

Overview

- Content of section 7
- Policy drivers
- Current thinking as to content of regulations
- Consultation content and process

Content of section 7- general

- Powers to make 2 sets of regulations – setting terms and describing environment to which they apply.
- Exempts ownership, SSTs, assured tenancies
- Ministers must consult on the regulations

Content of section 7 - terms

- Must include a minimum period of notice, but this does not prevent earlier termination where there is "serious danger to other occupiers or staff".
- May allow for application to court
- Additional terms can be agreed
- Provider who does not comply, without a reasonable excuse, guilty of an offence

Policy drivers

- Case law
- Underpinning new rights for homeless people
- Accommodation for ex-offenders
- Evolving role of direct-access accommodation
- Clarity
- Flexibility

Regulations – occupancy includes

- Hostels – section 111 of Housing (Scotland) Act 2001
- Accommodation provided as fulfilment of duty under homelessness legislation
- Accommodation for ex-offenders

Regulations – occupancy excludes

- Care home services; school care accommodation services; independent health care services; secure accommodation services
- Holiday lets
- Armed forces accommodation
- Prisons
- Students
- Where not main residence
- Common law lease?

Regulations - terms

- Written agreement
- Information
- Possessions
- Conduct of occupier
- Conduct of provider
- Entry
- Termination of occupancy/period of notice
- Application to court
- Notification

Consultation

- By the end of this year – for at least 3 months
- Happy to take views at any time

- Contact:

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Outstanding issues

- Types of accommodation/occupancy
- Interaction with leases at common law
- Coverage/content of terms
- Written agreement
- Commencement
- Coverage of guidance