



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Local Government, Housing and Planning Committee

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Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE
11th Meeting 2026, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

COMMITTEE MEMBERS

- *Meghan Gallacher (Central Scotland) (Con)
- *Mark Griffin (Central Scotland) (Lab)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *Alexander Stewart (Mid Scotland and Fife) (Con)
- *Evelyn Tweed (Stirling) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Anouk Berthier (Scottish Government)
- Nichelle Gill (Scottish Government)
- Màiri McAllan (Cabinet Secretary for Housing)
- Ivan McKee (Minister for Public Finance)
- Charles Willis (Scottish Government)
- Sarah Woolman (Scottish Government)

CLERK TO THE COMMITTEE

Jenny Mouncer

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 10 March 2026

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning, and welcome to the 11th meeting in 2026 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent, and I note that Fulton MacGregor joins us online.

The first item on our agenda is to decide whether to take items 4, 5 and 6 in private. Do members agree to take those items in private?

Members *indicated agreement.*

Subordinate Legislation

Investigation and Commencement of Repair (Scotland) Regulations 2026 [Draft]

09:30

The Convener: The next item on our agenda is to take evidence on the draft Investigation and Commencement of Repair (Scotland) Regulations 2026. We are joined by the Cabinet Secretary for Housing, Màiri McAllan, who is accompanied by her officials, Nichelle Gill—I hope that I did not mangle your name; I am sorry if I did—who is a policy manager; Charles Willis, who is the housing standards and quality team leader; and Sarah Woolman, who is a Scottish Government lawyer. I welcome you all to the meeting.

The instrument is laid under the affirmative procedure, which means that Parliament must approve it before it can be made. Following this evidence session, the committee will be invited under the next agenda item to consider a motion to recommend approval of the instrument to Parliament. I remind everyone that Scottish Government officials can speak under this item, but not in the debate on the instrument that follows. There is no need to turn on your microphones; we will operate those for you.

I invite the cabinet secretary to make a brief opening statement.

The Cabinet Secretary for Housing (Màiri McAllan): Good morning. I thank you and the committee for the opportunity to speak to these draft regulations.

As I set out in a statement to Parliament in September last year, the Scottish Government is committed to introducing Awaab's law in Scotland across the private and social rented sectors to ensure that landlords promptly address issues that are hazardous to a tenant's health, starting with tackling damp and mould. Although around 90 per cent of homes in Scotland are free from those hazards already, we want to make sure that everyone is protected from their harmful effects. It is with that in mind that I laid the draft Investigation and Commencement of Repair (Scotland) Regulations 2026 before Parliament.

The regulations are informed by stakeholder engagement and build on the robust framework of housing standards that already exist in Scotland. If approved, landlords will be required to investigate reports of damp and mould and commence any required repairs within set timescales. In particular, from 6 October 2026, unless for reasons outwith their control, landlords will be required to investigate reports of damp and mould within 10 working days, produce a written summary of

investigation findings within three working days and begin any required repairs within five working days of the investigation having taken place.

Those new duties will apply to all accommodation provided under a private Scottish secure or short Scottish secure tenancy, building on existing regulations. My officials are already considering how those protections can be applied for the Gypsy Traveller community, seasonal workers and those in other forms of temporary accommodation. Those areas will require appropriate time for consideration and cannot be covered within the draft regulations.

However, in all this, I recognise the importance of landlords and tenants having clear guidance and communications. My officials have already begun preliminary engagement with stakeholders in order to develop guidance that will clarify landlord and tenant responsibilities and support their understanding and assessment of damp and mould in particular.

My officials will also work with stakeholders to raise awareness of Awaab's law, and damp and mould are just a starting point. We will look to include other repairs over time, learning from our approach herein.

The Convener: Thank you very much for your opening statement. We have questions across four themes: the scope of the regulations; compensation for social rented tenants; rural areas; and guidance, implementation and awareness raising.

I will open the conversation on the scope of the regulations. You have touched on the areas that I wanted to explore with you. I will combine both of my questions. The first question is about the work on temporary accommodation and whether households living in all types of homeless temporary accommodation, including temporary furnished flats, will be covered by the regulations. I also want to know about similar protections for people living in seasonal workers' accommodation—about which we have heard horrific stories—and on Gypsy Traveller sites. In your opening statement, you said that have not had time to consider that. I am interested to hear what work is being done on those issues and what the timescales are for bringing in those protections.

Màiri McAllan: I will take those questions in turn, and I might bring in my colleagues as well. I will first cover the point about temporary accommodation, because I understand that that has been discussed during the evidence that you have taken. Shelter, in particular, has quite rightly raised the question of ensuring that there is full coverage.

From the outset, we have chosen secondary legislation to bring Awaab's law into force, which has meant amending existing regimes and standards. That has allowed us to move quite quickly to ensure that those protections are on the statute book, but it also means that there is not much scope for deviation from what exists in the standards.

As I said in my opening remarks, the regulations that we are discussing will apply to private tenancies, Scottish secure tenancies and short Scottish secure tenancies. I assure you that all temporary accommodation that is provided under a short Scottish secure tenancy—sorry; it is a bit of a mouthful—will be covered by the regulations. However, we know that other forms of temporary accommodation are provided, under licences and occupancy agreements, for example, which we could not have used this secondary legislation to cover, but which we want to see covered. Therefore, we are now doing a bit of work to understand the full lay of the land and how Awaab's law could be applied to those.

The Convener: On that point, do you anticipate that we will be looking at primary legislation for that during session 7?

Màiri McAllan: We will have to do the work. Councils have a statutory obligation to note the types of tenancy agreements that they use. Once we have collated all of that information and have a clear picture, we will make an assessment of what is required. However, it is our policy objective that all temporary accommodation should be covered and that everybody should be protected by Awaab's law. That is what we will be working towards.

I might ask my colleagues to come in and answer your second question, which was about particular types of accommodation. As it stands, work is on-going to extend protection to Gypsy Traveller communities through guidance. The work on seasonal workers is slightly discreet. The committee knows that we are undertaking that with Richard Leonard and others—including you, convener. The question is whether we need a bespoke standard for seasonal workers' accommodation. Once we have an established view on that, the question will be how we ensure that Awaab's law applies to it. I will hand over to Sarah Woolman to say a bit more about those two bespoke areas.

Sarah Woolman (Scottish Government): Social landlords provide temporary accommodation in a number of different ways. For Awaab's law, the regulations that we have drafted encompass tenancies such as the short Scottish secure tenancy, which is caught by the right to repair scheme. We are also aware that social

landlords use common-law tenancies for temporary accommodation, which are caught by the repairing standard and also fall within the Awaab's law regulations.

A tenancy that can be described as being for a house that is let for human habitation and which does not fall under specific exceptions, such as those for agricultural holdings and holiday lets, is caught by the repairing standard. Such tenancies will therefore be covered by the Awaab's law regulations.

We are aware that some temporary accommodation is provided by way of an occupancy agreement. That cannot be described as a tenancy under the Housing (Scotland) Act 2025, so it is therefore not caught by the regulations. We are working on how we can bring that into the regulations. However, it is important to note that all temporary accommodation that is provided by social landlords has to comply with the tolerable standard.

The Convener: Okay—there are ways to catch things. Seasonal workers' accommodation might involve a number of different agreements, but we do not have a full picture of what those agreements are.

Màiri McAllan: The Government is asking itself whether a bespoke standard is required to cover such accommodation. Once that has been established, we will try to work out exactly how to apply Awaab's law in that regard, but we need to do the preparatory work first. In the meantime, we have built on the existing regime, as we were called on to do, which has allowed us to get Awaab's law on to the statute book quickly. However, there is quite a complex landscape in relation to accommodation, and we want to ensure that things are covered across the board.

The Convener: Mark Griffin wants to ask some supplementary questions on the issue.

Mark Griffin (Central Scotland) (Lab): Good morning, cabinet secretary. Given that the Government's ambition seems to be for the new regime to eventually cover all temporary accommodation, is it safe to say that the Government feels that the tolerable standard that applies to temporary accommodation that will not be covered by the regulations is not good enough?

Màiri McAllan: What I have said is not a comment on the adequacy of the tolerable standard. The tolerable standard provides a base, but Awaab's law sits on top of it and gives clear expectations for the identification and repair of hazards. In that way, it builds on the tolerable standard. That is not an indication that I do not think that the tolerable standard is adequate—I think that it is. However, if we decide that we want

such protection to be in place and have expectations about the timescales for the repair of hazards, Awaab's law will sit on top of the tolerable standard. We want to enhance the support across the board.

Mark Griffin: Does the Government have any idea about which other types of temporary accommodation will not be covered by the regulations?

Màiri McAllan: The issue relates less to the type of accommodation and more to the type of occupancy agreement. We have rehearsed the three types that the regulations cover. I know that the United Kingdom Government is considering how to apply Awaab's law to situations in which licences or occupancy agreements are used for temporary accommodation. Such measures simply cannot be brought into force through this secondary legislation, but we are looking for other ways to do that.

Mark Griffin: Has the Government set a timetable for the scoping exercise to understand how that can be done and a timetable for when tenants in such accommodation can get the same level of protection?

Màiri McAllan: Things are moving at different paces. I mentioned the work that we are doing on guidance for Gypsy Traveller accommodation. Nichelle Gill can correct me if I am wrong, but I think that our hope is that that guidance will be in place when the general guidance on Awaab's law comes into force—the work is running in that way. However, I cannot say with certainty that our work on assessing the need for a bespoke standard for seasonal workers' accommodation can be completed at the same time. It is a moving picture, but we will keep working on our objective to provide coverage across the board.

Mark Griffin: Obviously, we are debating and discussing the introduction of the regulations because of the tragic case of Awaab Ishak. We know that almost 10,500 children in Scotland are living in temporary accommodation. Has the Government done any work to understand how many of those 10,500 children will not be covered by the regulations and so will not be given that level of protection?

Màiri McAllan: First, it is very important that I set out that all temporary accommodation that is provided in Scotland should meet the tolerable standard. After the regulations come into force, Awaab's law will apply to any temporary accommodation that is provided under a short Scottish secure tenancy, and we are working with local authorities, which have that statutory responsibility, to compile the types of agreements that they use, so that we can apply Awaab's law to those agreements.

Everybody in temporary accommodation should be covered by the tolerable standard. Many will be protected by Awaab's law because they have a short Scottish secure tenancy, and we are working to extend that law to cover everybody else. We will continue to work on that with Shelter and others—particularly local authorities, so that we get information on the types of occupancy agreements that are being used.

09:45

Mark Griffin: I appreciate that, but I was asking whether the Government knows, or has asked, how many children in temporary accommodation will not be covered by the regulations that are to be introduced.

Màiri McAllan: That is exactly the work that I just described.

Mark Griffin: You did not give me an assurance that you would provide that information to the committee.

Màiri McAllan: You did not ask me to provide that information to the committee.

Mark Griffin: I asked whether the Government knew, and you did not say that you do not know. Could you provide that information as soon as you know?

Màiri McAllan: We are working to get the regulations to apply to those who are covered by short Scottish secure tenancies. We are working with local authorities on all the other ways that they might provide temporary accommodation to make sure that such accommodation can be brought under the regulations. The UK Government is working out how to apply the regulations to licences, and we will do that work as well. I am sure that the relevant minister—it might not be me—will come back to the committee and update it on that work.

Mark Griffin: Can I get an assurance from the Scottish Government that it—not necessarily through you—will provide the committee with information on how many children in temporary accommodation are not covered by the regulations?

Màiri McAllan: I would rather the Government came to confirm to the committee that everybody in temporary accommodation in Scotland is covered by the regulations—or by Awaab's law generally, if not by these regulations. That is exactly what the Scottish Government will update the committee on.

Mark Griffin: That would be my hope, too. However, we know from the evidence that we have received that not everyone is covered. It would be good for the committee to understand how many

of the children in temporary accommodation—we know that there are 10,500 of them—are not covered. That information would be helpful for the committee in scrutinising the regulations.

Màiri McAllan: I cannot help but think that we are going round in circles here, Mr Griffin. I have told you that we want Awaab's law to apply across the board, and we are doing the work to make sure that that is the case. I have also told you that the Government will come back to the committee and update you on that when it is done.

The Convener: We will include the issue in our legacy report to ensure that whichever committee has that remit in the future will keep an eye on that work.

We move on to the theme of compensation for social rented tenants. I will bring in Fulton MacGregor, who joins us online.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. My question relates to the evidence that Living Rent gave to the committee about the proposed maximum compensation for social rented tenants where duties are not adhered to not being enough to incentivise landlords to carry out timeous work. Cabinet secretary, I am interested in hearing your views on Living Rent's opinion and on what the Government can do to change that situation.

Màiri McAllan: We have thought a lot about enforcement. The starting point for Awaab's law is good collaboration with tenants and landlords, as we have had in developing the regulations, and strong guidance, which is developed hand in hand with stakeholders so that they have a good understanding of tenants' rights, landlords' obligations, landlords' rights and so on. We are doing all that because we hope to avoid the need for compensation and to encourage strong understanding and collaboration from the outset. We are putting a huge amount of work into ensuring that there is a clear understanding of what is required of everybody and into encouraging early dialogue between landlords and tenants to make sure that those requirements are fulfilled.

On compensation, I go back to some of the remarks that I made at the beginning: we are amending existing provisions. Although we are amending the right to repair scheme and the repairing standard, we are not opening up the question of compensation that sits behind them, as to do so would be a much larger piece of work. We have chosen not to do that so that we can get Awaab's law on to the statute book as quickly as possible.

However, there are compensatory measures under the right to repair scheme, which applies to

the social sector. I understand Living Rent's view on that, but my hope is that we can avoid the need for such measures. There is a process under the repairing standard, which applies to the private sector and which we have amended via the regulations—perhaps one of my colleagues can remind me what the final options are under that for the private sector.

Sarah Woolman: Under the repairing standard, which is for the private sector, the tenant can apply to the First-tier Tribunal for Scotland for determination of whether the landlord has complied with the repairing standard. The tribunal would then be able to issue an enforcement order, which can set a specific deadline for the completion of the repair. Failing that, if the landlord does not complete the repair, the tribunal would be able to issue a rent relief order for the tenant, which can be for up to 90 per cent of the rent. That is in the private sector. The social sector has a compensatory mechanism under the right to repair scheme.

The Convener: Do you have anything more to add, Fulton?

Fulton MacGregor: No, that was a fairly comprehensive answer from the cabinet secretary and her officials.

The Convener: The cabinet secretary made a point about wanting to have good regulations and strong guidance in order to avoid the need for compensation, and she also said that she would be looking for collaboration. When I think about the casework that comes into my inbox, I wonder whether tenants who are living in horrendous damp and mouldy conditions would have the internal wherewithal to get into a collaborative space. Could you give some thought to how we can support tenants to do that, particularly for those who are in situations where we are trying to correct the problem? Initially, there will be many situations where people have lived in those conditions for a long time and they will have been trying to fight and speak out about the conditions in their homes. Although Awaab's law will bring relief, I can imagine that, for some of the people who have brought cases to my attention, they could need some support to step into a collaborative space. For quite some time, they will have been in a more—I do not know whether this is the right word—combative space where they have not been heard.

Màiri McAllan: We have availed tenants of new rights. One of the first and most important things that we can do is to ensure that people understand the rights that they are in receipt of, how to use them, how to raise complaints and what they should expect. That is the first way in which we can try to empower people and ensure that there is

collaboration. People need to know what they are entitled to and what is required of them. We are putting a lot of work into that just now. I have seen that work; I have spoken to individuals where both the landlord and the tenant have a clear understanding of the new rules. I have also seen some nice graphics that demonstrate what Awaab's law means and what is required of each person under it. I would like to see our guidance doing work such as that to make it as clear as possible.

There will always be situations in which people are not able to advocate for themselves. In some ways, that is where MSPs and the advice services that the Government supports come in. They can help people to navigate situations. Having a clear understanding that Awaab's law is in place and knowing what is expected as a result will drive a more proactive approach. We will put effort into ensuring that tenants know what their rights are and how to use them. The supportive infrastructure that goes around individuals in Scotland will help to do that.

The Convener: Thanks for that reassurance. We will move on to the theme of rural areas.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning, cabinet secretary. You have already given some assurances about your intentions for the regulations. There is no doubt that it could be much more complicated and complex for those who live in rural settings to meet those requirements. It would be good to get a flavour from the Scottish Government as to whether it considers that it might be difficult for some private landlords in rural areas to meet the timescales that you expect of them. Would the proposed timescales result in quick fixes, which some, but not all, landlords would be able to achieve? Does the Scottish Government perceive that there will be difficulties in rural areas, and what might they be?

Màiri McAllan: I will take your question in two parts, but I understand entirely why these things come together in the rural context.

We have thought hard about it, and we have also spoken to stakeholders to garner their views on what barriers might exist. Although urban-rural is probably an important element, differences between types of building and the difference between the social and the private rented sectors are probably the biggest differences that we needed to navigate. For example, we have tried to build in flexibility to deal with challenges that might be faced in rurality. I do not have the wording in front of me, but it is about taking account of circumstances outwith the landlord's control when it comes to abiding by the time limit. Of course, those circumstances could include the availability

of transport or workforce, all of which pertain more to rural and island areas. We have tried to build in that flexibility.

We have been keen to avoid the regulations being a quick fix and to make sure that the work that is done has a lasting impact, and we have tried to give that practical effect in a couple of ways. First, the property has to be inspected by a competent person. That is an important part of how the regulations are framed. A written update of the assessment should also be given to the tenant. That is not only about making sure that it is done in an expert way; the tenant will be clear about the situation and what is required by that individual.

Secondly, it is about ensuring that the property continues to be substantially free from damp and mould. It is not just about the quick fix; it will be something that endures. We will need to flesh out in guidance exactly what we think preventative measures might be.

There is a little bit of built-in flexibility to account for rural requirements, perhaps, or maybe for a landlord who is not in the country or is away on holiday or whatever. These things happen and the regulations have to be workable in day-to-day life. Equally, we have tried to avoid the quick-fix approach.

The other thing to say is that we will continue to work with Scottish Land & Estates and others as we finalise the guidance.

Alexander Stewart: You identified that, in managing the situation, the goal and objective that you want to achieve is to ensure that the individuals who have to live in such conditions are supported and managed. It is not something that they have control over—it is the landlord who has control over following the guidance and the processes that he or she has to manage in their facility. How will the Scottish Government manage some of that? As you have already identified, if the workforce and processes are not available within the timescales, things will slip. Experts will be required to ensure that, if work is done in a unit, a house, a flat or a facility, that work is credible, competent and, as you have identified, sustainable. It is the sustainability that we want to ensure. We do not want the problems to recur after three or six months or a year, leaving the tenants no better off because what was done was only a temporary measure.

Màiri McAllan: I have a bit more information in front of me now. To give a view of flexibility, if the landlord is unable to comply with the timescales for reasons beyond their control, we have set out that they must inform the tenant in writing that that is the case and that they cannot comply with the relevant duty, the reason why they cannot comply and a reasonable timescale within which they will

be able to comply. You can imagine the kind of things that could be set out. For example, they could tell the tenant that they will be back on X date or that the tradesperson is available on Y date. It is about that on-going communication, which speaks to the point about good engagement and avoiding dispute.

The landlord will also be required to ensure that they are able to comply with their duty and that reasonable steps are taken, where practicable, to minimise the extent to which the house is affected by damp and mould in future. That goes to your second point about making sure that the problem is not recurring.

There is a whole suite of different issues that we could be talking about. A lot of landlords spoke to us about what they called lifestyle factors. Fuel poverty is a massive issue there, and you heard some of that from the evidence that you were taking. We have to understand that not everybody is in a position to pop the heating on and warm the house up to avoid these problems. The guidance will be critical.

When I visited the landlord and tenant who were showing me how they were already implementing Awaab's law in Scotland, I saw that the landlord was providing their tenants with information such as the fact that having the windows open all day is not the best way to avoid damp and mould, contrary to some people's views; you can have the windows open for 15 minutes and then close them, and you should have your heating on for a certain length of time. That is practical and helpful information that separates on-going and potentially recurring instances of damp and mould from, for example, "There's a big leak that needs to be fixed and here's how that will be done." I appreciate that there is a spectrum of issues, but we are trying to tackle them all.

10:00

The Convener: On the workforce in a rural context, one of the issues that rural areas face is finding tradespeople. There are not enough of them. Have you done any work across portfolios on the skills development pipeline and getting more people into these important trades, which will be good not only for this but for the retrofitting and heat in buildings work in the future?

Màiri McAllan: Yes. In fact, just last week, I had a catch-up with the skills minister. We were talking specifically about more homes Scotland, but that conversation encompassed all our activity in housing in the coming years and the extent to which skills are matching that. The regulations are part of a lot of conversations that we are having about making sure that the skills pipeline matches the housing needs of the future, which, of course,

is building, but it is also retrofit and repair. I am therefore mindful of that.

The Convener: Our fourth and final theme is guidance, implementation and awareness raising.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): First, is the Government planning to do anything to raise awareness of Awaab's law and the rights that tenants will have under it? How do we propose to do that? You referred to a good leaflet earlier, but will the Government do that awareness raising? Will the councils do it? Will landlords make people fully aware of what the powers are under the new provisions?

Màiri McAllan: That work has already started. We consulted closely with a lot of stakeholders at the beginning, when we were developing the regulations. In fact, I have just found the page in my notes showing the stakeholder engagement that we have already done. I have a list of 16 organisations that officials have sat down with and asked what they require of the legislation, what the foreseeable issues that they want us to avoid are and what they would like to come out of it. That list was very much a mixture of tenant and landlord organisations. They have been involved from the start, and we will continue to make sure that they are involved, particularly as we formulate the guidance. We also have good contact with tenants representative groups. We are trying to improve that, and their engagement in the guidance will be critical.

I like the idea of the graphic, just because I saw it done. I saw how much the tenant I talked to was able to walk through it and understand it. I would quite like to see that developed as part of the guidance, but both stakeholder groups will be involved in that.

Willie Coffey: Good—thank you. I also want to ask about the process itself. There is an investigation, there is a report of the findings of the investigation, but then the big sentence in our briefing that comes after that starts:

“If the investigation concludes that work is required”.

I have certainly become familiar with that stumbling block over many years—local authority landlords and private landlords say that the problem is condensation and not dampness and mould. In many cases, that is where the problem stops, sadly. What do tenants do if they disagree with a landlord's assessment that the problem is not damp and mould but is condensation? A moment ago, you referred to the old advice about opening windows, putting heating on and so on, but what will happen if there is no agreement that, in fact, what we are looking at in the house is damp and mould?

Màiri McAllan: Nichelle Gill is trying to tell me something. Do you want to come in?

Nichelle Gill (Scottish Government): Yes, thank you. As part of the guidance development process, we are working with stakeholders, and we have already had discussions about how we define specific terms. Stakeholders have noted that they would like the word “substantial”, for example, and the term “substantially free” to be fleshed out in guidance. We are looking at doing that and working with stakeholders to include best practice throughout the guidance, including where a tenant and landlord disagree. We are looking to flesh out some more steps towards that.

Willie Coffey: As Sarah Woolman explained, tenants in the private sector can go to the First-tier Tribunal on the issue of repairs, and damp and mould are included as part of that, but, as I understand it, social tenants do not have the same ability. However, in my experience, which is from many years in local government and in the Parliament, it usually stops there, with tenants often finding themselves still living in houses that are riddled with damp and mould, and landlords not agreeing that that is the case.

Màiri McAllan: That is a good point, and I recognise that issue from my constituency. Nichelle Gill is right that, if we are able to flesh out our expectation of what

“substantially free from damp and mould”

means, that will make it much clearer for everybody, so that a tenant can say, “Look, that constitutes what I am living through here,” and so that landlords are less able to say, if they were so inclined, “No, that is just condensation. It is not damp and mould in this case.” A clearer understanding of exactly what that phrasing means will be helpful to both parties, and we will certainly try to provide that in the guidance.

Again, the regulations set clear expectations for what will be done and the timings for that. There are a few exceptions to that, but even in such cases we have set out what a tenant can expect. You are right to touch on the question of interpretation, but the independent assessment of the works is an important part of that. Having a competent person examine the works is a very important part of getting to a true agreement on what we are dealing with and what needs to happen next.

Willie Coffey: The tenant cannot challenge that assessment though, can they?

Màiri McAllan: We have discussed the route for that in the private rented sector. In the social rented sector, there are generally good relationships between landlord and tenant in which any decision that is made about a tenancy can be

challenged. I would expect that any challenge to an assessment would happen in the same way. As MSPs, we often get involved in such issues, and we know that advice services are also often involved. That might continue to be the case.

Sarah Woolman: I will just add that social tenants are also able to complain to the ombudsman if their social landlord is not complying with the deadlines. The ombudsman can make a decision requiring the social landlord to carry out the repair, and, should the landlord fail to do so, they are able to take a case to court, although I understand that that also comes with a lot of challenges.

Màiri McAllan: It is important to know that there are the backstops of the ombudsman and the First-tier Tribunal, but we are very much trying to avoid people having to go down that route. Ensuring that there is a clear understanding of what is required and what constitutes

“substantially free from damp and mould”

is how we will avoid those backstops being required.

The Convener: Thanks, Willie, for bringing up that point about condensation.

Before we move on, I will say that, in our work on this, the committee held an evidence session in which we heard quite a lot about the potential for solar thermal technology, which is different from solar photovoltaics and is connected to a heating system. We have raised that and brought it to the attention of the Government. Has that been taken on board? It seems to be a way in which, through simple technology, fuel poverty could be addressed and tenants who struggle to pay for heating could be provided with a basic level of warmth in their house. Once the kit is installed, it provides a free boost to their heating system. Have you taken that on board at all?

Màiri McAllan: The question of retrofitting any technology, including the ones that you have put to me, convener, is very much the other side of the coin of this work. We want to improve the conditions that people are living in now, but we want to retrofit stock and have energy efficiency coupled with better-performing systems, too. We hope that the combination of both those things will make laws such as Awaab’s law less required.

Evelyn Tweed (Stirling) (SNP): Good morning, cabinet secretary and officials. Do you think that the First-tier Tribunal has the capacity to deal with the increased workload that comes from the regulations?

Màiri McAllan: I should say from the outset, as you might expect me to, that the work of the tribunal—its administration, workload and

management—is not a matter that ministers can or should seek to control. It is for the Scottish Courts and Tribunals Service; it is entirely independent of us.

However, of course, when we are bringing in new laws that will affect the tribunal, we have to be conscious of that. My officials have engaged with the SCTS about this and other legislation that has come from the Housing (Scotland) Act 2025—of which the committee knows that there has been rather a lot. We will keep engaging to make sure that it is manageable. I know that there are concerns about timescales; we are working closely with the tribunal, but I cannot, nor should I, seek to direct the tribunal on its work.

Evelyn Tweed: So, you will see how things go and the tribunal will contact you to tell you how things are going.

Màiri McAllan: It is a bit more active than that. We are in engagement with it to understand the level of additional workload that something such as this generates and how the tribunal manages that. My point is that, in relation to your experience of that or your interpretation of whether it is working, I should not like to comment on the work of the tribunal in that sense. However, we are making the policy, we are passing the laws and we are in engagement with the tribunal to make sure that it believes that it can manage it.

Evelyn Tweed: When will the Scottish Government guidance be published and what might it look like?

Màiri McAllan: Work to develop the guidance is under way. My view is that it must be in place and well socialised before the provisions themselves go live. We are talking about October this year for that. Therefore, I would aim for the end of the summer—that is what Nichelle Gill and I have been discussing—which gives us a balance of the right amount of time to develop it well and enough time for people to understand it before we go live in October. Its content will take the normal form for guidance: it will speak to various parts of the provisions; our expectation of what that looks like in practice; and things such as the point that Willie Coffey was drawing out about what terms such as “substantially free from damp” mean. I am keen that there are graphic approaches as well, such as a style graphic that people might want to adopt, to make the communication as easy as possible.

Charles Willis (Scottish Government): We are also hoping to encourage landlords to provide an information sheet at the beginning of a tenancy, setting out the approach that tenants and landlords should take when dealing with mould. From our engagement with both sides of the stakeholder communities, we heard that they all wanted damp and mould dealt with as quickly as possible.

Landlords were keen to deal with it because of the drain on resources and the amount of work that is involved in dealing with it as it advances through a property. Both landlords and tenants were very keen to deal with it.

The information sheet that the cabinet secretary was handed on her visit set out exactly what a tenant should do, should they discover mould in a property. The sheet also sets out the tone: the fact that the landlord would want to work with a tenant to deal with the issue.

Evelyn Tweed: Would the information sheet be given on the first day of the tenancy?

Charles Willis: It would be similar to an Airbnb-type thing. That is how we envisage it—this is before the discussions with stakeholders about the guidance are complete. We envisage it as an Airbnb-type thing, whereby when you move in, you are handed a folder with the duty pharmacist's details in it and so on. It would be waiting for tenants.

Màiri McAllan: I add one thing that I am keen for the guidance to cover well: the question of fuel poverty. Thankfully, recent statistics have shown a slight decrease from the 30 per cent that we were at, but we can all look at the world around us and see how the price of energy is the most significant driver. As we know, things are volatile. In the coming years, I am keen that tenants are supported on the question of fuel poverty and how to manage heating and the circulation of air to best avoid damp in the first place.

10:15

The Convener: We are bringing in the regulations, but I am thinking about my experience of damp and mould in rented accommodation. I had good landlords in both circumstances, so I contacted them informally and they addressed the situation. That is still possible. The regulations will not force people to go into some kind of formal or informal situation if they have a good relationship with a responsive landlord.

Màiri McAllan: They will not force anybody, but they will apply to everybody. If someone raises the issue and it is responded to and they do not need to refer to or invoke the provisions, that is great, but it will apply to everybody.

The Convener: I have a final question. I am interested in getting a sense of how the Government intends to assess whether the operation of the provisions is having the intended outcome. It connects a bit to what Mark Griffin was getting at earlier. We are bringing in the regulations, but how will we assess whether they are having the effect that we are all desperately seeking?

Màiri McAllan: We will be watching that closely. It is worth saying again that 90 per cent of properties start from a high bar because they are substantially free from damp and mould, but we are talking about the other 10 per cent. How we monitor the effect will be different across the social and private rented sectors. In the social rented sector, we have the Scottish Housing Regulator and reports and reviews that we can use to help us monitor how the regulations are being used.

We will continue our dialogue with the private rented sector, which is well represented by groups such as the Scottish Association of Landlords, with which we have contact, and they can also keep us up to date. I started my answer by referring to the fact that the Scottish household condition survey tells us that 90 per cent of properties are substantially free from damp and mould. That will continue to be an important indicator of how Awaab's law is operating, and I hope to see that number climbing.

The Convener: Great. Thank you. That concludes our evidence. It has been helpful. As I said, we will include the issue in our legacy report, so whoever has the remit in the next parliamentary session will certainly be in touch with the Government to find out how things are going.

Agenda item 3 is formal consideration of the motion. I invite the cabinet secretary to move motion S6M-20535.

Motion moved,

That the Local Government, Housing and Planning Committee recommends that the Investigation and Commencement of Repair (Scotland) Regulations 2026 [draft] be approved.—[*Màiri McAllan*]

Motion agreed to.

The Convener: Following consideration of the instrument, members are invited to decide how they would proceed with a report. I note that the reporting deadline falls before the committee's next meeting. Are members therefore content to delegate responsibility to me to finalise a report for publication?

Members indicated agreement.

The Convener: That concludes formal consideration of the instrument. I thank the cabinet secretary and officials for their attendance today. We will now move into private for the next three items before returning to public session no earlier than 11 am

10:19

Meeting continued in private.

11:02

Meeting continued in public.

Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2026 (SSI 2026/68)

The Convener: We resume with the next agenda item, which is formal consideration of the Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2026. I remind those watching that this is a negative instrument and, as such, it is laid after it is made. It is subject to annulment by resolution of the Parliament for a period of 40 days, which begins on the day that it is laid.

At our meeting on 3 March, we agreed to take evidence on the regulations following written evidence that we received from Scottish Land & Estates and the British Association for Shooting and Conservation. We have since received further submissions from Scottish Land & Estates.

I welcome the Minister for Public Finance, Ivan McKee, along with his officials Anouk Berthier, head of non-domestic rates policy, and Donald Henderson, deputy director for nature. There is no need for you to operate your microphones; that will be done for you.

I invite the minister to make a brief opening statement.

The Minister for Public Finance (Ivan McKee): Thank you, convener. I am pleased to join the committee today to assist in members' scrutiny of the Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2026.

The regulations provide for a range of non-domestic rates measures in 2026-27 that were introduced in the budget, including the setting of the supplements on top of the basic property rates, which create intermediate and higher property rates that apply to properties with rateable values of more than £51,000 and more than £100,000 respectively; the continuation of the small business bonus scheme and fresh start reliefs; and the introduction of the new 10-year electric vehicle charging point relief.

From 1 April 2026, shootings and deer forests will be excluded from eligibility for small business bonus scheme relief and fresh start relief, subject to some exemptions. I met members of the non-domestic rates consultative group immediately after the UK and Scottish budgets to hear their views and suggestions. In the development of the regulations, careful consideration was given to any concerns raised by businesses, including those in the rural sector, about the risks of unintended consequences.

I am happy to answer any questions that the committee might have.

The Convener: Thanks very much. Do members wish to ask any questions?

Meghan Gallacher (Central Scotland) (Con): How did the Government arrive at the conclusions that it arrived at on the regulations? Why did you not consult rural businesses on the impact of this Scottish statutory instrument?

Ivan McKee: It is not normal to consult when we are making changes to the small business bonus scheme. That has not happened in the past. We will of course listen to the committee through this formal consultation process, and we engage closely with sector representatives on an on-going basis. As I mentioned, I worked with members of the NDR consultative group, which has a range of businesses on it, to get a sense of their thoughts on NDR matters. The Government also engaged with businesses in the rural sector following the initial budget announcement, and we made some changes as a consequence.

Meghan Gallacher: You have said that you have not consulted the rural sector, but hundreds of small rural businesses have warned that losing the small business bonus scheme relief will increase their fixed costs to the extent that they are considering making redundancies. The regulations will also have other impacts, including loss of revenue and productivity, and they could act as a deterrent to future investment in the rural sector. What is your response to the businesses that are going to lose out on the scheme?

Ivan McKee: A wide range of exemptions are included in the regulations that will, for the most part, cover many of the businesses that you are talking about. We have been quite clear that those exemptions are for individual businesses, depending on the nature of the business, but they are designed to cover businesses that meet the requirements.

Meghan Gallacher: On that point specifically, you will be aware that a broad range of activities take place on shootings and in deer forests. In many cases, they do not include sports—that does not feature in the activities that take place. How do you reconcile that with what has been proposed and what I understand to be the policy intention? Those are the businesses that will not qualify for the scheme.

Ivan McKee: Businesses that meet the exemptions will qualify, and I believe that the regulations are clear. The non-statutory guidance on relief regulations that we will publish in April, as we normally do, will clarify that further. As I said, we have been clear, and the regulations and the

guidance will also be clear on what is included and what is exempt.

Meghan Gallacher: Finally, shootings and deer forests cannot be separated from the land that they refer to. Can the minister clarify what is meant by regulations 3(5)(d)(i) and 4(5)(d)(i), which refer to

“shootings which are crofts, agricultural landholdings or small landholdings”?

Do you share the view of others that further clarification of definitions and what is required needs to be fully looked into?

Ivan McKee: All those definitions are clear. Shootings are clearly specified on the NDR roll. Crofts are specified on our list of what is and is not a croft, and it is a long-established principle that agricultural landholdings do not pay NDR in any event. We believe that the regulations are clear, and the non-statutory guidance on the regulations that we will publish will clarify that further. We are happy to engage with anyone who thinks that more needs to be clarified in the guidance to make that crystal clear.

Meghan Gallacher: I am sure that small businesses will welcome that opportunity, because I believe that there will be unintended consequences.

The Convener: Meghan Gallacher’s line of questioning has inspired me to ask a question with my rural affairs hat on. Rather than discussing NDR, I want to get into a bit more of the story. A lot of work is being done on reducing the number of deer across Scotland, and we are looking at a four-year period in which that needs to happen. We are trying to move venison into schools, public kitchens and so on, but those who work in venison larders and in that space operate on a tight margin. That is a representation that I have had from people who work in that space. Is it clear that they will be able to apply for the exemptions?

Ivan McKee: Yes. As I said, crofts are exempt.

The Convener: This is not about a croft.

Ivan McKee: I will just work my way through the list. Crofts are exempt. Agricultural landholdings are exempt. Small landholdings are exempt. A range of uses, including use for consumption, result in exemption.

The Convener: I will give you a scenario. Somebody who is operating a venison larder rents land and the shooting rights from an estate, and they are working to bring the deer numbers down. They put the meat into a venison larder, and they have maybe one shoot a year to cover the cost of the rent. Will they be able to go for the exemptions?

Ivan McKee: I will ask officials to comment on the specific scenario, but the exemptions include making the product available for consumption.

The Convener: So that is where people need to look for exemptions.

Anouk Berthier (Scottish Government): I am happy to clarify a bit further. The minister is correct. When the shooting right is exercised solely for the purpose of environmental management or for preventing damage to woodland or agricultural production, or a combination of those purposes, and when any deer shot is made available for human consumption as venison, the business will remain eligible for SBBS relief. It is for local authorities to administer rates, including relief awards, and they will determine who remains and does not remain eligible for SBBS relief.

The Convener: Okay—great. That is the detail that I think people want to hear, so thank you very much for that.

As there are no more questions, does the committee agree that we do not wish to make any recommendations in relation to the regulations?

Members indicated agreement.

The Convener: The committee will now move into private to complete consideration of its agenda items, so that is the end of the public part of the meeting.

11:11

Meeting continued in private until 11:40.

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