



Cost of Living (Tenant Protection) (Scotland) Act 2022

2022 asp 10

PART 2

PART 1: SUPPORTING PROVISIONS

3 Information and advice for tenants

The Scottish Ministers must take steps 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.

Commencement Information

II S. 3 in force at 28.10.2022, see [s. 13\(1\)](#)

4 Advancement of equality and non-discrimination

- (1) In exercising a function conferred by virtue of [Part 1](#) (including a function of making subordinate legislation), the Scottish Ministers must have regard—
 - (a) to the importance of communicating in an inclusive way,
 - (b) to opportunities to advance equality and non-discrimination.
- (2) In [subsection \(1\)\(a\)](#), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual’s needs.

Commencement Information

I2 S. 4 in force at 28.10.2022, see [s. 13\(1\)](#)

Status: Point in time view as at 01/04/2023.

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5 Subordinate legislation making powers

Any power to make subordinate legislation conferred by virtue of [Part 1](#) includes power to make—

- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
- (b) different provision for different purposes or areas.

Commencement Information

I3 S. 5 in force at 28.10.2022, see [s. 13\(1\)](#)

6 Power to suspend and revive Part 1

- (1) The Scottish Ministers may by regulations—
 - (a) suspend the operation of any provision in [Part 1](#),
 - (b) revive the operation of a provision so suspended.
- (2) Sections 15 to 17 of the Interpretation and Legislative Reform (Scotland) Act 2010 (effect of repeals) apply to the suspension of a provision by regulations under [subsection \(1\)\(a\)](#) as if the provision had been repealed by an Act.
- (3) The powers in [subsection \(1\)](#) may be exercised more than once in relation to the same provision.
- (4) Regulations under [this section](#) may make—
 - (a) different provision for different purposes or areas,
 - (b) consequential provision,
 - (c) transitional, transitory or saving provision.
- (5) The power under [subsection \(4\)\(b\)](#) and [\(c\)](#) includes power to modify any enactment (including this Act).
- (6) Regulations under [this section](#)—
 - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
 - (b) otherwise, are subject to the negative procedure.

Commencement Information

I4 S. 6 in force at 28.10.2022, see [s. 13\(1\)](#)

7 Expiry of Part 1

- (1) [Part 1](#) expires at the end of [^{F1}30 September 2023].
- (2) [Subsection \(1\)](#) is subject to [section 8](#) (power to bring forward expiry).
- (3) The Scottish Ministers may by regulations—
 - (a) amend [subsection \(1\)](#) so as to replace “31 March 2023” with “30 September 2023”,

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- (b) further amend [subsection \(1\)](#) so as to replace “30 September 2023” with “31 March 2024”.
- (4) The power conferred by [subsection \(3\)\(b\)](#) may be used only after 31 March 2023.
- (5) Regulations under [subsection \(3\)](#) are subject to the affirmative procedure.
- (6) At the same time as laying a draft Scottish statutory instrument containing regulations under [subsection \(3\)](#) before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (instruments subject to the affirmative procedure), the Scottish Ministers must lay before the Parliament a statement of their reasons why the regulations should be made.
- (7) The Scottish Ministers may by regulations make—
 - (a) consequential provision,
 - (b) transitional, transitory or saving provision,in connection with the expiry under [subsection \(1\)](#) of any provision of this Act.
- (8) Regulations under [subsection \(7\)](#) may—
 - (a) make different provision for different purposes or areas,
 - (b) modify any enactment (including this Act).
- (9) Regulations under [subsection \(7\)](#)—
 - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
 - (b) otherwise, are subject to the negative procedure.

Textual Amendments

- F1** Words in [s. 7\(1\)](#) substituted (1.4.2023) by [The Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(Amendment of Expiry Dates and Rent Cap Modification\) Regulations 2023 \(S.S.I. 2023/82\)](#), regs. [1\(3\)](#), [2\(2\)](#)

Commencement Information

- I5** S. 7 in force at 28.10.2022, see [s. 13\(1\)](#)

8 Power to bring forward expiry of Part 1

- (1) The Scottish Ministers may by regulations provide that any provision of [Part 1](#)—
 - (a) does not expire at the time when it would otherwise expire (whether by virtue of [section 7](#) or previous regulations under [this section](#)), and
 - (b) expires instead at such earlier time as is specified in the regulations.
- (2) Where the Scottish Ministers consider that any provision of Part 1 is no longer necessary or proportionate in connection with the cost of living, they must, as soon as is reasonably practicable—
 - (a) in a case where they consider that the provision may need to be revived, bring forward regulations under [section 6\(1\)](#) to suspend the provision,
 - (b) in any other case, bring forward regulations under [subsection \(1\)](#) to expire the provision.
- (3) Regulations under [this section](#) may make—

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- (a) different provision for different purposes or areas,
 - (b) consequential provision,
 - (c) transitional, transitory or saving provision.
- (4) The power under [subsection \(3\)\(b\)](#) and [\(c\)](#) includes power to modify any enactment (including this Act).
- (5) Regulations under [this section](#)—
- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
 - (b) otherwise, are subject to the negative procedure.

Commencement Information

I6 S. 8 in force at 28.10.2022, see [s. 13\(1\)](#)

9 Reports by the Scottish Ministers on status of Part 1 provisions

- (1) The Scottish Ministers must, in respect of each reporting period—
- (a) undertake a review of the operation of the provisions of [Part 1](#) with a view to considering whether those provisions remain necessary and proportionate in connection with the cost of living, and
 - (b) prepare a report on that review.
- (2) A report prepared under [subsection \(1\)](#) must—
- (a) set out how any powers conferred by the provisions of [Part 1](#) have been exercised,
 - (b) set out the steps the Scottish Ministers have taken to meet the requirements in [section 3](#), and
 - (c) include—
 - (i) the status of the provisions of [Part 1](#) (whether or not any power under a provision has been exercised), and
 - (ii) a statement that the Scottish Ministers are satisfied that the status of those provisions is appropriate.
- (3) Before Scottish Ministers prepare a report of a review under [subsection \(1\)](#), the Scottish Ministers—
- (a) must consult—
 - (i) such persons as appear to them to represent the interests of tenants and landlords that may be affected by the provisions of [Part 1](#),
 - (ii) local authorities,
 - (b) may consult any other person they consider appropriate.
- (4) A review under [this section](#) must include a summary of how the views of those consulted under [subsection \(3\)](#) were taken into account by the Scottish Ministers in finalising their report.
- (5) The references in [subsection \(2\)](#) to the “status” of a provision are to—
- (a) whether the provision is in force at the end of the reporting period, and
 - (b) whether any power under the following provisions has been exercised by the Scottish Ministers in relation to it during that period (and, if so, how)—

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- (i) [section 6](#) (power to suspend or revive provisions),
 - (ii) [section 8](#) (power to bring forward expiry).
- (6) Each of the following is a “reporting period”—
- (a) the period beginning with the day after Royal Assent and ending on 31 December 2022,
 - (b) each successive period of 3 months that ends during the period before [Part 1](#) of this Act expires by virtue of [section 7\(1\)](#) or [8\(1\)](#) up to and including 31 December 2023.
- (7) In the report in respect of the period ending 31 December 2022, the Scottish Ministers must, in considering the application of the permitted rate (within the meaning of [section 24A\(1\)](#) of the Housing (Scotland) Act 2001) of 0%, explain whether they propose to—
- (a) retain the permitted rate at 0%,
 - (b) increase the permitted rate,
 - (c) make regulations under [section 8\(1\)](#) to provide for the expiry of [paragraph 3](#) of [schedule 1](#), or
 - (d) make regulations under [section 6\(1\)](#) to suspend the operation of that [paragraph](#).
- (8) [Subsection \(1\)](#) does not apply in respect of a reporting period if, during the reporting period, the Scottish Ministers are required under [section 7\(6\)](#) to lay before the Scottish Parliament a statement of their reasons why regulations should be made under that section.
- (9) Where the Scottish Ministers are required to prepare a report under [subsection \(1\)](#) in respect of a reporting period, they must lay the report before the Scottish Parliament no later than 14 days after the end of the reporting period.

Commencement Information

17 S. 9 in force at 28.10.2022, see [s. 13\(1\)](#)

Status:

Point in time view as at 01/04/2023.

Changes to legislation:

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