

## Instrument Responses

### **Renters' Rights Act 2025 (Commencement) (Scotland) Regulations 2026 (SSI 2026/113 (C. 9))**

**On 3 March 2026, the Scottish Government was asked:**

1. "The instrument's preamble cites two enabling powers, sections 140(1) and 145(4) of the Renters' Rights Act 2025. Section 145(4) is the commencement power. Section 140(1) is not a free-standing power, and subsection (10) provides that section 140 does not apply to regulations under Part 5. Since the commencement power is in Part 5, it appears that section 140(1) cannot be used in conjunction with it. Could an explanation be provided in relation to the power being relied upon to make the transitional provision?"
2. Should the title of the instrument include reference to transitional provision in line with standard drafting practice for commencement SSIs, or do other considerations apply given that this is an Act of Parliament which is being commenced separately by UK, Welsh and Scottish instruments?"
3. Please advise whether any corrective action is proposed, and if so, what action and when."

**On 10 March 2026, the Scottish Government responded:**

1. "The Scottish Government agrees that the enabling power cited for the transitional provision made in the Regulations is incorrect. The power to make transitional provision in section 140(1) of the Renters Rights Act 2025 does not apply to regulations made under Part 5 of the Act by virtue of section 140(10). The correct power to make transitional provision in connection with the coming into force of the Scottish provisions of the Act (Chapter 5 of Part 1) is found in section 148(2) of the Act.
2. The Scottish Government agrees that the title of the SSI should have made reference to the transitional provision being made in the SSI.
3. In the circumstances, the Scottish Government has decided to revoke SSI 2026/113 and to make replacement provision, this time citing section 148(2) of the Renters' Rights Act 2025 and referring to the transitional provision in the title. This will be effected by the Renters' Rights Act 2025 (Commencement No. 2, Transitional Provision and Revocation) (Scotland) Regulations 2026 (SSI 2026/125), which were made on 5 March 2026 and laid on 9 March 2026."

## **Housing (Scotland) Act 2025 (Commencement No. 3) Regulations 2026 (SSI 2026/115 (C. 10))**

### **On 3 March 2026, the Scottish Government was asked:**

1. It appears that section 61(2) is not being brought into force, as section 61 is being commenced only for the purpose of a notice served by an owner under paragraphs 17(1) or 19(1) of schedule 1 of the Mobile Homes Act 1983. Can you confirm whether this was the intended position, and, if so, could the wording be clearer?
2. The Explanatory Note (second paragraph, first sentence) indicates that sections 25 and 26 are to be brought into force on 1 April 2026. However, the instrument itself provides for commencement on 1 April 2027. Can you confirm whether the commencement date in the schedule to the instrument is correct or whether the Explanatory Note reflects the intended position?
3. Please advise whether any corrective action is proposed, and if so, what action and when.

### **On 10 March 2026, the Scottish Government responded:**

1. The Scottish Government agrees that section 61(2) of the Housing (Scotland) Act 2025 (“the Act”) is not being brought into force and accepts that the wording of the Commencement Regulations could have been clearer in outlining this. The matter will be formally clarified at the next set of Commencement Regulations when section 61 will be commenced for all remaining purposes.
2. The Explanatory Notes to the Regulations contain a typographical error, noting in the second paragraph that sections 25 and 26 are commenced on 1st April 2026 when the actual commencement date for those sections is 1st April 2027 (as correctly provided for in the schedule of the Regulations).
3. The commencement of section 61(2) will be clarified in the next set of Commencement Regulations for the Act. The Scottish Government propose to correct the error in the Explanatory Notes via correction slip at the earliest opportunity.