

Thank you for your letter of 6 October 2022 in connection with the Cost of Living (Tenant Protection) Scotland Bill. I would take this opportunity to thank universities for the work they are already doing to help students during the current crisis, in particular absorbing increased costs of providing university accommodation to students in 2022/23.

The Cost of Living (Tenant Protection) (Scotland) Bill was passed by the Scottish Parliament on 6th October 2023 but is not yet in force. It is anticipated that the Bill will come into force following Royal Assent later this month. The Scottish Government cannot provide legal advice on the interpretation of the Bill – if you seek clarification of your legal rights once the Bill comes into force we would recommend that you obtain independent legal advice. My officials are currently developing guidance which will set out landlords' and tenants' rights and responsibilities in light of the new legislation. This will be available the same day the Bill comes into force.

Let me take each of the points raised in your letter in turn.

Supply of Private Rented Accommodation and Impact on supply of Purpose-Built Student Accommodation

The Bill contains a reporting duty under Section 8 for the Scottish Ministers to review the operation of the emergency measures, considering whether they remain necessary and proportionate in connection with the cost of living. Once the Bill comes into force, the duty to report to Parliament will be on a three monthly basis.

In complying with this reporting duty, the Scottish Ministers will monitor whether the impact of the measures on landlords remains fairly balanced against the aim of protecting tenants from the effects of the cost of living crisis. The Scottish Ministers will also be under a duty to consult with sector stakeholders for the purposes of the reporting duty. This duty was discussed at a meeting of the Student Accommodation Group (SAG) on Thursday, 6 October 2022. My officials are looking to expand the membership of this Group and will work with them to monitor the impact of the Bill's provisions on college and university halls of residence and Purpose Built Student Accommodation (PBSA) and the wider Private Rented Sector, as it affects students, to inform Ministers.

The Group will draw upon their own industry experiences and available data sources, including those related to the Private Rented Sector to inform their views. Universities Scotland are a member of that Group. Should the emergency measures no longer be considered necessary or proportionate, the Bill contains provisions for the emergency measures to be expired or suspended earlier than 31st March 2023.

For student tenants, the UK Collaborative Centre for Housing Evidence (CaCHE) report, which was commissioned by Scottish Government to inform the next stages of the PBSA (Purpose Built Student Accommodation) Review, and any recommendations to Ministers, has now been received and will be considered by the PBSA Review Steering Group prior to publication. Universities Scotland is a member of that Group. The review looked at a number of issues, including supply

and affordability. It is our intention to publish the research, in line with Scottish Government Social Research protocols.

Eviction Issues

The Bill provides for an exception to the eviction moratorium for student tenancies on separate grounds of anti-social behaviour (which includes harassment or conduct likely to cause alarm, distress, nuisance or annoyance) or a criminal conviction. Accordingly, it is not the intention of the Bill to prevent eviction action where there is a criminal conviction or anti-social behaviour.

Where someone is considered to pose a risk or where a complaint has been made against a student, it is a matter for the university to consider following its own internal processes. Universities have a duty of care and are required to act to protect students either living in their halls or in PBSA halls through nomination agreements. PBSA providers will also have their own approaches to student welfare and wellbeing.

It may be helpful if I explain that work is also ongoing through the Equally Safe in College and Universities Core Leadership Group to look at how such cases where students pose a risk to other students are investigated and the actions universities and colleges can take to further ensure the safety of students. Emily Test, one of the members of the Group, facilitated an Investigative Training Roundtable on Wednesday, 5 October on this issue. Universities Scotland is a member of the Core Leadership Group.

End of rental agreement in Purpose-Built Student Accommodation.

The Bill will not prevent PBSA accommodation providers from requiring students to leave accommodation at the end of their contracts. The Bill will operate by preventing enforcement by sheriff officers of court decrees for recovery of heritable property for a period of 6 months. As we understand it, very few (if any) PBSA accommodation providers require to obtain a court order before students leave their accommodation.

I hope this information is of help and again reiterate my thanks to universities for the actions they have taken during this crisis to help students.