup> percentile. Meanwhile, the Scottish Government announced in the 2024-25 Budget that all Scottish benefits will also be uprated by 6.7% in line with September 2023 CPI inflation.<sup>23</sup> It should be noted that these measures will not come into effect until 1 April 2024, after the period for which the emergency measures apply.

4.15 Since the previous report to Parliament covering the period July to September 2023, there has been only one meeting of the Bank of England's Monetary Policy Committee. At this meeting in November, the committee maintained the Bank Rate at 5.25% for the second consecutive time.

4.16 The stabilisation in Bank Rate has been reflected in mortgage rates, with Bank of England data showing that the average quoted two-year fixed rate, 75% loan to value (LTV) Buy-to-Let (BTL) mortgage rate has moderated from 6.22% at the end of July 2023 to 5.38% at the end of December 2023, which is also below its 2022 peak of 6.00% reached at the end of November 2022.<sup>24</sup> However, interest rates remain much higher than their levels in the years prior to the cost of living crisis, when the two-year fixed rate, 75% LTV BTL rate averaged around 2%.

4.17 UK Finance data show that the number of buy-to-let mortgages in arrears of 2.5% or more of the outstanding balance in the UK stood at 11,540 at the end of Q3 2023, a 29% increase from the previous quarter and twice the level a year ago. UK Finance estimates that this is equivalent to 0.57% of all outstanding buy-to-let mortgages across the UK. Meanwhile, there were 450 buy-to-let possessions during Q3 2023, the same level as the previous quarter, and 13% higher than a year ago. However, across the first 3 quarters of 2023, buy-to-let mortgages taken into possession as a share of all buy-to-let mortgages (0.02%) was below the level across 2019 (0.03%), prior to the covid pandemic. This data is only available at the UK level, and given the Scottish private rented sector is estimated to constitute only around 7% of the UK private rented sector, these trends will reflect wider UK and not just Scottish trends.

4.18 In terms of available data on other costs faced by landlords, the CPI category relating to regular maintenance and repair of a dwelling shows that annual inflation for this category has moderated from 7.5% in September 2022 to 0.8% in November 2023.

---

<sup>22</sup> UK Government, [Autumn Statement 2023](#), published on 22 November 2023.

<sup>23</sup> Scottish Government, [Scottish Budget: 2024 to 2025](#), published on 19 December 2023.

<sup>24</sup> Data sourced from Bank of England [Statistical Database](#).

4.19 The Scottish Government published its annual private rent statistics publication in November 2023. A breakdown of rent growth by bedroom size is set out below.

**Table 10. Average private rent levels and annual changes by bedroom size, Scotland, year to September 2023**

	Average monthly rent	Annual change (£)	Annual change (%)
1-bed shared	490	64	15.1%
1-bed	648	68	11.7%
2-bed	841	105	14.3%
3-bed	1,026	121	13.3%
4-bed	1,656	196	13.4%

4.20 Average 2-bedroom rents (the most common size) increased in all 18 Broad Rental Market Areas of Scotland compared with the previous year. Increases in 11 of these areas were above the average 12 month UK CPI inflation rate for the corresponding period of 9.0%. The increases ranged from 1.5% in Dumfries and Galloway up to 22.3% in Greater Glasgow.

4.21 Note that these statistics are based predominantly on advertised rents, and so reflect rents that landlords are charging when their properties become available for rent at the point of tenant turnover or when properties are new to the rental market. The statistics present a similar picture to letting agent rental reports, which are published more frequently and thus have been included in previous reporting to Parliament (letting agent data similarly shows trends in new lets). Given the rate of growth in new let rents, it is therefore likely that in the absence of a rent cap some existing tenants would also be experiencing large increases in rents, although this would depend on the rent setting approach of individual landlords.

4.22 The Scottish Landlord Register provides a measure of the overall stock of privately rented properties. There are some limitations of this data source, such as the fact that registrations last for a period of three years and there could be a time lag in landlords de-registering properties which are no longer available for rent. Also in the case of any landlords looking to leave the sector or reduce their portfolio, it should also be recognised that the process could take several months from freeing up properties to completing sales. Nevertheless, subject to these limitations, Table 11 shows that the overall number of registered properties across Scotland has been steady across the period January 2022 to November 2023, with the number of properties registered in September 2023 (344,590) being 1.5% higher than in August 2022 (339,632). There are however differences at the local authority level, with more rural local authorities showing a decline in private rented sector properties, whilst others are showing an increase.<sup>25</sup>

<sup>25</sup> This is based on an analysis of Scottish Landlord Register data between January 2022 and August 2023.

**Table 11: Number of registered properties on the Scottish Landlord Registration System, January 2022 to November 2023**

<b>Jan-22</b>	<b>Feb-22</b>	<b>Mar-22</b>	<b>Apr-22</b>	<b>May-22</b>	<b>Jun-22</b>	<b>Jul-22</b>	<b>Aug-22</b>
339,525	339,309	338,768	337,325	336,705	338,237	338,721	339,632
<b>Sep-22</b>	<b>Oct-22</b>	<b>Nov-22</b>	<b>Dec-22</b>	<b>Jan-23</b>	<b>Feb-23</b>	<b>Mar-23</b>	<b>Apr-23</b>
340,033	339,574	338,933	340,149	340,108	340,193	340,154	341,110
<b>May-23</b>	<b>Jun-23</b>	<b>Jul-23</b>	<b>Aug-23</b>	<b>Sep-23</b>	<b>Oct-23</b>	<b>Nov-23</b>	
341,417	341,556	341,898	342,542	343,635	344,276	344,590	

Source: Scottish Landlord Registration System monthly monitoring figures. Note that May-23 figures were based on a snapshot taken on 6 June 2023

## **5. Consultation with stakeholders**

5.1 The Act sets out that before preparing this statutory report, Scottish Ministers must consult with persons representing tenants and landlords, and local authorities. It goes on to set out that Scottish Ministers may also consult other persons considered appropriate, and detail how the views of those consulted have been considered in finalising the report.

### **Call for Evidence**

5.2 In line with previous reporting periods, Scottish Ministers issued a further call for evidence in November to a wide range of rented sector stakeholder groups in respect of the social, private, and student rented sectors representing a range of interests. A list of the stakeholders invited to take part in the call for evidence is available at Annex A of this report.

5.3 The Call for Evidence set out that in order to help inform Scottish Ministers' statutory review of the remaining emergency provisions and inform the next report to Parliament, any representations stakeholders wished to make or bring to our attention were invited.

5.4 For the private rented and student accommodation sectors, stakeholders representing landlords' interests were invited to share their views and evidence on the impact of the measures on landlords and those involved in the provision of private rental accommodation.

5.5 In respect of the social sector, Scottish Ministers were also committed to providing a further opportunity for individual organisations to respond to understand how the remaining emergency measures affecting the sector were impacting. The call for evidence was therefore also shared with Regional networks, Registered Tenant Organisations, Registered Social Landlord Chief Executives and Local Authority Directors of Housing.

5.6 In addition to the call for evidence, the Scottish Government has undertaken meetings and engagements with a range of stakeholders during this reporting period in order to listen to their views on the impact of the emergency legislation.

## Summary of Call for Evidence Responses

**Note:** The following summary was prepared on the basis of evidence supplied in response to a targeted call for views from key stakeholder groups by the Scottish Government in November 2023.

The evidence outlined in these submissions was drawn from a wide variety of sources including; anecdotal evidence, lived experience examples, internal stakeholder data such as member surveys, stakeholder perspectives and externally published data.

In most cases, it has not been possible for Scottish Government analysts to verify the data provided in these submissions.

5.7 In total, 6 responses were received to the call for evidence, as follows:

- 2 from tenant representative and advice groups;
- 4 from landlord/financial/investor representative groups, local authorities and housing associations, of which;
  - 2 represent interests in the private rented sector
  - 2 represent interests in the social rented sector

### **Main findings**

#### Private Sector Rent Cap

5.8 One tenant representative group highlights the sustained financial pressures tenants are facing and their view that the rent cap remains “absolutely necessary and entirely proportionate” to protect tenants from unaffordable rent increases. The response also makes reference to YouGov polling carried out in June 2023 which found that renters are more likely to report difficulty making their housing payments, and 55% say they are finding it hard to do so<sup>26</sup>. The response also refers to anecdotal evidence of landlords seeking to increase rents by between 10-30% between tenancies, and some reports of threatening behaviour to implement rent increases well above the rent cap.

5.9 Two responses from private landlord representative groups set out their view that the emergency measures are leading to landlords leaving the private rented sector, however they also make reference to wider contributing factors such as landlord concern about future rent controls and increasing regulation in the sector.

5.10 One private landlord representative group conducted a member survey in December 2023 which found that 56% of respondents are planning to reduce their portfolio size in the next 5 years, which they compare with 44% in December last year. The number of respondents is not confirmed, and as stated above this could be attributed to multiple factors.

---

<sup>26</sup> [How are Britons faring with rent and mortgages? | YouGov](#)



5.11 Another private landlord representative group also conducted a member survey in December 2023, which received 114 responses. The survey found that 47 respondents have removed properties from the private rented sector since September 2022.<sup>27</sup> However they report that 77% of the properties that have been removed from the sector by those 47 respondents have not yet been removed from the Scottish Landlord Register, and it is suggested the register may be overstating the number of properties available to let.

5.12 However, the latest data from the Scottish Landlord Register shows that the number of properties available to let has increased by 1.5% between August 2022 and November 2023, while the number of registered landlords has remained stable (down only 0.1%) over the same period. While it is acknowledged that there can be delays in the removal of properties from the sector showing up on the register, the data from the register does not at this stage confirm declining numbers of properties across Scotland as a whole.

5.13 In a response from a social landlord representative group, they reiterate their ongoing call for Mid-Market Rent (MMR) properties owned by social landlord subsidiaries to be reclassified as social rent. The response recognises that the emergency measures are well intended, however they feel that MMR should be considered separately as they already have a strategic commitment to keep rents as low as possible and protect tenants from financial pressures. They report some Registered Social Landlords pausing or postponing the provision of MMR, and feel that the rent cap is impacting on the financial viability of RSLs and their ability to provide services to tenants.

## **Evictions Moratorium**

5.14 One tenant representative group reported members feeling reassured by the protection offered by the moratorium on the enforcement of evictions, and say this is particularly pertinent in the context of increased demand for advice and information on illegal evictions from their members.

5.15 From a social sector perspective, one social landlord representative group is of the view that the moratorium is not a necessary measure to influence social landlords' behaviour or offer protection to tenants, due to eviction already being a last resort when other interventions fail. Both responses from social landlord representative groups highlight ongoing concerns about the definition of substantial rent arrears i.e. equal to or more than £2,250, as it is being perceived as an acceptable level of debt for some which prevents early engagement and risks unmanageable rent arrears for tenants.

5.16 One response from a social landlord representative group refers to data from the Scottish Housing Regulators Annual Returns Charter which indicates there has been a 0.7% decrease in the average percentage of court actions initiated that resulted in eviction for rent not paid between 2021/22 and 2022/23<sup>28</sup> (16.7% in 2022/23 compared with 17.4% in 2021/22).

---

<sup>27</sup> The 47 is calculated assuming that all respondents to the survey answered this question.

<sup>28</sup> [Statistical information | Scottish Housing Regulator](#)

5.17 The response also raises concern that increased levels of debt may risk higher rates of property abandonment, and Annual Returns Charter Data indicates that property abandonments increased by approximately 12% between 2021/22 and 2022/23<sup>29</sup>. The response notes that this is particularly worrying because there is a lack of available affordable homes for tenants to move on to, however there is no evidence that the recent increase in property abandonments has been caused by the emergency legislation.

## **Rent Adjudication**

5.18 Two responses highlight the need to bring in measures to avoid a cliff edge of rapid rent increases and evictions when the emergency legislation is expired. A range of measures are proposed, including; reform of the current rent adjudication system, increased penalties for landlords abusing grounds for eviction, increased support for tenants experiencing fuel poverty or food insecurity and long term funding for advice and support services.

5.19 The Cost of Living (Tenant Protection) (Scotland) Act 2022 contains a power to modify the basis on which rent is determined when there is adjudication of rent disputes. Once the rent cap is expired we would expect that many rent increases proposed by landlords will proceed as normal, with tenants agreeing to pay the proposed rent increase.

5.20 However, there may be cases where the proposed increase is considered by the tenant to be unreasonable. The emergency Act provides Scottish Ministers with the ability to temporarily modify how rent increases referred by a tenant are adjudicated. Any changes made to the adjudication process would be intended to smooth the transition out of the rent cap and protect tenants from steep rent increases which could be experienced if there is a sudden move to open market rent from rent levels that have been suppressed.

5.21 From December 2023 to January 2024 the Scottish Government consulted with stakeholders on the proposed approach to temporarily modify the rent adjudication process, as part of the transition away from the temporary, emergency measures. The consultation set out that, under the emergency Act, Scottish Ministers may:

- make provision about the basis on which the rent is to be determined by a rent officer or the First-tier Tribunal, which may include (but is not limited to) matters to be taken into account in determining the rent, matters to be disregarded in determining the rent, and/or assumptions to be made in determining the rent by the Rent Officer or Tribunal.
- limit the rent that may be determined by a Rent Officer or the Tribunal to an amount that is no more than the rent specified by the landlord in the rent-increase notice.
- make provision about the procedure relating to referral to a Rent Officer or appeal to the First-tier Tribunal.

---

<sup>29</sup> [Statistical information | Scottish Housing Regulator](#)

5.22 The current rent adjudication process (suspended whilst Part 1 of the Cost of Living (Tenant Protection) Act is in place) allows for a rent officer or the First-tier Tribunal, dependent on the tenancy type, to make a determination on whether a rent increase is reasonable. This determination is based on comparison with the rent for other properties in an area (open market rent).

5.23 It is proposed that, when the emergency rent cap is removed, the rent adjudication process would be amended to require a rent adjudication determination to be based on the lowest of three comparators:

1. open market rent;
2. the new rent proposed by the landlord; and
3. a maximum 'reasonable' increase for that tenancy, to be defined by reference to a new 'taper' that supports a transition away from the rent cap

5.24 Any proposed modification to the rent adjudication process would be subject to the approval of the Scottish Parliament.

## 6. Operation of Part 1 and assessment of necessity and proportionality

### 6.1 Paragraphs 1 & 2, Part 1, Schedule 1: Rent cap for private residential tenancies

#### Description and Operation of the Provisions

6.1.1 The Act introduced a temporary cap on in-tenancy rent increases for the majority of private sector tenancies, which was backdated to 6 September 2022 in order to prevent landlords seeking to increase a tenant's rent between the Programme for Government announcement of the 'rent freeze' and commencement of the Act. For tenancies where a valid rent increase notice was issued before 6 September 2022, the existing legislative requirements continue to apply.

6.1.2 The rent cap was initially set at 0%, and applied to most existing tenancies in the private rented sector. Any rent increase notice issued for applicable tenancies on or after 6 September 2022 was void while the cap was at 0%.

6.1.3 On 1 April 2023, [regulations](#) came into force that extended the emergency Act beyond its initial first six month period, for a further 6 months until 30 September 2023. The regulations also varied the rent cap provisions in relation to the private rented sector, increasing the 'permitted rate' by which rent can be increased during a tenancy from 0% to 3%. This decision was taken following a comprehensive overview of the latest economic situation and consideration of a wide range of evidence from stakeholders, and a [Statement of Reasons](#) providing a full justification and evidence base underpinning that decision was published alongside the regulations.

6.1.4 This meant that from 1 April 2023, private landlords were once again able to issue a rent increase notice (for applicable tenancies), so long as the increase was within the permitted rate. As before, landlords can still set the rent for any new tenancy, as the rent cap only restricts in-tenancy rent increases.

6.1.5 Notwithstanding the rent cap, landlords continue to have a safeguard available to them, and can apply to Rent Service Scotland (RSS) to increase the rent for a let property above the rent cap in connection with defined 'prescribed property costs'. Landlords must give their tenant notice in writing when they make such an application. The regulations that came into force on the 1 April also varied the prescribed property costs safeguard from 3% up to 6%.

6.1.6 An application using the safeguard may only be made if a landlord has had an increase in defined costs, during the preceding six months, 'prescribed property costs' are defined as follows:

- the interest payable in respect of any mortgage or standard security over the rental property;

- any insurance premium payable by a landlord relating to insurance connected to offering the property for rent, for example ‘landlords’ insurance’ (excluding general building and property insurance); and
- any ‘service charge(s)’ related to the rental property that are recoverable from the tenant via their rent as part of the contractual arrangement between tenant and landlord.

6.1.7 A landlord can apply to increase the rent to recover up to the lower of either 50% of the increase in these costs or 6% of the existing rent. The existing protection which only allows a landlord to raise rents once per 12 months still applies.

6.1.8 If an application is approved by RSS, the resultant rent increase will not come into effect until (at the earliest) 12 weeks after the date the landlord made the application. A landlord or tenant is able to appeal the RSS’ decision by applying to the First-tier Tribunal for Scotland (Housing and Property Chamber) within 14 days to have the RSS calculation reviewed.

6.1.9 As of 31 December 2023, Rent Service Scotland (RSS) have received the following applications:

<b>Timeframe</b>	<b>Landlord 3% Prescribed Property Costs application</b>	<b>Landlord 6% Prescribed Property Costs application</b>	<b>Tenant rent cap verification request application</b>
28 October 2022 to 31 March 2023	47 applications received and 38 decisions made.		
1 April 2023 to 31 December 2023		1,366 applications received and 1,094 decisions made	65 applications received and 29 decisions made

6.1.10 As of 31 March 2023, 47 Landlord applications for 3% prescribed property costs were received, with 20 incomplete applications having to be returned and 0 withdrawn. 38 decisions were made and 9 decisions have not been made as no supporting documentary evidence of costs were received. Of the 47 applications, 47 were for interest payable in respect of a mortgage or standard security, 0 were for landlord insurance other than general building and contents and 0 were for service charges relating to the property.

6.1.11 Since 1 April 2023, 65 tenant verification applications have been received, 6 of which may be exempt from the rent cap and were therefore not verified, and 29 decisions have been made by the Rent Officer. Of the 29 decisions:

- 18 were verified at the 3% cap;
- 11 applications had rent increase notices that exceeded the 3% cap and these were capped at 3% by the Rent Officer. Of the 11 which exceeded the cap:
  - 3 were between 5 and 7%
  - 2 were between 7 and 8%

- 2 were between 15 and 16%
- 1 at 25%
- 3 above 30%

6.1.12 Since 1 April 2023, 1,366 landlord applications for 6% prescribed property costs have been received of which:

- 49 landlords are still to submit additional information after being requested
- 182 applications have been withdrawn
- 22 applications were withdrawn and another application submitted
- 1 application is waiting to be processed
- 1,112 applications have been accepted onto the system of which:
  - 18 applications are waiting to be processed or are in progress
  - 1,094 decisions were made by the Rent Officer:

6.1.13 The table below shows a breakdown in the type of prescribed property costs applications submitted and accepted:

Number of landlords who requested an increase in rent due to a rise Mortgage interest/standard security costs	Number of landlords who <b>did not</b> request an increase in rent due to a rise in Mortgage interest/standard security	Total accepted applications
1,104	8	1,112

<b>Types of Prescribed Property Costs Claimed for on application:</b>			
Mortgage interest/standard security	Landlord Insurance	Service Charges	Total accepted applications
1,104	(35)	(24)	1,112

6.1.14 Of the 1,112 applications accepted, 44 applied stating they had an increase in more than one prescribed property cost. Additionally, not all applicants requested an increase in rent due to a rise in mortgage costs. One applicant only requested an increase in rent due to a rise in their insurance costs. 7 applicants requested an increase in rent due to a rise in their service costs. This was also the only prescribed property cost all 7 applicants claimed for.

6.1.15 Two landlords have challenged the Rent Officer’s decision and have requested the First-tier Tribunal review the decision taken by the Rent Officer. In one of the cases, the First-tier Tribunal made the decision to increase the rent by 6%. We are waiting the outcome of the second review.

6.1.16 RSS received 557 enquiries regarding the landlord prescribed property cost applications and tenant verification applications. 308 were received by e mail and 249 by telephone.

## Consultation

6.1.17 The call for evidence, along with informal consultation with stakeholders, has provided valuable information on the views of key stakeholders on the operation and impact of the rent cap measures. These are summarised in section 5 of this report. Scottish Ministers have considered these as part of assessing the continued necessity and proportionality of the measures.

6.1.18 During this reporting period the Scottish Government has continued to meet with a range of key stakeholders to discuss proposals for future rented sector reform, including opportunities for stakeholders to give their views on the ongoing operation and impact of the rent cap provisions.

## Necessity and Proportionality

6.1.19 During this reporting period, in order to assess the use and continued necessity and proportionality of the private rented sector rent cap and safeguards, the Scottish Ministers have taken into account:

- the evolving economic context of the costs crisis and the likely impact on households resident in the private rented sector;
- information from key stakeholders regarding the impact and effect of the measures on landlords and tenants; and
- information from other sources to seek to identify any unintended or unanticipated impacts that may have arisen as a result of the measures.

6.1.20 The concerns detailed by consultees in the call for evidence (see section 5 of this report), and through wider ongoing stakeholder engagement, are acknowledged. In terms of testing the validity of these concerns, and assessing the wider impact of the rent cap measures, at this time there is limited data available to evidence a direct link between the rent cap provisions and wider changes to the rental market, a key issue flagged by many stakeholders. The Scottish Government will continue to closely monitor information as it becomes available and has considered all available evidence and data at this time.

6.1.21 Having carefully considered the responses from consultees we remain of the view, based on the overall evidence set out in section 4, that the rent cap provisions remain necessary and continue to pursue the prescribed aims of the Act. The economic data demonstrates that although there have been some improvements the costs crisis continues to have a challenging impact on household finances. The measures remain in the public interest seeking to ensure that tenants are, protected against the impact of the wider economic conditions, through stabilisation of their housing costs.

6.1.22 The Scottish Government remain of the view that the measures have continued to strike a proportionate balance between the protection of tenants and the rights of landlords via the safeguards built into the legislation. The purpose of including the provision for landlords to make an application to have an above cap rent increase takes account of the individual circumstances of landlords. Scottish Ministers made use of the powers to amend the level of the rent cap and the landlord

safeguards in April 2023 – as a direct response to consideration of the available evidence and wider economic circumstances. We have reviewed the and they continue to strike an appropriate balance.

6.1.23 Latest data from Rent Service Scotland on the operation of the prescribed property costs safeguard makes clear that landlords are successfully making use of it, as set out in paragraphs 6.1.12 – 6.1.15.

6.1.24 The current framework is finely balanced, and we will continue to closely monitor the available economic data and evidence of the impact of the measures. Evidence on whether, or not, recent improvement in some economic indicators will continue and will translate into a sufficiently improved financial position for privately renting households such that the measures cease to be appropriate, will continue to be closely monitored alongside the impacts of the Part 1 measures. We continue to consider emerging and contemporaneous evidence on an ongoing basis.

6.1.25 The Part 1 measures could only ever remain in force until 31 March 2024 at the latest, which means that we have entered the final three months of the emergency rent cap. The evidence provided by stakeholders and the evidence set out in section 4 shows improvements to some economic indicators. However, the recent growth in nominal earnings has not been enough to offset the large increases in energy and other prices since the cost of living crisis began, and overall living standards remain significantly below their pre-crisis level. The latest survey evidence continues to show that privately renting households are experiencing greater financial challenges than the average for all households. All factors considered, we remain of the view that the measures continue to be necessary and proportionate.

## **6.2 Part 1, Schedule 2: Protection against eviction**

### Description and Operation of the Provisions

6.2.1 Part 1, Schedule 2, temporarily pauses the enforcement of eviction orders and decrees in the private rented, social rented and student accommodation sectors from 6 September 2022 onwards, with relevant exemptions in relation to specified circumstances, and it also amends the process for the determination of damages for an unlawful eviction.

6.2.2 The temporary moratorium on evictions aims to help to reduce the negative impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless during the costs crisis. It will provide more time for people to seek support and to find alternative accommodation that meets their needs at an affordable rent.

6.2.3 A number of safeguards have been put in place to allow the enforcement of evictions in limited circumstances. The pause does not apply where:

- the tenant has engaged in antisocial or criminal behaviour (student residential tenancies, private and social sectors);
- the tenant has abandoned the property (private and social sector);
- where the property is to be sold by a lender (private sector only);



- the tenant is no longer an employee of the landlord (private and social sector); and
- the property is subject to demolition or requires substantial work and suitable alternative accommodation will be available for the tenant (social sector only).

6.2.4 There are also three amended/new temporary grounds for eviction where the moratorium does not apply:

- landlord intends to sell the let property due to financial hardship (this applies to private sector only)
- landlord intends to live in the let property due to financial hardship (private sector only)
- tenant has substantial rent arrears which add up to 6 months' rent or more in the private rented sector, or £2,250 or more in the social rented sector (private and social rented sectors).

6.2.5 If an eviction order is granted by the Tribunal or Sheriff Court for any of these reasons, the eviction order can be progressed in accordance with the rules that apply to these eviction grounds. Where an eviction order or decree was granted before the legislation came into force or where the landlord raised eviction proceedings before the legislation came into force and served an eviction notice before the announcement on 6th September 2022, the case will not be caught by the moratorium and will still be able to be enforced in line with normal legal requirements.

6.2.6 Where a landlord is prevented from enforcing an order for eviction while the moratorium is in effect, the enforcement of that order can only be delayed for a maximum period of 6 months.

6.2.7 Recent data from the Tribunal up to 9 January 2024 shows that there have been 2046 eviction applications that fall within the scope of the Cost of Living Act's provisions. Of the 2,046 applications received, 661 are awaiting outcome. The remaining 1,385 applications are broken down as follows:

**Number of First-tier Tribunal (Housing and Property Chamber) eviction applications falling within the scope of the Cost of Living Act provisions, by status and month of outcome as at 9 January 2024**

	<b>Granted</b>	<b>Refused</b>	<b>Rejected</b>	<b>Withdrawn</b>	<b>Dismissed</b>
<b>Sep-22</b>	-	-	-	-	-
<b>Oct-22</b>	-	-	-	-	-
<b>Nov-22</b>	-	-	-	-	-
<b>Dec-22</b>	-	-	1	11	-
<b>Jan-23</b>	1	-	4	23	-
<b>Feb-23</b>	7	-	4	25	-
<b>Mar-23</b>	35	5	6	45	1
<b>Apr-23</b>	27	-	5	39	-
<b>May-23</b>	71	2	10	45	1
<b>Jun-23</b>	58	3	14	48	2
<b>Jul-23</b>	48	3	11	52	2
<b>Aug-23</b>	66	5	27	71	3
<b>Sep-23</b>	50	3	12	60	2
<b>Oct-23</b>	82	2	15	61	1
<b>Nov-23</b>	100	5	19	64	2
<b>Dec-23</b>	47	2	18	45	1
<b>Jan-24</b>	-	-	5	8	-
<b>Total</b>	<b>592</b>	<b>30</b>	<b>151</b>	<b>597</b>	<b>15</b>

6.2.8 The majority of these eviction applications, 1,428, were in relation to private residential tenancies. Of these, 422 were granted, 21 refused, 11 dismissed and 464 are awaiting an outcome. The remainder 510 were either rejected (88) or withdrawn (422).

6.2.9 The table below provides a breakdown by grounds used for cases which were granted, refused and dismissed. In addition to the [18 grounds of eviction](#) set out in the Private Housing (Tenancies)(Scotland) Act 2016, there are 3 new grounds under the Act – 1A (landlord intends to sell due to financial hardship), 4A (landlord intends to live in the let property due to financial hardship) and 12A (substantial rent arrears).

6.2.10 Of the 422 granted the two main grounds used were rent arrears and intention to sell. It is important to note that applications for eviction can use more than one repossession ground, and so the number of grounds in the table, if totalled, will therefore total to more than the number of cases.

<b>Ground</b>	<b>Granted</b>	<b>Refused</b>	<b>Dismissed</b>
<b>1</b>	151	4	3
<b>1A</b>	22	1	-
<b>2</b>	4	-	-
<b>3</b>	9	1	-
<b>4</b>	16	-	4
<b>4A</b>	4	-	1
<b>5</b>	13	2	-
<b>6</b>	-	-	-
<b>7</b>	-	-	-
<b>8</b>	1	-	-
<b>9</b>	-	-	-
<b>10</b>	13	-	-
<b>11</b>	29	2	1
<b>12</b>	150	10	4
<b>12A</b>	99	1	2
<b>13</b>	2	-	-
<b>14</b>	11	-	-
<b>15</b>	1	-	-
<b>16</b>	-	-	-
<b>17</b>	1	-	-
<b>18</b>	-	-	-

6.2.11 Latest available figures from the Scottish Courts on the total number of social sector summary cause eviction applications registered at courts each month show a decrease over the period since August 2022, with the number of applications registered falling from 458 in August 2022 to 225 in April 2023, although numbers across more recent months have risen slightly to 391 in October 2023. It should be noted that these are overall figures and do not specifically identify the number of applications that fall within the scope of the emergency legislation. Also note that whilst eviction application figures in October 2023 remain above the monthly levels seen prior to this each month between April 2020 and July 2022, the Coronavirus (Scotland) Act 2020 was in force from 7 April 2020 to 30 September 2022 and had a significant impact on the number of summary cause eviction applications registered by the courts during this period.

6.2.12 Latest published figures from the Scottish Housing Regulator on the number of social sector properties recovered following court eviction actions<sup>30</sup> are on a financial year basis only and so provide no information on trends since September 2022, nor do the figures specifically identify the number of properties recovered that fall within the scope of the emergency legislation, of which it could take a number of months for these to progress from application to outcome. Across the latest financial year 2022-23, there were a total of 618 properties recovered, an increase from the 383 properties recovered in the previous year 2021-22, but substantially lower than the 1,866 properties recovered in the pre-pandemic year 2019-20, with numbers since 2019-20 being likely to have been affected by the Coronavirus Act measures in place. Across the latest financial year 2022-23, 17% (104) of the properties recovered were for anti-social behaviour, a higher percentage than the 4% (79) of properties recovered for anti-social behaviour in 2019-20.

6.2.13 Feedback from the latest call for evidence once again shows that social sector landlord representatives see the eviction moratorium provisions as having a minimal impact, due to eviction already being a last resort for social landlords. However, concerns were raised again about the definition of substantial rent arrears in the emergency Act, as it is being perceived by some tenants as an acceptable level of debt to accrue before action can be taken.

6.2.14 In engagement with student sector stakeholders who provide student accommodation, it remains the position of the sector that evictions are rare, with only one example of eviction in the last 5 years being cited, and that being on the basis of anti-social behaviour, not relating to rent arrears.

6.2.15 Data from the First-tier Tribunal for Scotland (Housing and Property) Chamber indicates that they have received 14 applications for unlawful eviction damages from November 2022 to end October 2023.

### Consultation

6.2.16 In this reporting period, in order to assess the continued necessity and proportionality of the provision, the Scottish Government has considered various sources of information, formally and informally, including a further call for evidence issued to a range of key stakeholders - including landlords, tenants, housing rights organisations, investors and educational establishments and providers of student accommodation.

6.2.17 In addition to the call for evidence, we have engaged with those representing landlords, letting agents and tenants in both the private and social rented sectors as well as Local Authorities, the Scottish Housing Regulator and Lenders. We also continue to engage with The Society of Messengers-at-Arms and Sheriff Officers on the operation of the eviction moratorium in practice.

---

<sup>30</sup> See information on Charter Indicator 22 at [Statistical information | Scottish Housing Regulator](#)

## Necessity and Proportionality

6.2.18 During this reporting period, in order to assess the use and continued necessity and proportionality of the eviction moratorium provisions across the private, social and student accommodation sectors, the Scottish Ministers have taken into account the evolving economic context of the costs crisis which continues to place pressure on households, along with evidence from key stakeholders regarding the impact and effect of the measures on landlords and tenants. Each sector is considered in turn as follows:

### Private rented sector

6.2.19 The Scottish Government continues to view the moratorium as providing tenants with important additional protection and peace of mind while the rent cap remains in place by:

- firstly, avoiding landlords ending a tenancy to raise the rent. Although it is a criminal offence to evict a tenant without a court or Tribunal order or decree, the moratorium provides additional protection to tenants from unfair or unlawful eviction action pursued by private landlords in order to seek a new tenant (which would allow them to set a new, higher rent afresh because the rent cap only applies to in-tenancy rent increases) in direct response to the temporary rent freeze; and
- secondly, to help reduce impacts on the health and wellbeing of tenants associated with being evicted, and by providing those being evicted with additional time to access support and find alternative accommodation. We consider that the measures, alongside the landlord safeguards and exemptions, continue to remain proportionate in order to pursue the aim of helping reduce impacts on the health and wellbeing of private rented sector tenants by being evicted and/or being made homeless at a time when they continue to struggle as a result of financial stress caused by the costs crisis, and providing those being evicted with additional time to access support and find alternative accommodation.

6.2.20 Therefore, the measures remain a proportionate and necessary approach at this time. The Part 1 measures could only ever remain in force until 31 March 2024 at the latest, so we have entered the final three months of the evictions protections.

### Social Rented Sector

6.2.21 We know that social rented households are more likely to have lower incomes than households in other tenures, with Scottish Household Survey results for 2022<sup>31</sup> showing 53% of social rented households having a net income of £20,000 or less, compared to 30% of private rented households, 35% of households who own outright, and 10% of households buying with a mortgage.

6.2.22 Social rented households are also more likely to be financially vulnerable (defined as households with savings which would cover less than one month of

---

<sup>31</sup> [Scottish Household Survey Annual Report Tables 2022](#)

income at the poverty line), with Scottish Government Statistics on Wealth in Scotland<sup>32</sup> showing 63% of social rented households being estimated to be financially vulnerable, compared to 40% of private rented households, 24% of households buying with a mortgage and 9% of households owning outright.

6.2.23 Around two-thirds (65%) of social rented households are receiving some level of support for housing costs through Housing Benefit or Universal Credit, with the equivalent figure for private rented sector households being 28%<sup>33</sup>.

6.2.24 Social sector stakeholders continue to note that evictions are always a last resort and therefore the moratorium does not impose a significant impact. Therefore, the evidence of impact indicates that this is not an immediate and significant obstacle to sector practices. We consider that the measures, alongside the landlord safeguard and exemptions, continue to remain proportionate in order to pursue the aim of helping reduce impacts on the health and wellbeing of social sector tenants by being evicted and/or being made homeless at a time when they continue to struggle as a result of financial stress caused by the costs crisis, and providing those being evicted with additional time to access support and find alternative accommodation.

### Student Rented Sector

6.2.25 Whilst evictions in the student sector are reported as being extremely rare by sector, there remains a possibility that evictions could take place.

6.2.26 In addition, the majority of those in halls of residence and PBSA are under 21. Taken alongside the wider economic landscape associated with the ongoing costs crisis, we consider these provisions continue to be necessary in order to help reduce impacts on the health and wellbeing of tenants by being evicted and/or being made homeless at a time when they are already struggling as a result of financial stress resulting from the costs crisis.

6.2.27 Given the reported infrequency of eviction action, alongside the landlord safeguard and exemptions, the interference with landlords' rights imposed by the moratorium is relatively minimal and is proportionate with the aim of the Act as regards these provisions, and with providing those being evicted with additional time to access support and find alternative accommodation.

---

<sup>32</sup> [Scottish Government Statistical publication on Wealth in Scotland 2006-2020](#)

<sup>33</sup> Based on DWP StatXplore Tables for May 2023, compared with latest available rented stock figure

## 7. Reporting on related Scottish Statutory Instruments

7.1 Section 9(2)(a) requires that the Scottish Ministers must set out how any powers under Part 1 of the Act have been exercised, including through the use of Scottish Statutory Instruments (SSIs). Information on SSIs brought into force as a result of Part 1 of the Act are included in the table below:

<b>SSI title: The Assured Tenancies and Private Residential Tenancies (Prescribed Notices and Forms) (Miscellaneous Temporary Modifications) (Scotland) Regulations 2022</b>	
Power under which SSI was made:	<b>Sections 19(3) and 53(3) of the Housing (Scotland) Act 1988, sections 62(1)(d) and 77(1) of the Private Housing (Tenancies) (Scotland) Act 2016</b>
Parliamentary procedure to which SSI was subject:	<b>Negative</b>
Date(s) of commencement:	<b>28 October 2022</b>
Period for which it has effect:	<b>Until Part 1 expires</b>
Status at end of the reporting period (31 December 2022):	<b>Commenced and still in force</b>

<b>SSI title: The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Early Expiry and Suspension of Provisions) Regulations 2023</b>	
Power under which SSI was made:	<b>Sections 6(1)(a) and 8(1) of the Cost of Living (Tenant Protection) (Scotland) Act 2022</b>
Parliamentary procedure to which SSI was subject:	<b>Negative</b>
Date(s) of commencement:	Expiry Regulations came into force on 26 February 2023. Suspension Regulations came into force on 30 March 2023.
Period for which it has effect:	<b>Until Part 1 expires</b>
Status at end of the reporting period (31 December 2022):	<b>Commenced and still in force</b>

<b>SSI title: The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Dates and Rent Cap Modification) Regulations 2023</b>	
Power under which SSI was made:	<b>Sections 5 and 7(3)(a) of the Cost of Living (Tenant Protection) (Scotland) Act 2022(1), sections 23A(3), 24J(2) and 53(3) of the Housing (Scotland) Act 1988(2), sections 21A(3), 33F(2) and 77(1) of the Private Housing (Tenancies) (Scotland) Act 2016(3).</b>
Parliamentary procedure to which SSI was subject:	<b>Affirmative</b>
Date(s) of commencement:	<b>1 April 2023</b>
Period for which it has effect:	<b>Until Part 1 expires</b>
Status at end of the reporting period (31 December 2022):	<b>Commenced and still in force</b>

<b>SSI title: The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Date) Regulations 2023</b>	
Power under which SSI was made:	<b>Section 7(3)(b) of the Cost of Living (Tenant Protection) (Scotland) Act 2022</b>
Parliamentary procedure to which SSI was subject:	<b>Affirmative</b>
Date(s) of commencement:	<b>1 October 2023</b>
Period for which it has effect:	<b>Until Part 1 expires</b>
Status at end of the reporting period (31 December 2022):	<b>Commenced and still in force</b>

<b>SSI title: The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Incidental Provision) Regulations 2023</b>	
Power under which SSI was made:	<b>Section 12(1) of the Cost of Living (Tenant Protection) (Scotland) Act 2022</b>
Parliamentary procedure to which SSI was subject:	<b>Affirmative</b>
Date(s) of commencement:	<b>31 October 2023</b>
Period for which it has effect:	<b>Until Part 1 expires</b>
Status at end of the reporting period (31 December 2022):	<b>Commenced and still in force</b>



### **PERSONS NOTIFIED OF CALL FOR EVIDENCE IN COMPLIANCE WITH SECTION 9(3) and (4)**

Before preparing this report, Scottish Ministers issued a call for evidence to the key stakeholders listed below.

- All Local Authorities in Scotland
- All Registered Social Landlords in Scotland
- Aff the Streets
- Age Scotland
- ALACHO
- Alliance Scotland
- Antisocial Behaviour Lawyers Forum
- Association of Student Residential Accommodation (ASRA)
- Central Scotland Regional Network
- Chartered Institute of Housing
- Child Poverty Action Group (CPAG)
- Church of Scotland
- Citizens Advice Scotland
- Colleges Scotland
- Common Weal
- Convention of Scottish Local Authorities (COSLA)
- Crisis in Scotland
- Crown Estates Scotland
- College and University Business Officers (CUBO)
- Disability Equality Scotland
- Engender
- Equality Network
- First-tier Tribunal for Scotland (Housing and Property Chamber)
- Glasgow Centre for Inclusive Living (GCIL)
- Generation Rent
- Glasgow & West of Scotland Forum of Housing Associations
- Glasgow City Health and Social Care Partnership
- Glasgow Disability Alliance
- Govan Law
- Healthcare Improvement Scotland
- Homeless Network Scotland
- Homes for Good
- Homes for Scotland
- Housemark
- Housing Options Scotland
- Housing Support Enabling Unit (HSEU)

- Inclusion Scotland
- Joseph Rowntree Foundation
- Law Society of Scotland
- Legal Services Agency
- LGBT Youth Scotland
- Living Rent
- National Farmers Union Scotland
- North of Scotland Regional Network
- National Union of Students Scotland (NUS)
- One Parent Families Scotland
- Police Scotland
- Positive Action in Housing
- Propertymark
- Royal Institution of Chartered Surveyors
- Scotland's Housing Network
- Scottish Agricultural Arbiters & Valuers Association
- Scottish Association of Landlords
- Scottish Court Service
- Scottish Lands and Estates
- Scottish Property Federation
- Scottish Refugee Council
- Scottish Tenants Farmers Association
- Scottish Women's Aid
- Scottish Youth Parliament
- Sensory Hub Alliance
- Scottish Federation of Housing Associations (SFHA)
- Shelter Scotland
- Simon Community Scotland
- Single Parent Families Scotland
- Society of Messengers at Arms and Sheriff Officers (SMASO)
- South East Scotland Regional Network
- South West Scotland Regional Network
- Tenant Information Service (TIS)
- Tenant Participation Service (TPAS)
- The Poverty Alliance
- The Rock Trust
- The Society of Local Authority Chief Executives (SOLACE)
- UK Finance
- UNISON
- UNITE
- Universities Scotland
- University and College Union (UCU)
- WhoCares? Scotland

Evidence was submitted from the stakeholders listed below.

- Citizens Advice Scotland
- Living Rent
- Rural Stirling Housing Association
- Scottish Association of Landlords
- Scottish Federation of Housing Associations
- Scottish Land and Estates



© Crown copyright 2024

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83521-853-2 (web only)

Published by The Scottish Government, January 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1392634 (01/24)

**w w w . g o v . s c o t**