

Converting Tenancies Made Under the Housing (Scotland) Act 1988

Equality Impact Assessment Results

June 2024

Equality Impact Assessment Results

Title of Policy:

Part 4 - Housing (Scotland) Bill - Converting tenancies made under the Housing (Scotland) Act 1988

Summary of aims and desired outcomes of Policy:

Scottish Ministers propose to create a regulation making power which would enable a date to be set on which tenancies under the 1988 Act would convert to PRT under the 2016 Act. If used, this would enable tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, as well as proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

Directorate:

Directorate for Local Government and Housing: Better Homes: Housing Legislation and Reform Unit

Executive summary

Scottish Ministers have committed to further reform of the rented sectors as part of delivering their vision and commitments for housing as set out in Housing to 2040¹, the Bute House Agreement shared policy programme² and consulted on as part of our New Deal for Tenants: Draft Rented Sector Strategy³. The 2023/24 Programme for Government⁴ commits to a Housing Bill that will help to deliver the legislative changes required.

The Scottish Government sought views on the proposal to convert 1988 Act tenancies in the 'Landlord and tenant engagement questionnaire on the rented sector reform', issued on 29 September 2023. The questionnaire asked for views on whether short assured and assured tenancies under the 1988 Act should be phased out. 71% of those answering the question agreed with the proposal. Support for the proposal was strongest amongst tenants. However, a smaller majority of landlords and landlord organisations also supported the proposal. The independent analysis of the questionnaire is published on the Scottish Government website⁵. Over the course of the consultation, 123 emails were also received from the public as well as

¹ [Housing to 2040 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

² [Scottish Government and Scottish Green Party - Shared Policy Programme - gov.scot \(www.gov.scot\)](https://www.gov.scot)

³ [Supporting documents - A New Deal for Tenants - draft strategy: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot)

⁴ [Delivering our National Missions - Programme for Government 2023 to 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

⁵ [Rented sector reform: landlord and tenant engagement questionnaire - analysis report - gov.scot \(www.gov.scot\)](https://www.gov.scot)

stakeholder organisations related to the rented sector aspects of the Bill. An analysis of the email responses is also available⁶.

The proposed changes will support tenants with tenancies under the 1988 Act to benefit from further protections.

This document sets out the results of the equality impact assessment on converting 1988 Act tenancies. It is one of a number of equality impact assessments carried out on the policy changes included in the Housing (Scotland) Bill.

EQIA is an ongoing process, and therefore will be reviewed as new evidence comes to light. We will continue to engage with our stakeholders and will regularly review the EQIA record and results following the data review and subsequent analyses.

Background

The Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) created the private residential tenancy (“PRT”), which was to supersede tenancies under the Housing (Scotland) Act 1988 (“the 1988 Act”). Under the 2016 Act, tenancies which began on or after 1 December 2017 would be PRT unless they were excluded under Schedule 1 of the 2016 Act. Tenancies under the 1988 Act which already existed on this date could continue until they were brought to an end by the landlord or tenant. The intent of the 2016 Act was that PRTs would be the main tenancy for the private rented sector going forward.

Scottish Ministers propose to create a regulation making power which would enable a date to be set on which tenancies under the 1988 Act would convert to PRT under the 2016 Act. Exercise of this power would be subject to a consultation first. If used, this would enable tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, as well as proposed protections in this Bill, and reduce complexity and confusion in the sector.

The Scope of the EQIA

The EQIA considers the possible impacts of the proposal to convert older tenancies against the protected characteristics: age; disability; sex (including pregnancy and maternity); gender reassignment; sexual orientation; race; and religion or belief.

Potential impacts have been considered in the context of the public sector equality duty, which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people, when carrying out their activities.

⁶ [Rented sector reform: landlord and tenant engagement questionnaire - analysis of email responses - gov.scot \(www.gov.scot\)](http://www.gov.scot)

The proposals were assessed and evidence was gathered from published data, anecdotal evidence at working groups, stakeholder meetings and responses to the Landlord and tenant engagement questionnaire on rented sector reform.

While there are sources of data on the composition and characteristics of tenants within the PRS in Scotland, similar information on landlords is not routinely collected. There is no comprehensive information available concerning the number of remaining tenancies under the 1988 Act. Since 2017 it has not been possible to grant a new tenancy under the 1988 Act in most cases. The number of tenancies under the 1988 Act has therefore been decreasing over time, and it may be inferred that this pattern will likely continue going forwards.

Despite a lack of statistical information, we have used the EQIA to consider how the proposals impact on both landlords and tenants with protected characteristics within the PRS, and this is considered to be neutral.

Key Findings – Landlords

Little robust data is available on the demographic characteristics of Scottish Private Landlords as a group. One survey by Shelter and YouGov in 2016⁷ sampling from across the UK found that their respondents were approximately 45% female and tended to be older and more affluent than the general population, as well as less likely to have children living in the home with them, however it is not known whether this sample is representative of Scottish landlords more widely and the proportion of the overall sample drawn from Scotland is small.

Evidence from a 2013 study⁸ which carried out a secondary data analysis of the UK Wealth and Assets Survey found similar proportions of female landlords (46%) to the Shelter survey, which is slightly lower than the average for the UK population at the time. This study also found that, in terms of ethnicity PRS landlords were majority white (88%) which was broadly in line with the proportion of white adults aged 16 or more in the general population at the time (89%). Although this data is now older and may not reflect the current situation in the Scottish PRS, Evidence from the 2022 English Private Landlord Survey⁹, a repeat survey carried out by DLUHC, found that 44% of private landlords in England at that time were women, and in terms of ethnicity, 88% of landlords identified as White, with 4% Indian, 2% Black, 1% Pakistani or Bangladeshi and the remaining 5% Other. This was broadly in line with the 2011 Census statistics for England and Wales which found that 86% of the population identified as White, 3% Indian, 3% Black, 3% Pakistani or Bangladeshi and the remaining 5% Other¹⁰. While this data does not all apply to Scotland directly, it may provide indicative information.

⁷ [Research Report- Survey of Private Landlords - Shelter England.pdf \(ctfassets.net\)](#)

⁸ [Understanding Landlords \(strategicsociety.org.uk\)](#)

⁹ [English Private Landlord Survey 2021: main report - GOV.UK \(www.gov.uk\)](#)

¹⁰ [Ethnic group, England and Wales - Office for National Statistics \(ons.gov.uk\)](#) Note that this comparison has not been tested for statistical significance

Broadly speaking, there is evidence from sector engagement and recent studies that some private landlords and landlord organisations have concern about the potential impacts on rent control and other regulations on their rental profits and willingness to remain in the market, but direct evidence has not been identified that indicates equalities characteristics will cause landlords to experience rent control legislation differently. However, it is possible that equalities characteristics may intersect with other socio-economic characteristics and behaviours (in particular the financial resources available to a landlord) in a way that affects landlords' resilience to change. For example, older, retired landlords with no pension/savings who depend on a few rental properties as their sole source of income may find it harder to adapt to regulatory change. The available data is insufficiently fine-grained to quantify how many landlords might fall into such groups. The impact on such landlords may also depend on the way in which the policy is implemented/delivered.

There is no available data specifically covering the protected characteristics profile of landlords who let properties which are still subject to a tenancy under the 1988 Act.

In summary, the evidence base around equalities characteristics among private landlords in Scotland is limited and what is there is not strong in relation to what it can tell us about Scotland, but may provide some indicative information about the Scottish sector. There is likely sufficient evidence to suggest that the population of landlords within the PRS includes those with protected characteristics including ethnicity and gender which may potentially influence the way in which they are impacted by legislation, however given the uncertainties involved, there is no direct evidence to suggest that landlords with particular characteristics will be impacted differently. Additional research is required to address some of these data gaps, some of which could be incorporated into the evaluation strategy for the Housing Bill.

Key Findings - Tenants

Latest data indicates that around 35% of households in Scotland currently rent the home they live in from private landlords. This equates to around 341,000 households in the private rented sector¹¹.

There is little available data on the protected characteristics profile of tenants who are letting a property which is still subject to a tenancy under the 1988 Act. We have therefore considered the available evidence in relation to each of the protected characteristics to inform our assessment. We recognise that the data available does not provide a complete picture of the experiences of those with protected characteristics. However, the EQIA has allowed the opportunity to consider the impact of this measure for these groups as fully as possible.

¹¹ Scottish Government, [Housing statistics: Stock by tenure](#). Figures are estimated stock as at March 2022. In the Financial Memorandum, the number of private rented households is rounded to 340,000 when used in costings.

Age

According to the 2022 Scottish Surveys Core Questions¹², 25.5% of those living in the private rented sector are 16-24, 35.3% are 25-34, 15.5% are 35-44, 10% are 45-54, 6.8% are aged 55-64, and 6.9% are 65 and above.

Findings from the 2022 Scottish Surveys Core Questions show that those in private rented accommodation are more likely to be aged 16 to 34 years compared to other tenures¹³, and there is evidence from previous studies to suggest that in some cases this may be because residents in this age group are unable to afford to access other tenures of housing such as home ownership¹⁴.

Scottish Government data on Poverty and Income Inequality in Scotland shows that in the last 15 years, the youngest households (household heads aged 16-24) have been consistently more likely to be in relative poverty compared to older households. In 2020-23, 39% of people in households with household heads aged 16-24 were in relative poverty after housing. In comparison, the age groups 25-34, 35-44, 45-54 and 55-64 all had lower poverty rates between 17% and 23%¹⁵.

Evidence from a survey of tenants conducted as part of the RentBetter project found that those who reported having less confidence to raise a dispute with their landlord tended to be those with less financial power, including those on lower incomes and in part-time work, or younger, inexperienced renters¹⁶.

A survey by Age Scotland (1,117 responses, 114 respondents in the PRS) found the majority of older respondents renting within the private sector had a Private Residential Tenancy (30%). A fifth (20%) had a Short Assured Tenancy, and 19% had an Assured Tenancy. A quarter (24%) were unable to identify which type of tenancy they had, indicating a significant proportion of older tenants living in the private rented sector that may be unaware of the protections afforded to them under their tenancy agreement and therefore potentially vulnerable to poor treatment by their landlord or letting agent. Over half of the respondents (57%) were aware of their specific rental rights under their tenancy agreement but a third (32%) were not, and 11% did not know¹⁷.

Based on the information available, the impact in terms of the public sector equality duty in relation to converting 1988 Act tenancies is considered to be neutral with regards to people of different age, although we consider that this proposal should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

¹² [Supporting documents - Scottish Surveys Core Questions 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

¹³ [Supporting documents - Scottish Surveys Core Questions 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

¹⁴ [‘Generation rent’ and the ability to ‘settle down’: economic and geographical variation in young people’s housing transitions: Journal of Youth Studies: Vol 20 , No 1 - Get Access \(tandfonline.com\)](https://www.tandfonline.com)

¹⁵ [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](https://data.gov.scot)

¹⁶ [RentBetter Baseline Full Reports | Rent Better \(indigohousegroup.com\)](https://www.indigohousegroup.com)

¹⁷ [Age Scotland Housing Survey 2023: Research Findings, pg57](https://www.age-scotland.org.uk)

There is a requirement on Scottish Ministers to consult further on this proposal before laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Disability

According to the 2022 Scottish Surveys Core Questions¹⁸, the proportion of adults in the private rented sector who have a limiting long-term physical or mental health condition was 23.2%.

There is insufficient information about the experiences of tenants and landlords with disabilities to fully assess the impact of converting 1988 Act tenancies. We consider that this proposal should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

There is a requirement on Scottish Ministers to consult further on this proposal before laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Sex (including pregnancy and maternity)

According to the 2022 Scottish Core Questions¹⁹, an estimated 50.2% of those in the PRS are women. Women earn less on average than men²⁰, are less likely to be paid the Living Wage²¹ and are more likely to not be working due to looking after children or home²². This may lead to women having a lower independent income. Whilst there may be income pooling within a couple with a high-income and low-income earner, there will be an unequal reliance on the sharing of income to maintain their standard of living²³. The Wealth in Scotland²⁴ report also shows that women are less likely to own property than men²⁵, and lone parents (of whom 92% in Scotland are women) and working aged women with no children are the least likely groups to own any property.

There is insufficient information about the experiences of tenants and landlords of different sexes to fully assess the impact of converting 1988 Act tenancies. However, based on the information available, the impact in terms of the public sector equality duty in relation to sex (including pregnancy and maternity) is considered to be

¹⁸ [Supporting documents - Scottish Surveys Core Questions 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/scottish-surveys-core-questions-2022)

¹⁹ [Scottish Surveys Core Questions 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/scottish-surveys-core-questions-2022)

²⁰ [Scotland's Gender Equality Index 2023 \(data.gov.scot\)](https://data.gov.scot/scotland-gender-equality-index-2023)

²¹ See footnote 20

²² See footnote 20

²³ The low-income indicator measures the proportion of adults with an income below 60% of the UK median income, after equivalising for dependent children living with them. Due to limitations of the available data, we have assumed that costs related to dependent children are shared proportionate to individual income within a family. This indicator uses income before housing costs to avoid needing to make assumptions about how housing costs are split within a couple.

²⁴ [Wealth in Scotland 2006-2020 \(data.gov.scot\)](https://data.gov.scot/wealth-in-scotland-2006-2020)

²⁵ In 2018-2020, 70% of households with a male household head owned property, whereas only 59% of households with a female household head did. This gap was consistent over time.

neutral. However, we consider that converting 1988 Act tenancies should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

There is a requirement on Scottish Ministers to consult further on this proposal before laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Gender reassignment

Data around the prevalence and experiences of trans people in the Scottish private rental sector are limited. We do not have reliable estimates for the number of trans or non-binary people in Scotland at present, including those living specifically within the PRS, however as the next section will detail, there is evidence that other members of the LGBTI community are more likely to live in the PRS and within urban areas in Scotland.

Reported findings from a 2022 UK study of housing discrimination²⁶ by Generation Rent and LGBTI homelessness organisation akt found that 43% of LGBTI respondents reported that they had been forced to live in unsuitable accommodation, compared with 29% of non-LGBTI participants. Insecurity and accessibility to affordable homes in the private rental market was raised as also an issue. However, limited information about the study or its underlying data were available so it is unclear as to how robust or representative these findings are.

In a published response to the recent consultation on A Human Rights Bill for Scotland²⁷, the Equality Network cited (yet unpublished) data from a survey undertaken by Scottish Trans which ran from March 2023 – June 2023 and surveyed 575 trans and non-binary people from across Scotland about their experiences of housing and the cost-of-living, among other topics. The findings report experiences of discrimination by private landlords and housing insecurity. Detail of survey results and methodology were not yet available for assessment at the time of drafting so it is not possible to comment on the robustness of these findings.

Based on the information available, the impact in terms of the public sector equality duty in relation to gender reassignment is considered to be neutral. We consider that converting 1988 Act tenancies should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector. Whilst there is insufficient information about the experiences of tenants and landlords in relation to gender reassignment to fully assess the impact of converting 1988 Act tenancies, we consider that this measure does not introduce changes that directly or indirectly discriminate against those with protected characteristics. There is a requirement on Scottish Ministers to consult further on this proposal before

²⁶ ["I didn't feel safe being my full self" - the LGBTQ+ experience of renting \(generationrent.org\)](https://www.generationrent.org/)

²⁷ [Equality-Network-Consultation-Response-A-Human-Rights-Bill-for-Scotland-4th-October-2023-.pdf](#)

laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Sexual orientation

There is insufficient information about the experiences of tenants and landlords of different sexual orientations to fully assess the impact of rent controls.

The available evidence suggests that more cis lesbian, gay and bisexual people privately rent: people living in the private rented sector are more likely to identify as either 'lesbian, gay, bisexual or other' (LGB) than the population as a whole: 6.9% compared to 2.9%²⁸.

A 2021 report by the Scottish Government on inclusivity in rural areas²⁹ which drew on multiple data sources found that there is a higher prevalence of lesbian, gay, bisexual or 'other' people in urban areas, which may partially reflect experiences of LGBTI people of having moved to a different area due to their experiences as LGBTI.

Based on the information available, the impact in terms of the public sector equality duty in relation to sexual orientation is considered to be neutral. However, we consider that converting 1988 Act tenancies should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

There is a requirement on Scottish Ministers to consult further on this proposal before laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Race

Recent data from the 2022 Scottish Surveys Core Questions³⁰ indicate that just over half (52.3%) of adult respondents in the private rented sector recorded their ethnicity as 'White: Scottish', lower than all other tenures, and 16.5% recorded their ethnicity as White: British, and 2.5% as White: Polish. 6.8% recorded their ethnicity as White 'Other'³¹ and 15.6% recorded their ethnicity as Asian³², figures which are both higher than other tenures. All other ethnic groups make up 6.1% of the private rented sector

³³

²⁸ [Scottish Surveys Core Questions 2019 \(Last updated: January 2021\)](#)

²⁹ [Inclusive Participation in Rural Scotland: A Preliminary Exploration \(www.gov.scot\)](#)

³⁰ [Supporting documents - Scottish Surveys Core Questions 2022 - gov.scot \(www.gov.scot\)](#)

³¹ Includes 'White: Irish', 'White: Gypsy/Traveller', 'Roma', 'Showman/Showwoman' and 'White: Other White Ethnic Group'

³² 'Asian' includes the categories Asian, Asian Scottish or Asian British

³³ 'All other ethnic groups' includes categories within the 'Mixed or Multiple Ethnic Group', 'African', 'Caribbean or Black' and 'Other Ethnic Group' sections

As noted in a 2020 report of the Coalition for Racial Equality and Rights³⁴, within Scotland, BME groups are demographically younger than white ethnic groups. According to the 2011 Census, those identifying as white are most likely to be aged 45-59, whereas as BME groups are largely younger in profile (most likely to be aged 25-34) – with the exception of Caribbean or Black where it is 35-44. However, although there is evidence to suggest that younger people in Scotland may find themselves in the PRS due to a lack of other options (often referred to as the ‘generation rent’ phenomena³⁵, there is a lack of evidence about how this applies to BME communities in Scotland.

Research undertaken as part of the RentBetter Project in 2020³⁶ found that, of the non-white minority ethnic PRS tenants in Scotland sampled, just over a third found it difficult to find a place to rent, compared to one fifth of all tenants in the sample. For non-white minority ethnic tenants, this difficulty in finding a place to rent was more commonly attributed to affordability or being on benefits than for other tenants³⁷. This research also found that tenants from non-white minority ethnic groups were still less likely to feel confident in challenging their landlord and dealing with disputes compared to their white counterparts.

A 2021 Scottish Government evidence review³⁸ noted that some families may choose to live in the PRS due to fear of discrimination or lack of culturally appropriate accommodation within the social sector, however:

“[s]ome studies presented a more complex view of over-representation in the PRS, where minority ethnic families chose to rent privately for the greater flexibility and choice it offered compared to other tenures, suggesting a more positive image of the sector (Netto & Abazie 2012; Strachan & Donoghue 2009). For some participants, the sector was seen as an attractive alternative to the social rented sector in terms of greater choice of properties and more attractive neighbourhoods for families (Netto & Abazie 2012), allowing them to live nearer to places of worship and other amenities such as halal shops and cultural centres (Netto et al. 2011)³⁹.”

A 2023 report by Netto et al on work carried out by researchers at the Urban Institute at Heriot Watt University in partnership with Shelter Scotland and Cemvo Scotland aimed to improve this gap in evidence⁴⁰. This was based on a systematic evidence review, an online survey with social landlords and interviews with a small sample of thirty ME and ten white Scottish participants on low and middle incomes from urban and rural locations with a range of ages, household compositions, tenure and employment statuses.

³⁴ [Ethnicity and Housing in Scotland](#), Coalition for Racial Equality and Rights, July 2020

³⁵ [‘Generation rent’ and the ability to ‘settle down’: economic and geographical variation in young people’s housing transitions: Journal of Youth Studies: Vol 20 , No 1 - Get Access \(tandfonline.com\)](#)

³⁶ [RentBetter Baseline Full Reports | Rent Better \(indigohousegroup.com\)](#)

³⁷ [RentBetter Baseline Full Reports | Rent Better \(indigohousegroup.com\)](#)

³⁸ [Housing needs of minority ethnic groups: Evidence review \(www.gov.scot\), January 2021](#)

³⁹ [Housing needs of minority ethnic groups: Evidence review \(www.gov.scot\), January 2021 p31](#)

⁴⁰ [Minoritised ethnic access to social housing in Scotland at key transition points - Shelter Scotland](#)

Findings from this report included indications that, compared to white Scottish interviewees, a different set of drivers motivated ME interviewees to seek new housing, including changes to or difficulty in securing employment, fear of and experience of racial harassment including intergenerational impacts, poor housing conditions and lack of space.

The Scottish Government's Evidence review⁴¹ identified language barriers and awareness of rights as particular issues for minority ethnic groups. To advance equality of opportunity in the implementation of these measures care will be taken in producing guidance on new rights or existing legislation, and consideration will be given to using a range of appropriate, accessible and inclusive means and methods, including internet and social media in order to maximise understanding of changes.

Based on the information available, the impact in terms of the public sector equality duty in relation to race is considered to be neutral. However, we consider that converting 1988 Act tenancies should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

There is a requirement on Scottish Ministers to consult further on this proposal before laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Religion or belief

According to the 2022 Scottish Surveys Core Questions⁴², the most common religious designation across all housing tenures is 'no religion'. People who live in the private rented sector and social rented sector are more likely to identify as being 'Muslim' or 'other religion'⁴³ compared to those who own their homes outright and those who own their homes with a mortgage.

In 2018-2023, Muslim adults and adults identifying as 'other religion' were more likely to be in relative poverty (61% and 31% respectively) than adults overall (19%) and adults belonging to the Church of Scotland (16%), after housing costs were taken into account.⁴⁴

Based on the information available, the impact in terms of the public sector equality duty in relation to religion or belief is considered to be neutral.

However, we consider that converting 1988 Act tenancies should enable any remaining tenants with tenancies under the 1988 Act to benefit from the protections

⁴¹ [Housing needs of minority ethnic groups: evidence review - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/evidence-review-2022/pages/100-109.aspx)

⁴² [Supporting documents - Scottish Surveys Core Questions 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-surveys-core-questions-2022/pages/100-109.aspx)

⁴³ The 'Other' group includes Hindu, Buddhist, Pagan, Jewish, Sikh, and 'Another religion' responses

⁴⁴ [Poverty and Income Inequality Statistics March 2024](https://www.gov.scot/publications/poverty-and-income-inequality-statistics-march-2024/pages/100-109.aspx)

under the 2016 Act, along with the proposed protections in the Housing Bill, and reduce complexity and confusion in the sector.

There is a requirement on Scottish Ministers to consult further on this proposal before laying the regulations, and this will allow for a more detailed assessment of any potential impacts on landlords and/or tenants.

Recommendations and Conclusion

Whilst recognising that the data available does not provide a complete picture of the needs of those with protected characteristics, this assessment has considered the needs of these groups as fully as possible.

The overall assessment is that converting 1988 Act tenancies should benefit any remaining tenants with tenancies under the 1988 Act, by giving them access to the protections under the 2016 Act, along with the proposed protections in the Housing Bill. It will also reduce complexity and confusion in the sector, helping landlords and tenants to be more clear about their rights and responsibilities under housing law. We do not consider that this will introduce changes that directly or indirectly discriminate against those with protected characteristics.

Converting 1988 Act tenancies may be beneficial for certain tenants that belong to groups with protected characteristics including older people and children/younger people, disabled people and women who may be more likely to rent in the private sector.

As set out above, the evidence base around equalities characteristics among private landlords in Scotland is limited, although it may provide some indicative information about the Scottish sector. However, direct evidence has not been identified that indicates that landlords with protected characteristics will experience different impacts from the proposed measures to convert 1988 Act tenancies.

The requirement on Scottish Ministers to consult further on this proposal before laying regulations will allow for a more detailed assessment of any potential impacts on tenants or landlords as a result of protected characteristics.

It is recognised that the details of any change to 1988 Act tenancies will need to be communicated in a way which takes into account the differing needs of equality groups, and ensures that helpful information is accessible to all landlords and tenants. This may be particularly necessary to support some equalities groups, such as minority ethnic tenants, who, evidence suggests may in some cases face language barriers which impact awareness of their rights, and who may also be less comfortable challenging poor practices.



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