

# Private Rented Sector Tenant Support

September 2020

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## Introduction

Public Health Scotland, in partnership with the Scottish Government, Citizens Advice Scotland and Shelter Scotland, has produced this booklet for people living in the private rented sector (PRS) during the COVID-19 (Coronavirus) pandemic. It contains support and information about your rights as a PRS tenant, managing your housing costs, health and wellbeing, domestic abuse and general financial advice.

For the latest Covid-19 / PRS information from each of these organisation please use the following links:

- **Citizens Advice Scotland:** <https://www.citizensadvice.org.uk/scotland/health/coronavirus-what-it-means-for-you-s/>
- **Public Health Scotland:** <https://publichealthscotland.scot/>
- **Scottish Government:** <https://www.mygov.scot/private-rental-rights/>
- **Shelter Scotland:** [https://scotland.shelter.org.uk/get\\_advice/scottish\\_housing\\_advice\\_coronaviruses\\_COVID\\_19](https://scotland.shelter.org.uk/get_advice/scottish_housing_advice_coronaviruses_COVID_19)

**August 2020**

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### Section 1: Keeping your home during this pandemic

Having a safe, secure home is important for everyone's health and wellbeing, but sustaining your tenancy may be more difficult because of Covid-19. You may be worried about your job or money, feel anxious, isolated or lonely, worried about your physical or mental health and wellbeing, or your relationships may be strained as a result of these worries and the need for us to be spending more time at home. Any of these could make it more difficult for you to sustain your tenancy.

That is why we have published this resource which aims to support you.

### Section 2: What are your rights as a private renting tenant?

You have the right to safe and secure housing, Covid-19 doesn't change that. There have been some changes to your rights as a result of emergency Coronavirus legislation passed by the Scottish Government. This section tells you what these changes are and what your rights as a tenant are now.

## Notice periods

On 7 April 2020, the Scottish Government brought in new rules which will be in place until at least 30 September 2020, although Scottish Ministers may extend this. These new rules mean your landlord now must give you at least six months' notice before starting legal proceedings to evict you in most circumstances.

This notice period may be three months in a few specific cases, for example where your landlord needs the property back to live in, or because of anti-social behaviour or criminal activity. If you have a private residential tenancy and the landlord believes the property is no longer occupied the notice period is 28 days. If you are currently not living in your tenancy but intend to return it's important to let your landlord know. If your landlord gives you an eviction notice, check what the grounds for eviction are and seek further advice if you need to.

The amount of notice your landlord must give you can change depending on your tenancy agreement and what ground for eviction your landlord uses. Use [Shelter Scotland's tenancy checker](#) if you are not sure what type of tenancy you have.

The following links will take you to Shelter Scotland's website and tell you about the notice periods for each type of tenancy:

- **Private Residential Tenancy**  
[https://scotland.shelter.org.uk/get\\_advice/advice\\_topics/eviction/eviction\\_of\\_private\\_tenants/eviction\\_of\\_private\\_residential\\_tenancy\\_tenants](https://scotland.shelter.org.uk/get_advice/advice_topics/eviction/eviction_of_private_tenants/eviction_of_private_residential_tenancy_tenants)
- **Short assured tenancies:**  
[https://scotland.shelter.org.uk/get\\_advice/advice\\_topics/eviction/eviction\\_of\\_private\\_tenants/eviction\\_of\\_short\\_assured\\_tenants/eviction\\_at\\_the\\_end\\_of\\_your\\_tenancy](https://scotland.shelter.org.uk/get_advice/advice_topics/eviction/eviction_of_private_tenants/eviction_of_short_assured_tenants/eviction_at_the_end_of_your_tenancy)
- **Assured tenancies:**  
[https://scotland.shelter.org.uk/get\\_advice/advice\\_topics/eviction/eviction\\_of\\_private\\_tenants/eviction\\_of\\_assured\\_tenants](https://scotland.shelter.org.uk/get_advice/advice_topics/eviction/eviction_of_private_tenants/eviction_of_assured_tenants)

## Giving you notice

If your landlord wants to evict you, they must give you an eviction notice first, with a date to leave the property by. This date must be at least three months or six months in the future, as above. If you don't want to leave the property, the landlord must wait for the eviction notice period to end then ask the First-tier Tribunal for Scotland Housing and Property Chamber for an Eviction Order to evict you. If you receive a notice to leave, you do not need to move out until an eviction order is granted. From October, the Tribunal will consider whether your landlord has tried to follow the "pre-action requirements" before granting an eviction order. These are certain things your landlord is expected to do before trying to evict you, like providing you with information about financial support, or trying to set up an affordable repayment plan. Guidance on these pre-action requirements are currently being developed and will be published on the Scottish Government website.

## Paying rent

Talk to your landlord as soon as possible if you're struggling to pay rent. They may be able to tell you where you can get help and advice on benefits and budgeting. You might be able to negotiate a rent reduction, or your landlord may be willing to

accept late payment of rent. Shelter Scotland has published a [template letter](#) which you can use to help you write to your landlord asking for a change to your rent.

Make sure you get any agreement between you and your landlord in writing. There is no automatic rent holiday or break for renters, you can only pause or reduce your rent payments if your landlord agrees. If your landlord agrees to pause or reduce your rent, find out if they expect you to pay back the difference at a later date or if they will write it off.

If you are having difficulty negotiating a rent pause or reduction, ask your landlord if they know about support available for landlords. There is financial help available for landlords such as mortgage holidays and the Landlord Loan Fund. This [Maintaining tenancies – a guide for the private rented sector](#) outlines the various types of support available for landlords.

The following example from the Scottish Association of Landlords illustrates the benefit of talking to your landlord:

“My tenant, a taxi driver experienced problems with paying his rent, particularly as we live in a small holiday town strongly affected by seasonal trade due and of course everything began to close down due to the pandemic. He had paid his rent up to April. He is an excellent tenant and had the good sense to let me know of his difficulties in good time and to say that he had applied for a government support grant. We were happy to give him a rent holiday in May and asked him to let us know if he is experiencing further problems in June, for example, if his grant is delayed, and we will discuss it further at that time” – landlord

To help facilitate dialogue between tenants and landlords around rent difficulties, **SafeDeposits Scotland** has launched a [resolution service](#). This service covers rent difficulty only, it is free and can be instigated by either the tenant or the landlord.

### **Illegal eviction**

Illegal eviction is when you are forced to leave your home by someone who doesn't have the legal right to make you leave. This can include your landlord if they don't have an eviction order from the First Tier Tribunal. Illegal eviction is a criminal offence – Covid-19 doesn't change this. You might be illegally evicted if:

- your landlord changes the locks
- your landlord stops you from getting into your home
- your landlord makes life so uncomfortable for you that you are forced to leave your home, for example by cutting off your water, gas or electricity supply or by continually turning up at your home late at night
- you are physically removed from the property by a person who is not a Sheriff Officer.

If your landlord tries to force you out of your home, tell them in writing that this is illegal. Keep a diary and collect evidence of all your landlord's actions against you for example, any photographs, emails, letters etc. This will help if you need to take your landlord to court at a later date. If your landlord threatens to illegally evict you then report this to the police immediately, call them on 101. If you are being physically threatened or forced out of your home by your landlord, call 999

## Ending your tenancy

- If you have a Private Residential Tenancy and you want to end the tenancy, you need to give your landlord 28 days' notice in writing. When giving notice you must state which day the tenancy is to end; it's usually the day after the notice period has expired.
- If you have a Short Assured or an Assured Tenancy and you want to leave before the end of your tenancy, you will need to check your tenancy agreement. It should state whether you can do this and how much notice you have to give. If this is not mentioned on your tenancy agreement, contact your landlord to agree on a suitable notice period.

## Student accommodation

If you live in purpose-built student accommodation such as halls of residence, and want to end your tenancy because of the Coronavirus outbreak, the amount of notice you need to give your landlord depends on when you moved in.

- If it was before 27 May 2020 - you must give 7 days' notice that you are going to leave, and you need to say you want to leave because of Coronavirus.
- If it was on or after 27 May 2020 - you must give 28 days' notice that you are going to leave.

You must give your notice in writing, and the tenancy will end the day after the notice period ends.

## Landlord access to property

You should tell your agent/landlord if you do not want visits to your home at this time. Your landlord or agent should agree to postpone non-essential visits such as:

- tenancy inspections
- viewings towards the end of your tenancy
- minor repairs which your landlord can carry out at a later date.

You may need to allow your landlord access to the property to carry out any repairs essential for health and safety, for example if there was a suspected gas leak or a dangerous electrical fault. If your landlord needs to visit make sure you tell them if you have symptoms of Covid-19 or you are self-isolating.

By law, your landlord needs to keep your home up to a level of repair called the 'Repairing Standard' – Covid-19 doesn't change this. [Shelter Scotland](#) has more information about your right to have repairs done etc.

## Moving house

On 29 June 2020, home moves were permitted again, provided they can be carried out safely. [Guidance tells you how to move house safely](#), for example by viewing properties online, and was updated on 9 July 2020. If you move in to a new PRS property you will need to sign a new tenancy agreement. You may be able to sign your tenancy agreement by email or post, but make sure you keep a copy of the tenancy agreement.

### Section 3: Good practice

Your landlord should be understanding of any difficulties you're facing and support you to stay in your home. The following example shows how landlords have supported tenants who told them about struggling financially and have been sourced from the [Scottish Association of Landlords website](#). It might be helpful to show your landlord this example if you need support.

'We have had landlords agree to tenants delaying rental payments, postponing the payment, voiding payments and being incredibly understanding about the situation. We have had tenants be brutally honest with us about how scared they are due to the loss of work and we have worked through things with them.'

(Glasgow Property Letting)

### Landlord and Letting Agent Registration

Landlords and letting agents operating in Scotland must be registered. This ensures they know what they are doing and the standards they should be working to. Registration can be checked via the online registers:

[www.landlordregistrationscotland.gov.uk/](http://www.landlordregistrationscotland.gov.uk/)

<https://lettingagentregistration.gov.scot/>

### Section 4: Sources of available support

This section tells you about sources of support. These sources are also listed in a table at the end of this document

#### Supporting you with domestic abuse

If you are experiencing or are at risk of domestic abuse, you can call the Scottish National Domestic Abuse and Forced Marriage Helpline, available 24 hours at 0800 027 1234

- <https://www.mygov.scot/domestic-abuse/support-for-female-victims/>
- <https://sdafmh.org.uk/>

[Safer Scotland](#) has more resources available at: <https://safer.scot/da/page-3/>

#### Help with managing rent arrears

If you are struggling to pay your rent it is important that you speak to your landlord about this as soon as you can. The Scottish Government is encouraging landlords to be flexible during the pandemic. Shelter Scotland has published on their website a [template letter](#) which you can use to help you write to your landlord asking for a change to your rent.

For advice and support on managing rent arrears during the Coronavirus outbreak visit Shelter Scotland's Help with [Rent Arrears](#) page or you can visit Shelter Scotland's website to speak with one of their advisors via a digital chat. Alternatively, they also have a Helpline which you can call if you are in an emergency situation, the number is 0808 800 444.

## **Supporting you with energy costs or supply**

[Ofgem](#) – the gas and electricity regulatory body - has lots of information for you if you are struggling to afford your gas or electricity bills, or if you are worried about your energy supply during the Coronavirus.

No credit meters will be disconnected during the pandemic. If you are struggling to afford your energy bills, talk to your supplier as they may be able to offer you a payment holiday, reduce your bills or even help you access their hardship fund if they have one.

If you are vulnerable, have young children, a disability or are an older person, contact your energy company to join their Priority Service Register. Each company has one. It's free to join and it means your energy company will prioritise you in case of any disruption.

The organisation [Energy Agency Scotland](#) may be able to support you with using energy more efficiently in your home.

## **Government Support**

You may be applying for benefits for the first time but don't worry, lots of organisations can help you. Applying for benefits such as Universal Credit can help you to afford your rent if you have faced a sudden loss of income. It's best to look into this as soon as you think you might be made redundant or are starting to struggle to pay your bills as you will have to wait five weeks for your first Universal Credit payment.

### **Universal Credit**

Universal Credit is the main benefit for people who are unemployed or on a low income. It includes a housing element which is to help you with housing costs. You can ask for the housing element to be paid directly to your landlord in Scotland. [Apply](#) for Universal.

You can also set up a claim over the phone if you can't use a computer. Call the universal credit helpline on 0800 328 5644. Universal credit might seem a little daunting but don't be put off applying. You can visit <https://www.understandinguniversalcredit.gov.uk/new-to-universal-credit/housing/> to understand more about universal credit and paying your rent.

### **Discretionary Housing Payment**

Universal Credit and Housing Benefit pays for housing costs but the amount they give you may not be enough to cover all your rent. If you rent your home, and you get Housing Benefit or Universal Credit, but still can't afford your housing costs, you may be eligible for a Discretionary Housing Payment.

If you have applied for Universal Credit but still have difficulty affording your rent apply for a Discretionary Housing Payment by filling in a Discretionary Housing Payment form from your local council office. To find out more about Discretionary Housing Payments and to find contact details for your local council visit the [Scottish Government website](#): <https://www.mygov.scot/discretionary-housing-payment/>

## **Council tax**

Council Tax discounts exist for single person households, disabled people and students as well as some other groups. You may also be exempt from having to pay Council Tax if you are on a low income. You need to contact your local council to see if you qualify for a reduction or exemption. Council tax is considered a priority debt, so if you are struggling to pay your tax it's important you seek help and advice as soon as possible. For information about Council Tax discounts and exemptions and to find details of your local council visit the Scottish Government website: <https://www.mygov.scot/council-tax/discounts-exemptions-and-reductions/>

### Case from an East of Scotland Citizens Advice Bureau

Emma [not client's real name] emailed her local Citizens Advice Bureau for help. She lived in a three-person tenancy where one tenant had moved out, leaving Emma and the other tenant to pay the same rent whilst looking for cheaper accommodation. Due to COVID-19, both tenants lost their jobs, so they were short on rent last month by more than £200. Their letting agent is now demanding payment of the shortfall, despite being aware of their situation. Emma is due her final salary but will soon have to rely on Universal Credit. Based on what the other tenant already receives from Universal Credit, Emma said she expects to accumulate rent arrears of more than £400 each month. Both tenants are looking for work but have so far been unsuccessful. They can't move during lockdown and when lockdown is lifted their arrears and unemployment will make finding a new home difficult.

The bureau adviser explained that Emma should tell their landlord about their situation in writing - keeping records of all correspondence - and advised her of the new rules around eviction notice periods, the need for an eviction order (depending on their tenancy type), and what would constitute an illegal eviction. The adviser also explained how she could challenge her redundancy and ask to be re-employed under the Coronavirus Job Retention Scheme, including how she could make a claim for unfair dismissal. Most crucially, Emma was advised her housing allowance may be higher than the other tenant if he is under 35, and if there was still a shortfall for rent, then Emma could apply to their local authority for a Discretionary Housing Payment. The adviser gave Emma information about council tax reductions, discounts and exemptions to help with overall budgeting too and informed her about the bureau's ability to offer specialist money and debt advice, including maximising Emma's income by checking entitlement to other benefits.

## **Scottish Welfare Fund**

To help you pay bills other than rent you can apply for a Scottish Welfare Fund Crisis Grant. This is a one off payment crisis grant that helps you afford costs that aren't related to rent like bills or buying food. You can [apply for the Scottish Welfare Fund](#) through your Local Authority. You can also contact your Local Authority by phone, although some will only accept online applications.

Shelter Scotland's [coronavirus advice page](#) has further information on claiming welfare benefits. Your local Citizens Advice Bureau can also provide you with further advice on benefits and help you with your application, visit the Citizens Advice Scotland website to find the number of your local bureau, or call the national Citizens Advice helpline on 0800 023 2581 for help.



### **Supporting young people**

For support [Young Scot](#) has information specifically for 11-26 years olds about looking after your finances during coronavirus, how your work might be affected, and supporting you with positive mental health and wellbeing.

[Young Scot](#) also have lots of helpful advice to help you when starting a new tenancy, sharing a flat and making a home your own.

### **Supporting you if you have a disability**

If you have a disability you may find useful information and advice about services and support from [Disability Information Scotland](#). They can be contacted on 0300 323 9961, [info@disabilityscot.org.uk](mailto:info@disabilityscot.org.uk).

[Disability Equality Scotland](#) may also be able to help you.

### **Supporting you if you are LGBTQ+**

[Stonewall Scotland](#) offer support, advice and information.

### **Get involved - Housing System Policy Circle**

The Scottish Government has set up a Social Renewal Programme to work towards a fairer, more equal Scotland in the wake of the Coronavirus pandemic. Part of this work will look at housing issues in Scotland and we want to hear from people with experience of homelessness, private renting and social renting. If you would like to take part in that process, then please contact [housingsystempolycircle@gov.scot](mailto:housingsystempolycircle@gov.scot) by 28 August.



## Section 5: Support services available to you

This includes references to sources of support which we hope are helpful.

What is the support for?	Where to find the support
Information if you are shielding or vulnerable	<a href="https://www.citizensadvice.org.uk/scotland/health/coronavirus-what-it-means-for-you-s/#vulnerable_title">https://www.citizensadvice.org.uk/scotland/health/coronavirus-what-it-means-for-you-s/#vulnerable_title</a>
Linking you with support services	<p>You can find your local Citizens Advice Bureau's contact details (including for online and telephone advice) here:</p> <p><a href="https://www.cas.org.uk/">https://www.cas.org.uk/</a></p> <p>National assistance helpline on 0800 111 4000, Monday to Friday 9am to 5pm.</p>
Advice if you can't pay bills because of Coronavirus	<p><a href="https://www.citizensadvice.org.uk/scotland/debt-and-money/if-you-cant-pay-your-bills-because-of-coronavirus/">https://www.citizensadvice.org.uk/scotland/debt-and-money/if-you-cant-pay-your-bills-because-of-coronavirus/</a></p> <p>Shelter Scotland Coronavirus Advice Page:  <a href="http://www.shelterscotland.org/coronavirusadvice">http://www.shelterscotland.org/coronavirusadvice</a></p>
Support if you have rent arrears	<p><a href="https://www.citizensadvice.org.uk/scotland/debt-and-money/if-you-cant-pay-your-bills-because-of-coronavirus/">https://www.citizensadvice.org.uk/scotland/debt-and-money/if-you-cant-pay-your-bills-because-of-coronavirus/</a></p> <p>Shelter Scotland negotiating a rent reduction:  <a href="http://www.shelterscotland.org/rentreduction">http://www.shelterscotland.org/rentreduction</a></p> <p>Shelter Scotland rent arrears advice:  <a href="http://www.shelterscotland.org/rentarrears">http://www.shelterscotland.org/rentarrears</a></p> <p>Shelter Scotland Coronavirus Advice Page:  <a href="http://www.shelterscotland.org/coronavirusadvice">http://www.shelterscotland.org/coronavirusadvice</a></p>
Welfare Advice	<p><a href="https://www.citizensadvice.org.uk/scotland/debt-and-money/if-you-cant-pay-your-bills-because-of-coronavirus/">https://www.citizensadvice.org.uk/scotland/debt-and-money/if-you-cant-pay-your-bills-because-of-coronavirus/</a></p> <p>You can call the Money Talk team on <b>0800 085 7145</b> or visit  <a href="https://www.citizensadvice.org.uk/scotland/debt-and-money/other-resources-related-to-debt-and-money/money-talk-team-s/">https://www.citizensadvice.org.uk/scotland/debt-and-money/other-resources-related-to-debt-and-money/money-talk-team-s/</a></p> <p><a href="https://scotland.shelter.org.uk/get_advice/advice_topics/paying_for_a_home/housing_benefit">https://scotland.shelter.org.uk/get_advice/advice_topics/paying_for_a_home/housing_benefit</a></p>
Financial management e.g. advice around budgeting	<p><a href="https://www.moneyadvice.service.org.uk/en/articles/coronavirus-and-your-money">https://www.moneyadvice.service.org.uk/en/articles/coronavirus-and-your-money</a></p> <p>You can call the Money Talk team on <b>0800 085 7145</b> or visit  <a href="https://www.citizensadvice.org.uk/scotland/debt-and-money/other-resources-related-to-debt-and-money/money-talk-team-s/">https://www.citizensadvice.org.uk/scotland/debt-and-money/other-resources-related-to-debt-and-money/money-talk-team-s/</a></p>

	<a href="https://www.nhs.uk/live-well/eat-well/20-tips-to-eat-well-for-less/?tabname=recipes-and-tips">https://www.nhs.uk/live-well/eat-well/20-tips-to-eat-well-for-less/?tabname=recipes-and-tips</a>
Support with fuel costs	<a href="https://www.citizensadvice.org.uk/scotland/consumer/energy/energy-supply/get-help-paying-your-bills/struggling-to-pay-your-energy-bills/">https://www.citizensadvice.org.uk/scotland/consumer/energy/energy-supply/get-help-paying-your-bills/struggling-to-pay-your-energy-bills/</a>
Supporting your mental health/wellbeing	<a href="http://www.penumbra.org.uk/coronavirus/">http://www.penumbra.org.uk/coronavirus/</a> <a href="https://www.mentalhealth.org.uk/coronavirus">https://www.mentalhealth.org.uk/coronavirus</a> <a href="https://clearyourhead.scot/">https://clearyourhead.scot/</a>
Supporting you cope with anxiety	<a href="http://www.penumbra.org.uk/wp-content/uploads/2018/11/Anxiety.pdf">http://www.penumbra.org.uk/wp-content/uploads/2018/11/Anxiety.pdf</a>
Support if you are isolated or lonely	<a href="https://www.mentalhealth.org.uk/coronavirus/coping-with-loneliness">https://www.mentalhealth.org.uk/coronavirus/coping-with-loneliness</a>
Mental health support and services	<a href="https://www.nhsinform.scot/illnesses-and-conditions/mental-health">https://www.nhsinform.scot/illnesses-and-conditions/mental-health</a> <a href="https://clearyourhead.scot/">https://clearyourhead.scot/</a>
Support for bereavement	<a href="https://www.mentalhealth.org.uk/coronavirus/change-loss-bereavement">https://www.mentalhealth.org.uk/coronavirus/change-loss-bereavement</a> <a href="https://www.cruise.org.uk/get-help/coronavirus-dealing-bereavement-and-grief">https://www.cruise.org.uk/get-help/coronavirus-dealing-bereavement-and-grief</a> <a href="https://www.citizensadvice.org.uk/scotland/benefits/bereavement-and-funeral-benefits/">https://www.citizensadvice.org.uk/scotland/benefits/bereavement-and-funeral-benefits/</a>
Supporting you if you are at risk of or experiencing domestic abuse or sexual violence	<a href="https://safer.scot/da/page-3/">https://safer.scot/da/page-3/</a> <a href="https://womensaid.scot/">https://womensaid.scot/</a> <a href="https://www.mygov.scot/domestic-abuse/support-for-female-victims/">https://www.mygov.scot/domestic-abuse/support-for-female-victims/</a> UK helpline for men experiencing domestic abuse. Phone: 0808 801 0327 / <a href="https://mensadvice.org.uk/">https://mensadvice.org.uk/</a> LGBT Helpline: 0300 123 2523 / <a href="http://www.lgbthealth.org.uk/services-support/helpline">www.lgbthealth.org.uk/services-support/helpline</a> Rape crisis helpline: 08088 01 03 02 / <a href="https://www.rapecrisisscotland.org.uk/">https://www.rapecrisisscotland.org.uk/</a>

Supporting you with alcohol	<a href="https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/healthy-living/coronavirus-covid-19-alcohol">https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/healthy-living/coronavirus-covid-19-alcohol</a>
Supporting you with being active during Covid-19 which is good for your body and mind	<a href="https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/healthy-living/coronavirus-covid-19-physical-activity">https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/healthy-living/coronavirus-covid-19-physical-activity</a>
Other	CAS' "problems during a tenancy" landing page has a number of helpful links including one on repairs and maintenance. <a href="https://www.citizensadvice.org.uk/scotland/housing/renting-a-home-s/problems-during-a-tenancy/">https://www.citizensadvice.org.uk/scotland/housing/renting-a-home-s/problems-during-a-tenancy/</a>



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