

Private Rented Housing (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 35
Long Title

Schedule

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 5

Alex Neil

- 3 In section 5, page 4, line 17, leave out <refuses> and insert <decides to refuse>

Section 8

Alex Neil

- 4 In section 8, page 6, line 11, leave out <house concerned> and insert <person>

Section 9

Alex Neil

- 5 In section 9, page 6, line 39, after <with> insert <, in relation to any house within the local authority's area>

Alex Neil

- 6 In section 9, page 7, line 20, leave out <such house> and insert <house within the local authority's area>

Section 13

Alex Neil

- 7 In section 13, page 10, line 19, at end insert <by virtue of section 123(a) or (b) of that Act>

Alex Neil

- 8 In section 13, page 10, line 38, at end insert—

<(6) For the purposes of this Part, a refusal to consider an application under subsection (1) is not to be treated as a refusal to grant an HMO licence under section 129(2)(b).">

Pauline McNeill

1 In section 13, page 10, line 38, at end insert—

<() In section 131 of the 2006 Act (suitability of living accommodation), after subsection (2)(d) insert—

“(da) whether any rooms within it have been subdivided,

(db) whether any rooms within it have been adapted and that has resulted in an alteration to the situation of the water and drainage pipes within it,”>

Ted Brocklebank

15 In section 13, page 10, line 38, at end insert—

<() After section 131 of the 2006 Act insert—

“131A Overprovision

(1) The local authority may refuse to grant an HMO licence if it considers that there is (or, as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated.

(2) In considering whether to refuse to grant an HMO licence under subsection (1), the local authority must have regard to—

(a) whether there is an existing HMO licence in effect in respect of the living accommodation,

(b) the views (if known) of—

(i) the applicant, and

(ii) if applicable, any occupant of the living accommodation,

(c) such other matters as the Scottish Ministers may by order specify.

(3) It is for the local authority to determine the localities within its area for the purpose of this section.

(4) In considering whether there is or would be overprovision for the purposes of subsection (1) in any locality, the local authority must have regard to—

(a) the number and capacity of licensed HMOs in the locality,

(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need,

(c) such other matters as the Scottish Ministers may by order specify.

(5) Before making an order under subsection (2)(c) or (4)(c), the Scottish Ministers must consult—

(a) local authorities,

(b) such persons or bodies as appear to them to be representative of the interests of—

(i) landlords,

(ii) occupiers of houses, and

- (c) such other persons or bodies (if any) as they consider appropriate (which may include landlords or occupiers of houses).”.>

Alex Neil

- 9 In section 13, page 10, line 39, leave out subsection (3)

Alex Neil

- 10 In section 13, page 11, line 18, leave out subsection (5)

Section 24

Alex Neil

- 11 In section 24, page 16, line 17, after <serve> insert <notice of>

Alex Neil

- 12 In section 24, page 16, line 18, leave out <by a notice>

After section 26A

Mary Mulligan

- 2 After section 26A, insert—

<Reports

- (1) The Scottish Ministers must, as soon as practicable after the end of each 3 year period, publish a report containing the information referred to in subsection (2).
- (2) That is information, in relation to each local authority area, about—
 - (a) the number of overcrowding statutory notices served during the period to which the report relates,
 - (b) the extent to which service of the notices has reduced the overcrowding of houses,
 - (c) the extent to which persons have become homeless as a result of the service of the notices, and
 - (d) any other measures that have been taken or considered by the local authority during the period for the purpose of reducing the overcrowding of houses.
- (3) A local authority must provide the Scottish Ministers with such information as they may reasonably require to comply with subsection (1).
- (4) In subsection (1), “3 year period” means—
 - (a) the period of 3 years beginning with the day on which section 17 comes into force, and
 - (b) each subsequent period of 3 years.>

Section 28

Alex Neil

- 13** In section 28, page 19, line 17, leave out <and>

Section 29

Alex Neil

- 14** In section 29, page 21, line 4, leave out <and>

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