

POLICY NOTE

THE TENANT INFORMATION PACKS (ASSURED TENANCIES) (SCOTLAND) ORDER 2013

SSI 2013/20

1. The above instrument was made in exercise of the powers conferred by sections 30B(1) and 53(3) of the Housing (Scotland) Act 1988 (“the 1988 Act”; sections 30A and 30B of the 1988 Act were inserted by section 33 of the Private Rented Housing (Scotland) Act 2011). The instrument is subject to negative procedure.
2. Section 30A of the 1988 Act requires a landlord under an assured tenancy to provide a tenant with specified “standard tenancy documents”. This Order prescribes those documents and provides that they are to include a Tenant Information Pack as set out in the Schedule to the Order.
3. The Order clarifies that documents must be provided to a tenant free of charge and that they can be provided electronically if a tenant advises that they are willing to receive them in that manner. Section 30A requires that the documents be provided no later than the date on which an assured tenancy commences.

Policy Objectives

4. The policy objective is to improve the accessibility of information available to tenants. The policy contributes to the Scottish Government’s work on improving standards and quality within the Scottish private rented sector. The objective also fits with the Scottish Government’s strategic ‘Safer and Stronger Scotland’ objective, which helps local communities to flourish, becoming stronger, safer places to live, offering improved opportunities and better quality of life.
5. The main objective in bringing forward this Order is to ensure that tenants are more informed and are able to use the knowledge and information available to them to make appropriate decisions, to challenge bad practice and to avoid difficult experiences in the first place. The introduction of the Tenant Information Pack will contribute towards ensuring that the private rented sector provides good quality and well managed accommodation – where both landlords and tenants understand their respective rights and responsibilities.

It is recognised that good information may already be available to tenants and the Tenant Information Pack is not intended to replace this, but to provide a minimum standard of information available across the whole sector.

Consultation

6. In general, stakeholders agreed that action was required to improve the accessibility of information on private renting. In 2009, independent research, which formed part of a Review of the Scottish Private Rented Sector, highlighted that improvements could be made in promoting tenants’ knowledge of their rights and responsibilities. In addition, a substantial

body of landlords felt they were not well informed about landlord-tenant law and around one-third described difficulties in finding out how the law affects them. The Scottish Government set up a stakeholder group to look at these findings and agreed that pre-tenancy arrangements and tenants' knowledge of their rights and responsibilities were key areas to improve.

7. In 2010 the Government consulted on a Housing Bill and asked for views on introducing an information pack for tenants. Most of those who responded wanted to see this introduced. Therefore, to improve knowledge of the rights and responsibilities among tenants and landlords in the private rented sector, the Private Rented Housing (Scotland) Act 2011 places a duty on private landlords to provide new tenants with specified tenancy documents.

8. To comply with the requirements of section 30B(2) of the 1988 Act, the Scottish Government held a full public consultation on the introduction of a Tenant Information Pack. The consultation took place between 27 February and 21 May 2012. The report on the findings of the consultation was published on 23 July 2012 and is available at the following address: <http://www.scotland.gov.uk/Publications/2012/07/9584>

Impact Assessments

9. An Equality Impact Assessment in relation to the implementation of section 33 of the Private Rented Housing (Scotland) Act 2011 has been completed and is attached.

Financial Effects

10. A Business Regulatory Impact Assessment (BRIA) in relation to the implementation of section 33 of the Private Rented Housing (Scotland) Act 2011 has been completed and is attached.

11. The Tenant Information Pack, which will be a standard tenancy document, will be made available on the Scottish Government website. The BRIA concluded that its introduction will not overburden landlords, and any additional costs of providing this information to tenants will be minimal. Furthermore, the Tenant Information Pack will have no effect on competition.

12. The Order has no financial effects on the Scottish Government. It does not expect there to be any significant administration burden on local authorities.

Scottish Government

Directorate for Housing, Regeneration and Welfare

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