

# **Energy efficiency and condition standards in private rented housing**

## **Part 2 Condition of Private Rented Housing in Scotland – Interim Equality Impact Assessment Record**

June 2017



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## INTERIM EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<u><b>Energy efficiency and condition standards in private rented housing</b></u> <u><b>A Scotland's Energy Efficiency Programme Consultation - Part 2</b></u> <u><b>Condition of Private Rented Housing in Scotland</b></u>	
<b>Minister</b>	<b>Kevin Stewart, Minister for Local Government and Housing</b>	
<b>Lead official</b>	<b>Stephen Garland</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>Agnes Meany Simon Roberts</b>	<b>Housing Quality and Standards Team</b>
<b>Directorate:</b>  <b>Division:</b>  <b>Team</b>	<b>Directorate for Housing and Social Justice</b> <b>Better Homes: Sustainability Strategy Unit</b> <b>Housing Quality and Standards</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>Extension of an existing policy</b>	

# Screening

## Policy Aim

The aim of the policy is to improve the condition of private rented housing in Scotland. It is the second part of a Scottish Government consultation – the first part considers proposals to regulate Energy Efficiency for Private Rented Sector (PRS) homes and has been subject to a separate EQIA.

The policy proposes changes to the repairing standard to bring it more in line with what is required for social housing by the Scottish Housing Quality Standard (SHQS). It also considers additional safety elements and seeks views on extending the repairing standard to include agricultural tenancies.

This is in line with the Scottish Government's housing vision for all people in Scotland to live in high quality sustainable homes. The vision for warm, high quality, affordable, low carbon homes is set out in the [Sustainable Housing Strategy](#). The changes proposed to the repairing standard in this consultation are also intended to meet a manifesto commitment to consult on a national standard for private rented homes to ensure a good basic standard of accommodation.

Changes to the repairing standard will help reduce levels of disrepair in Scotland's private rented housing stock. It will contribute to the Scottish Government's **Safer and Stronger** Strategic Objective and will impact on the National Outcome:

- We live in well-designed, **sustainable places** where we are able to access the amenities and services we need.

Improving the condition of private rented homes in Scotland, including the energy efficiency proposals outlined in Part One of the consultation on Energy efficiency and condition standards in private rented housing will have wider positive impacts including making private tenants homes safer and more in keeping with what is already enjoyed by social tenants.

## Who will it affect?

All people living in private rented accommodation, including people with protected characteristics, could be affected by the policy which has the potential to improve their living conditions. All private landlords in Scotland will be affected by the policy if they are required to ensure any properties they rent to tenants meet with new elements added to the repairing standard.

Any changes to the repairing standard will require action by private landlords and this may lead to tenants being temporarily inconvenienced during necessary works. Some equality groups may be more vulnerable during these times. However, by allowing a reasonable lead-in time for changes, landlords will be able to plan any major works between tenancies, or other convenient times, and in the longer term, the benefits to all tenants should outweigh any temporary inconvenience.

If the repairing standard is to be extended to include agricultural tenancies, people living in these properties are likely to benefit as evidence suggests that the condition of some of these homes is much lower than elsewhere in the private rented sector. Landlords of agricultural tenancies will be affected if a duty is placed on them to meet the repairing standard.

### **What might prevent the desired outcomes being achieved?**

The desired outcome to improve the condition of private rented housing in Scotland will be informed by discussion during the consultation period and formal responses received.

Achieving the desired outcome will be dependent on private landlords taking action to ensure compliance with new responsibilities which may be placed on them by additions to the repairing standard. Associated costs, timing and enforcement processes will impact on the desired outcome being achieved.

Proposed changes to the repairing standard are already reflected in existing best practice of many landlords. Associated costs are expected to be relatively low, provided sufficient lead in time (i.e. at least 5 years) is allowed for landlords to build improvements into scheduled maintenance and investment in their properties. It is felt that existing enforcement routes through the First-tier Tribunal for Scotland (Housing and Property Chamber) are sufficient to enforce compliance. A table estimating cost implications together with proposed lead in times provides a basis for discussion during the consultation.

## Stage 1: Framing

### Results of framing exercise

The private rented sector has grown significantly as a proportion of all housing since 2000. The most recent estimate is that there are 350,000 private rented homes in Scotland<sup>1</sup>.

In general, owner occupiers are in a better position to make decisions about changes to improve the condition of their homes. It is reasonable for people living in rented accommodation to expect that housing standards ensure their homes are fit for human habitation and do not pose health risks. The Scottish Housing Quality Standard (SHQS) applies to houses rented by social landlords and the Repairing Standard applies to houses rented by private landlords.

The Sustainable Housing Strategy includes a commitment to publish proposals for a common cross-tenure housing standard beyond the existing tolerable standard. A Common Housing Quality Standard (CHQS) Forum was set up in 2015 to enable discussion with and between stakeholders on key issues affecting house condition to inform recommendations by the Scottish Government for changes to housing standards. Members were invited to comment on a series of topic papers, these are published online <https://beta.gov.scot/publications/common-housing-quality-standard-topic-papers/>

Taking account of CHQS Forum members' responses, it has been concluded that the best way forward is to consult in two phases. This first stage (this consultation) will consult on proposals to make changes to the repairing standard including additional safety elements and consider if it should be extended to include some other lets such as agricultural tenancies. It will also look at costs, timing and enforcement of changes. The second stage will go further and consult on condition issues affecting housing generally, across all tenures.

In this Interim Equalities Impact Assessment we will look at evidence gathered under the following headings: Age, Disability, Sex, Pregnancy and Maternity, Gender Reassignment, Sexual Orientation, Race and Religion or Belief. Where there are gaps in evidence we will use the consultation to look for evidence to fill these gaps.

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<sup>1</sup> Scottish Household Survey 2015

## **Extent/Level of EQIA required**

The evidence captured in **Stage 2: Data and evidence gathering, involvement and consultation** is drawn from the Scottish House Condition Survey (SHCS) module of the Scottish Household Survey (SHS) collected in the period 2014-2015 and, where insufficient information is available from this source, from the 2011 census. The statistics may relate to the characteristics of the highest income householder - e.g. evidence relating to age and gender or to the characteristics of any of the members within the household such as provided under the disability heading.

We do not consider that any groups with protected characteristics will be disproportionately affected by the proposed changes to the repairing standard.

During the consultation period, equality group representatives will be invited to comment and submit evidence in relation to those protected characteristic groups they represent. This will be taken into account together with any additional evidence gathered during discussions at consultation events and from formal responses received.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>2</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	Compared with the age distribution of Scottish householders, those in the private rented sector have a younger age profile; around half (49%) of PRS householders are under 35 compared to 16% of all Scottish householders, and around 9% are aged 65+ compared to 29% in Scotland as a whole.	2014/15 Scottish Household Survey	<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. This includes all age groups but as around half of all those living in the PRS are under 35 – this age group is likely to benefit most.</p> <p>As part of the consultation, we will seek views from organisations representing people of different age groups including children</p>

<sup>2</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

Characteristic <sup>2</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>DISABILITY</b>	Around 42% of households in Scotland contain at least one person who is long-term sick or disabled (LTSD). This figure covers all household members, including children. The rate is slightly lower in the private rented sector, where 29% report a household member having some long-standing health problem.	2014/15 Scottish Household Survey	<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. This includes those who are long term sick or disabled which accounts for 29% of households where at least one member has a long-standing health problem.</p> <p>As part of the consultation, we will seek views from organisations representing people who are long-term sick or disabled.</p>

Characteristic <sup>2</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>SEX</b>	44% of PRS households are headed by a female, the difference with all Scottish households headed by a female (42%) is not statistically significant	2014/15 Scottish Household Survey	<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. As slightly more men than woman head PRS households, men are likely to benefit more.</p> <p>As part of the consultation, we will seek views on whether the proposed policy is likely to have any disproportionate effects on people because of their gender.</p>

Characteristic <sup>2</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>PREGNANCY AND MATERNITY</b>	There is no information in either the SHCS or the Census relating to pregnancy		<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. Those who are pregnant will benefit in line all others living in the PRS.</p> <p>As part of the consultation, we will seek views on whether the proposed policy is likely to have any disproportionate effects on people because of pregnancy and maternity.</p>

Characteristic <sup>2</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>GENDER REASSIGNMENT</b>	We do not have housing data specific to gender reassignment, but a Scottish Transgender Alliance survey in 2012 reported that 11% of 526 respondents rented privately as a joint tenant and 9% rented privately as a single tenant.	Scottish Government Equality Outcomes: Lesbian, Gay, Bisexual and Transgender (LGBT) Evidence Review ( <a href="http://www.scotland.gov.uk/Publications/2013/04/7520/4">http://www.scotland.gov.uk/Publications/2013/04/7520/4</a> )	<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. People under the gender reassignment protected characteristic will benefit in line with all others living in the PRS.</p> <p>As part of the consultation, we will seek views on whether the proposed policy is likely to have any disproportionate effects on people under the gender reassignment protected characteristic</p>

<p><b>SEXUAL ORIENTATION</b></p>	<p>There is limited information on housing tenure for sexual orientation. This information was not collected in the census or the SHCS, and housing providers do not routinely gather such data.</p>		<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. Regardless of a person's sexual orientation, they will benefit in line all others living in the PRS.</p> <p>As part of the consultation, we will seek views from Stonewall and others on whether the proposed policy is likely to have any disproportionate effects on people due to their sexual orientation.</p>
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<p><b>RACE</b></p>	<p>On census day 2011 there were approximately 200,000 Black, Asian and Minority Ethnic (BAME) people in Scotland, making up just over 4% of the population. However they make up around 10% of the population living in the private rented sector.</p> <p>The SHCS sample is not sufficiently large to allow a breakdown of the regulated groups by ethnicity and to analyse the equality impact of the proposed policy on ethnic minorities, even with two years of data combined. Data available from the Census indicates that BAME communities are largely concentrated in urban locations.</p>	<p>2011 Census</p>	<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. People of all races are likely to benefit equally in line with all others living in the PRS.</p> <p>As part of the consultation, we will seek views from the Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) and others on whether the proposed policy is likely to have any disproportionate effects on people due to their race.</p>
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<p><b>RELIGION OR BELIEF</b></p>	<p>According to the 2011 Census, in Scotland, 59% of the population report having a religion: 56% report as being Christian, 1.4% as being Muslim. Minority religion groups (Buddhist, Hindu, Jewish, Muslim, Sikh) tend to be concentrated in Glasgow and Edinburgh. Information relating to the housing of those with religious beliefs is limited. The Census provides the religion of people aged 16+ broken down by tenure. This shows a larger proportion of people with no religion in the PRS (44%) as well as larger proportions of private tenants with minority religious beliefs (Muslim 2.7%, Hindu 1.3% and Buddhist 0.6%).</p> <p>Due to sample size constraints, it is not possible to analyse affected households by religious belief using the SHCS, even when two years of data are merged. Census data indicates that minority religions are largely concentrated in urban areas.</p>	<p>2011 Census</p>	<p>Extending the repairing standard will result in a safer and improved standard of accommodation, it will be of benefit to all people who rent their homes from a private landlord. People of all religions and beliefs are likely to benefit equally in line with others living in the PRS.</p> <p>As part of the consultation, we will seek views on whether the proposed policy is likely to have any disproportionate effects on people of religion or belief.</p>
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<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>This policy does not relate to work therefore we have not considered it for this EQIA.</p>		
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### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Evidence gathered during the consultation period will help inform this section of the EQIA – further detail may be added at the end of the consultation period.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to age.
Advancing equality of opportunity	x			The evidence suggests that there is a higher proportion of younger people in the private rented sector than in other tenures. Younger people are therefore more likely to benefit from changes to the Repairing Standard which will mean safer and improved standards of accommodation in the PRS.
Promoting good relations among and between different age groups			X	Changes to the Repairing Standard is unlikely to impact on the promotion of good relations between different age groups.

## Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to disability.
Advancing equality of opportunity	x			The evidence suggests that 29% of PRS households contain at least one person who is long-term sick or disabled. This is lower than those living in the wider housing stock but still makes up almost a third of all PRS households who will benefit from changes to the Repairing Standard resulting in safer and improved standards of accommodation in the PRS.
Promoting good relations among and between disabled and non-disabled people			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good relations between disabled and non-disabled people.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to gender.
Advancing equality of opportunity	x			The evidence suggests that slightly more men than women head PRS households so it is likely they will benefit slightly more than women from changes to the Repairing Standard which will mean safer and improved standards of accommodation in the PRS.
Promoting good relations between men and women			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good relations between men and women.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to pregnancy and maternity.
Advancing equality of opportunity	x			There is a lack of evidence on the number of pregnant women living in the PRS. In common with all others living in the PRS, they will benefit from changes to the Repairing Standard which will result in safer and improved standards of accommodation in the PRS
Promoting good relations			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good relations between pregnant women and other people.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to gender reassignment.
Advancing equality of opportunity	x			There is little evidence on the number of people under the gender reassignment protected characteristic living in the PRS. In common with all others living in the PRS, they will benefit from changes to the Repairing Standard which will result in safer and improved standards of accommodation in the PRS
Promoting good relations			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good relations between transgender people and others

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to sexual orientation.
Advancing equality of opportunity	x			There is little evidence on the number of people under the sexual orientation protected characteristic living in the PRS. In common with all others living in the PRS, they will benefit from changes to the Repairing Standard which will result in safer and improved standards of accommodation in the PRS
Promoting good relations			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good relations between people of different sexual orientation..

**Do you think the policy impacts on people on the grounds of their race?**

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to race.
Advancing equality of opportunity	x			The evidence suggests that some racial groups are more likely to be living in the private rented sector than in other tenures. In common with all others living in the PRS, they will benefit from changes to the Repairing Standard which will result in safer and improved standards of accommodation in the PRS. It remains important to ensure that where advice and information is provided, it is made available in a format / language that is accessible to individual groups.
Promoting good race relations			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good race relations. .

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Changes to the Repairing Standard are unlikely to impact on unlawful discrimination related to religion or belief.
Advancing equality of opportunity	x			There is little evidence on the number of people with religion or belief living in the PRS. In common with all others living in the PRS, they will benefit from changes to the Repairing Standard which will result in safer and improved standards of accommodation in the PRS
Promoting good relations			X	Changes to the Repairing Standard are unlikely to impact on the promotion of good relations between people of religion and belief and others.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>3</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				Not required – see footnote

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<sup>3</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	No negative impacts have been identified for any of the equality groups.  The policy proposal should be of benefit to all people living in the private rented sector.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>4</sup> ?	There is no evidence that the policy is directly or indirectly discriminatory under the Equality Act 2010.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	
If not justified, what mitigating action will be undertaken?	

### Describing how Equality Impact analysis has shaped the policy making process

The equality impact analysis has helped to highlight areas where we do not have enough evidence on people with protected characteristics to make a fully informed decision on the effect of the policy on them. It has also helped to shape our plans for engagement during the consultation by identifying areas where we do not have sufficient information. The results of this engagement will feed into the policy and will be outlined in the final EQIA.

There have been no implications for costs of resources arising from the EQIA analysis, though we will also engage with PRS representative groups to consider cost, timing and enforcement implications as part of the consultation phase.

Positive impacts from the proposed changes to the repairing standard:

- All people living in privately rented properties in Scotland, including those with protected characteristics as outlined above, are likely to benefit from the implementation of proposed changes to the repairing standard.
- Positive impacts include people enjoying higher standards of accommodation throughout the PRS sector aligned better to standards already expected in social rented properties.
- Additional safety elements will better protect tenants living in the PRS.

Negative impacts from the proposed changes to the repairing standard:

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<sup>4</sup> See EQIA – Setting the Scene for further information on the legislation.

- Changes to the repairing standard will result in some disruption to tenants as necessary works are carried out. Those in some of the protected characteristic, such as disabled and elderly tenants may be adversely affected more than others. Where possible, we would encourage landlords to carry out work while the property is void.

The EQIA has looked at whether there would be any disproportionate effects on people with protected characteristics. We do not expect there to be but will engage with representative groups during the consultation.

Evidence gathered will help inform the final EQIA which will be completed at the end of the consultation period.

## **Monitoring and Review**

The repairing standard can be enforced by the First-tier Tribunal for Scotland (Housing and Property Chamber) which can issue repairing standard enforcement orders. Private tenants can apply to the Tribunal for assistance and local authorities can raise breaches directly with the Tribunal on behalf of vulnerable tenants. We consider these enforcement routes to be sufficient.

Responses to this consultation and engagement with stakeholders will inform what changes should be made to the repairing standard.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for the Condition of Rented Housing in Scotland and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

A handwritten signature in black ink that reads "R. C. Widdowfield". The signature is written in a cursive style with a large initial 'R' and 'W'.

**Name: Rebekah Widdowfield**

**Position: Depute Director and Head of Better Homes**

**Authorisation date: 25 May 2017**



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