

**From:** [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>

**Sent:** 13 September 2022 14:41

**To:** [redacted s.38(1)(b)]@crownstatescotland.com; [redacted s.38(1)(b)]@crownstatescotland.com

**Cc:** [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>; [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>; [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>; [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>; [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>; [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot>

**Subject:** Programme for Government - Announcement of support for renters

**Importance:** High

Dear [redacted s.38(1)(b)],

We met a few months ago to discuss the private rented sector provisions within the Coronavirus (Recovery and Reform) Bill and I am now contacting you in relation to new legislation that I am working on, which will impact on the private rented sector.

You may be aware that the First Minister set out last week – via this year's [Programme for Government](#) - some important announcements regarding support for people who rent their home. In recognition of the huge pressures the cost crisis is placing on households - and the particular issues that will be faced by renters – we intend to introduce emergency legislation to protect tenants by freezing rents and imposing a moratorium on evictions until at least 31 March 2023. We also intend to act to prevent immediate rent increases.

I am aware from our previous helpful discussions that there are private rental properties on crown estates and therefore you will have an interest in how this legislation progresses. We would be happy to meet to discuss further, should you find that helpful.

Regards,

[redacted s.38(1)(b)]

[redacted s.38(1)(b)] | Team Leader - Housing Services and Rented Sector Reform Unit | Better Homes Division | The Scottish Government | Telephone: [redacted s.38(1)(b)]



Rt Hon Nicola Sturgeon MSP  
First Minister of Scotland



Scottish Government  
Riaghaltas na h-Alba  
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St Andrew's House, Regent Road, Edinburgh EH1 3DG  
T: 0300 244 4000

Sir Clive Alderton KCVO  
Private Secretary to HM The King  
Windsor Castle  
Windsor  
SL4 1NJ

3 October 2022

Dear Clive,

The First Minister has asked me to write to you seeking His Majesty's consent to the application of the Cost of Living (Tenant Protection) (Scotland) Bill to the Crown.

As you will be aware, the consent of His Majesty must be obtained where a Bill for an Act of the Scottish Parliament affects directly, indirectly, or by implication, the Royal prerogative, the hereditary revenues of the Crown, or the personal property or interests of the Sovereign. In this case, the Cost of Living (Tenant Protection) (Scotland) Bill contains some provisions that have such affects.

The purpose of the Cost of Living (Tenant Protection) (Scotland) Bill is to respond to the emergency situation caused by the impact of the cost crisis on those living in the rented sector in Scotland by introducing a temporary freeze on rent increases, a temporary moratorium on evictions, increased damages for illegal evictions until at least 31 March 2023, and additional powers to reform rent adjudication.

Rented households are more likely to have lower household incomes, higher levels of poverty and to be financially vulnerable. The addition of the costs crisis exacerbates existing social and economic pressures faced by those living in a rented home, making them more vulnerable as a whole. Given that households in the rented sector (especially those on lower incomes) generally pay more of their income into housing costs than owner occupiers, have higher rates of income poverty and child poverty, and have less financial resilience to cope with cost of living shocks, the Scottish government considers additional measures to protect renters necessary.

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See [www.lobbying.scot](http://www.lobbying.scot)

To support these aims, the Bill takes the following measures:

- it makes adjustments to the law on rent increases and sets a permitted rate (variable via subordinate legislation) at which rent may be increased (0%), and provides for limited circumstances in which rent may be increased above this rate;
- it makes adjustments to the law on eviction to temporarily restrict the enforcement of a decree for removing, it provides for limited exceptions to the restriction, and also allows for increased damages awardable in the event of an unlawful eviction; and
- it makes modifications to the law on adjudication of rent disputes.

To provide certainty and clarity to tenants and landlords, it is the Scottish Government's intention that these measures should be in place as soon as possible and certainly ahead of any increased energy payments being taken on or around 31 October. Unfortunately, in order to ensure the important provisions within the Bill can be brought into force before the end of October, it is necessary to take these legislative measures as a matter of urgency. We are therefore seeking the King's Consent without the usual 14 day period of notice.

The Bill is currently scheduled to be introduced on Tuesday, 4 October but with the possibility of this being brought forward to the afternoon or evening of Monday 3 October. The intention is for the Bill to be an emergency Bill and for Stage 1 to be taken on Tuesday 4 October and, should the general principles of the Bill be agreed by Parliament, Stage 2 of the Bill to take place on Wednesday 5 October and Stage 3 to take place on Thursday 6 October.

The Bill contains some provisions that give rise to the need for Crown consent and the Bill team has alerted the King's Solicitor in Scotland, [redacted] accordingly. The provisions relating to private residential tenancies could affect the hereditary revenues of the Crown, and / or His Majesty's private property or interests and on those estates managed by Crown Estate Scotland. No initial concerns have been raised over the provisions proposed by the Scottish Government. It has been noted that the private residential tenancies provisions could affect residential tenancies on the Balmoral Estate. Further, [redacted] has confirmed that the King has an Edinburgh flat in which there is a tenant. A copy of the Bill, together with the Explanatory Notes and Policy Memorandum from introduction of the Bill, are enclosed.

[redacted  
s.38(1)(b)]

We should be most grateful if you would confirm that the Cost of Living (Tenant Protection) (Scotland) Bill, to the extent that it affects the Crown, is acceptable to His Majesty and to signify Crown consent to the Bill. It would be appreciated if you were able to reply with an electronic authorisation by 10am on Thursday 6 October and a hard copy to follow. Should His Majesty be content with the proposals, consent will be signified to Parliament at the start of the Stage 3 debate, scheduled to be held on the afternoon of 6 October. Your help in the matters of timing described above would be greatly appreciated.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

I am copying this letter and the Bill to the King's Solicitor in Scotland and, following introduction, to the General Counsel and Company Secretary of the Crown Estate Commissioners and to the Chief Executive of Crown Estate Scotland.

A handwritten signature in black ink that reads "Chris Mackie". The signature is written in a cursive style with a prominent initial 'C'.

**CHRIS MACKIE**  
Principal Private Secretary



BALMORAL CASTLE

4th October, 2022.

*Dear Chris,*

Thank you for your letter of 3rd October addressed to Sir Clive Alderton seeking The King's consent to the Cost of Living (Tenant Protection) Bill. I can confirm that His Majesty is content to place his interest at the disposal of the Scottish Parliament for the purposes of this Bill.

*Yours sincerely,*

[redacted s.38(1)(b)]

[redacted s.38(1)(b)]

Deputy Private Secretary to The King

Chris Mackie, Esq.

**From:** [redacted s.38(1)(b)] **On Behalf Of** Housing Legislation  
**Sent:** 28 October 2022 11:13  
**Subject:** Commencement of the Cost of Living (Tenant Protection) (Scotland) Act 2022

Good morning

This is to up-date you that the Cost of Living (Tenant Protection) (Scotland) Bill, which was passed by the Scottish Parliament on 6 October, received Royal Assent yesterday and the Act has come into force today, Friday 28 October.

See details of The [Cost of Living \(Tenant Protection\) \(Scotland\) Act](#)

Work is ongoing throughout the course of today to provide further information on the Scottish Government webpages at [Being a landlord in Scotland - mygov.scot](#) and [Renting a property - mygov.scot](#).

The Cost of Living marketing campaign also highlights the help available for tenants. The campaign assets are available to download [here](#).

Kind regards

Housing Services and Rented Sector Reform Unit | Better Homes Division



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**From:** [redacted s.38(1)(b)] <[redacted s.38(1)(b)]@gov.scot> **On Behalf Of** Housing Legislation  
**Sent:** 12 January 2023 14:32  
**Subject:** Cost of Living (Tenant Protection) (Scotland) Act 2022 - First Report to the Scottish Parliament

Good afternoon,

This is to up-date you that the [first report](#) on the Cost of Living (Tenant Protection) (Scotland) Act 2022 – covering the period 28 October to 31 December 2022 – has now been published.

Kind regards,

Housing Services and Rented Sector Reform Unit | Better Homes Division | Scottish Government



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