

The Housing (Scotland) Bill

Equality Impact Assessment - Results

June 2024

Equality Impact Assessment Results

Title of Policy:

The Housing (Scotland) Bill (“the Bill”)

Summary of aims and desired outcomes of Policy:

Further information about the background and the policy intention behind the Bill is set out in the Policy Memorandum which accompanies the Bill. The Bill, Policy Memorandum and other accompanying documents are available from the Scottish Parliament website¹.

Directorate:

Directorate for Local Government and Housing:

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¹ [Introduced | Scottish Parliament Website](#)

Executive summary

In developing this Equality Impact Assessment (“EQIA”), the Scottish Government carried out work to assess impacts and was mindful of the public sector equality duty – eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not. The evidence base for the following protected characteristics² was reviewed and assessed; age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief, and marriage and civil partnership. This document sets out a summary of the results in respect of the Bill.

The Scottish Government is mindful the equality duty is not just about negating or mitigating negative impacts, but that we also have a positive duty to promote equality. The Scottish Government has therefore sought to promote equality through the provisions within the Bill and this EQIA outlines how provisions could have a positive impact on one or more of the protected characteristics.

Background

The Bill is ambitious in responding to the need to improve the housing outcomes in Scotland for people who live mainly in rented accommodation or face homelessness. At the same time, it continues to safeguard the proportionate use of a landlord’s property for rental purposes, seeking to deliver a fair balance between protection for tenants and the rights of landlords.

The Bill contains a package of reforms which will help ensure people have a safe, secure, and affordable place to live. It also helps to deliver the Scottish Government’s ‘New Deal for Tenants’³ and some aspects of ‘Housing to 2040’⁴, while contributing to the ambition to end homelessness in Scotland.

Further information about the background and the policy intention behind the Bill is set out in the Policy Memorandum which accompanies the Bill. The Bill, Policy Memorandum and other accompanying documents are available from the Scottish Parliament website⁵. Where available, more detailed information has also been published on the assessment of policy specific impacts on the Scottish Government website. Links to those publications are included within this document under each specific policy.

The Bill content has been informed by significant public and stakeholder engagement, including but not limited to engagement with tenants; private and social landlords; housing investors; third sector organisations; local authorities; and public bodies. Policy proposals within the Bill have also been informed by engagement with six working groups; three public

² [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

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

⁴ [Housing to 2040 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

⁵ See footnote 1

consultations⁶; and a ‘Landlord and tenant engagement questionnaire on rented sector reform’⁷. Feedback provided throughout this engagement process has been considered within the EQIA.

Equality impacts have also specifically been discussed during engagement with stakeholders such as: people with lived experience, via the Change Team; and time-limited task and finish groups set up by the Homelessness Prevention and Strategy Group (HPSG).

Further information on our engagement is also set out within the Policy Memorandum.

The Scope of the EQIA

Potential impacts have been considered in the context of the public sector equality duty mentioned above. The intention of the Bill is to improve the housing outcomes in Scotland for people who live mainly in rented accommodation; or who are or at risk of homelessness. As a result, the Bill is anticipated to have a positive impact on all equality groups.

This EQIA has highlighted there may be greater positive impacts on some of people with protected characteristics. For example, in the case of the homelessness prevention measures, some people will be at greater risk of homelessness such as young people which may include but not be limited to LGBTI youth. Whilst recognising 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.

In all cases the impacts have been found to be neutral or none, or positive; and no negative impacts have been identified.

Key Findings

Key findings are set out below for provisions in the Bill and structured in the same way as the Policy Memorandum, i.e., broadly following the structure of the Bill.

Future regulations or other implementing measures mainly provide Scottish Ministers with the powers to make regulations. These provisions themselves have no immediate impact on people with protected characteristics (under the Equality Act 2010) and do not run the risk of discrimination; any potential impact would come at the later point when regulations are being made under the powers contained in the Bill.

Further assessment of the impact on those with protected characteristics will be carried out as part of process for the regulations. The Scottish Government will seek to promote equality at the appropriate time through provisions contained in any new measures or by the provision of appropriate support and guidance.

⁶ Consultations: [A New Deal for Tenants: consultation analysis - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2016/06/A_New_Deal_for_Tenants_consultation_analysis_-_gov.scot.pdf); [Prevention of homelessness duties: consultation - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2016/06/Prevention_of_homelessness_duties_consultation_-_gov.scot.pdf); and [Mobile homes pitch fees - annual uprating index: consultation - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2016/06/Mobile_homes_pitch_fees_-_annual_uprating_index_consultation_-_gov.scot.pdf)

⁷ [Landlord and tenant engagement questionnaire on rented sector reform - Scottish Government consultations - Citizen Space](http://www.gov.scot/resources/documents/2016/06/Landlord_and_tenant_engagement_questionnaire_on_rented_sector_reform_-_Scottish_Government_consultations_-_Citizen_Space.pdf)

Implementation of the measures within the Bill 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 i.e. both service users and providers. This may be particularly necessary to support some equalities groups, such as people who are of minority ethnic group, or people with a disability etc. This is because some people may in some cases face language barriers which impact awareness of their rights and they may also be less comfortable challenging poor practices. Ensuring good communication will help to deliver better implementation and outcomes for communities.

Part 1 - Rent (Chapter 1 designation of Rent control areas etc; and Chapter 2 rent control areas: Changes to the 2016 Act)

Rent Control - neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral. Overall results for rent control are that its introduction has the potential to benefit all tenants in areas where rents are controlled, and will not introduce changes that directly or indirectly discriminate against those with protected characteristics. Specifically, the introduction may be beneficial for certain people with protected characteristics who are more likely to rent in the private sector or who may experience more difficulty in affording rent costs such as older people, and children/younger people, people with disabilities, and women.

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 particular characteristics will experience different impacts from the proposed rent control legislation.

While the overall assessment of the impact of the introduction on rent control against the three elements of the public sector equality duty is neutral. Ultimately, the impact on landlords will depend on the design of the rent control measures applied. The rent control framework brought forward in the Bill has been designed with flexibility to allow the consideration of local circumstances as part of a cyclical review of conditions in each local authority area. The measures include a requirement for Scottish Ministers to consult persons representing the interests of tenants and landlords in any area proposed for rent control before rent control is introduced and the rent controls must be designed in a way that is necessary and proportionate in the local context to which they are applied, and take into account the likely impacts on landlords and tenants in that area.

Further information about the EQIA results for Rent Control is published on the Scottish Government website⁸.

⁸ [Rent control: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

Chapter 3 Other restrictions on rent increases

Preventing rents from being increased during the first 12 months of a Private Residential Tenancy - neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral. Overall for rent payable under a Private Residential Tenancy (PRT) not to be increased during the first 12 months of the tenancy will benefit all tenants entering into new tenancies in areas which are not rent control areas, and will not introduce changes that directly or indirectly discriminate against those with protected characteristics. Specifically, the introduction may be beneficial for certain people with protected characteristics who are more likely to rent in the private sector or who may experience more difficulty in affording rent costs such as older people, and children/younger people, people with disabilities, and women. These measures will therefore give them the security of knowing the rent they have agreed to at the start of the tenancy will not increase during the first 12 months.

Further information about the EQIA results for preventing rents from being increased during the first 12 months of a PRT is published on the Scottish Government website⁹.

Capping of Rent Increases on referral or appeal - neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral. This measure will affect all tenants with a PRT or an Assured Tenancy who are subject to a rent increase. It will have a generally positive impact on all tenants as it will remove the risk that seeking a review of a proposed rent increase might result in a rent being set above that proposed by the landlord, and may also be particularly beneficial for certain people with protected characteristics. For example, people with a disability, families with children, people from ethnic minorities may be more likely to be in poverty and have existing concerns about paying their rent.

Further information about the EQIA results for capping of rent increases on referral or appeal is published on the Scottish Government website¹⁰.

Part 2 - Dealing with evictions

Duties to consider delay to eviction - neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral. The measure increases protection for all residential tenants who are the subject of eviction proceedings. It does not introduce changes that directly or indirectly discriminate against those with protected characteristics. Provisions drafted explicitly highlight factors that the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) and Courts may wish to take into account in relation to the impact on both tenants and landlords.

⁹ [Frequency of rent increases in the private rented sector: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

¹⁰ [Capping of rent increases on referral or appeal: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

The particular circumstances that are to be taken into account in determining whether there should be a delay to the enforcement of an eviction may be particularly beneficial for some people with certain protected characteristics including older people, children and younger people, people with a disability and women.

Further information about the EQIA results for duties to consider delay to eviction is published on the Scottish Government website¹¹.

Damages for unlawful eviction - neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral. Overall this measure increases protection for all residential tenants who are the subject of an unlawful eviction. It does not introduce changes that directly or indirectly discriminate against those with protected characteristics. However, this measure may be particularly beneficial for certain people with protected characteristics who are more likely to be in poverty, for example disabled people, families with children, and people from ethnic minorities who may be least able to afford the costs of professional valuation under the current system.

By improving the way in which compensation can be awarded and the method of calculating the level of compensation it will make it easier and more attractive for tenants to challenge an unlawful eviction and receive compensation where an unlawful eviction is found to have occurred. This will also help to make it more difficult, expensive and risky for a landlord to pursue an unlawful eviction than going through the correct routes, acting as a potentially strong disincentive.

Further information about the EQIA results for damages for unlawful eviction is published on the Scottish Government website¹².

Part 3 Keeping pets and making changes to let property

Keeping pets – neutral and positive assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is both neutral and positive. Evidence suggests there will be a positive impact on fostering of good relations between different age groups as pet owners are more likely than non-pet owners to get to know people in their areas.

The reform may also be particularly beneficial for families experiencing domestic abuse who have to leave situations at short notice but find the accommodation they go to does not accept pets. More generally, the policy is likely to have a beneficial effect on all people with protected characteristics, allowing them to feel like their house is their home. Research also shows us that owning a pet comes with many benefits for health and wellbeing, whether it is

¹¹ [Evictions - duties to consider delay: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

¹² [Unlawful eviction damages: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

the companionship that pets provide, or the opportunity to get outdoors and meet other people.

Further information about the EQIA results for keeping pets is published on the Scottish Government website¹³.

Making changes to let property - neutral assessment result

Overall assessment results for making changes to let property has identified that new rights to give tenants greater flexibility to make changes to their rented home will have a neutral impact on people with protected characteristics in relation to the three aspects of the public sector equality duty.

We have identified this policy is likely to have a generally positive effect on all tenants including those with protected characteristics, allowing them greater control over their home. Research highlights the benefits that increased control to personalise their home can have on wellbeing and increasing the likelihood a tenant will look after the property.

Further information about the EQIA results for making changes to let property is published on the Scottish Government website¹⁴.

Part 4 Other matters relating to tenants

Unclaimed tenancy deposits - neutral assessment result

Overall, the assessment of measures to enable the transfer of unclaimed tenancy deposits to Scottish Ministers for reinvestment into the sector for the benefit of private tenants in relation to the public sector equality duty is neutral.

It has, however, been identified that introduction of the measures to use unclaimed funds to the benefit of tenants living in the private rented sector will have a generally beneficial effect for private tenants, including those with protected characteristics. This will include vulnerable groups who are more represented within the private rented sector or more prone to likely to experience poverty or homelessness within Scotland, including single parent families, tenants from ethnic minority groups, and tenants with a disability. Investment into the sector will also have the potential to positively impact young people, many of which are students.

Further information about the EQIA results for unclaimed tenancy deposits is published on the Scottish Government website¹⁵.

Registration of letting agents etc. - neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral. Overall registration of letting agents etc. will affect all

¹³ [Residential tenants keeping pets: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

¹⁴ [Making changes to let property: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

¹⁵ [Unclaimed tenancy deposits: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

tenants within the private residential sector as Scottish Ministers will have more accurate and up to date information on all persons who should be assessed in relation to an agent's application for registration. The measures also increase protection for all residential tenants by providing reassurance about the person they are letting property from.

It does not introduce a change in policy or direction; and will not directly or indirectly discriminate against those with protected characteristics. However, the measures are likely to have a positive impact on:

- younger people - it is believed they are more likely to use social media or the Internet to search for rental properties; and
- people with disabilities - as screen readers can be used to identify that a letting agent has a LARN and is therefore registered.

Further information about the EQIA results for registration of letting agents etc. is published on the Scottish Government website¹⁶.

Ending joint tenancies - neutral assessment result

Our overall assessment is that reform to how a joint tenancy can be ended in relation to the three aspects of the public sector equality duty is neutral.

This policy will be beneficial for all joint tenants allowing people to end a joint tenancy where other joint tenants are refusing to bring the tenancy to an end as a result of relationship breakdowns. It may also be particularly beneficial for certain joint tenants with protected characteristics. For example, for women who have to leave a tenancy where they experience domestic abuse, with tenancy obligations then having the potential to be used as a means of financial control. Stakeholder engagement also highlighted that victims of domestic abuse are also overwhelmed by the circumstances and making any legislation and guidance as easy to read as possible to help them navigate the system would be beneficial.

Additionally, this measure would have a positive effect on young people who are students entering into a joint tenancy to share costs but the relationship with flatmates breaks down and they cannot exit the tenancy and find they continue to be held liable for costs indefinitely.

Further information about the EQIA results for ending joint tenancies is published on the Scottish Government website¹⁷.

Social landlords: delivery of notices etc. - neutral assessment result

Overall, the assessment of making some changes to the way in which notices and other documents may be given to a person under Chapter 1 of Part 2 of the Housing (Scotland)

¹⁶ [Letting agents registration: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

¹⁷ [Ending joint tenancies: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

Act 2001 in connection with Scottish secure tenancies indicates the impact of this provision on the three aspects of the public sector equality duty is neutral.

The minor modification does not represent a change in policy or direction and will not directly or indirectly discriminate against those with protected characteristics. It is, however, likely to have a beneficial impact on all tenants, including those with protected characteristics, as provisions in the Bill make minor changes to reflect modern mail delivery methods or widely used electronic delivery methods such as email or secure access tenancy management IT systems.

Converting older tenancies - neutral assessment result

Overall assessment results are that converting Housing (Scotland) Act 1988 (1988 Act) tenancies should benefit any remaining tenants with tenancies under the 1988 Act, by giving them access to the protections under the Private Housing (Tenancies) (Scotland) Act 2016, along with the proposed protections in the Bill. It will also reduce complexity and confusion in the sector, helping landlords and tenants to be clearer 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 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.

Further information about the EQIA results for converting older tenancies is published on the Scottish Government website¹⁸.

Part 5 Homelessness prevention

Homelessness prevention (including duties of relevant bodies; and assessment of housing support services) - Positive and neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is both neutral and positive. The introduction of homelessness prevention duties has the potential to benefit all people who may find themselves homeless or at risk of homelessness and will not introduce changes that directly or indirectly discriminate against people with protected characteristics.

We have identified that our gendered approach to policy may have a positive effect on women, whose routes into housing instability and homelessness differ from men's. The legislation could be helpful to expand opportunities to women who are single parents, or parents of young children, and the duty on social landlords to have a Domestic Abuse Policy could mean that women experiencing domestic abuse can be supported by their landlord to sustain their tenancy or to move to a more appropriate one.

¹⁸ [Converting tenancies made under the Housing \(Scotland\) Act 1988: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

The policy may particularly benefit individuals who are more likely to be ‘hidden homeless’ such as LGBTI youth, as well as care experienced young people through early engagement with and intervention by relevant bodies.

Further information about the EQIA results for homelessness prevention is published on the Scottish Government website¹⁹.

Tenants affected by domestic abuse (Social landlords: pre-action requirements where domestic abuse is a factor in rent arrears) – neutral assessment result

The assessment indicates the impact of this policy measure on the three aspects of the public sector equality duty is neutral, the measure increases protection for all social housing tenants where rent arrears have accrued because of domestic abuse financial control who may be the subject of eviction proceedings. It does not introduce changes that directly or indirectly discriminate against those with protected characteristics.

Active consideration by social landlords of the effect of domestic abuse on the accrual of rent arrears may be particularly beneficial for certain equality groups including women with or without children, disabled tenants, and LGBTI young people who find themselves in rent arrears, and who may be facing the prospect of eviction action in Court as a result of domestic abuse financial control.

Further information about the EQIA results for tenants affected by domestic abuse is published on the Scottish Government website²⁰.

Part 6 Other housing matters

Mobile homes - Positive assessment result

The assessment found that the change from the Retail Prices Index (RPI) to Consumer Prices Index (CPI) for pitch fee uprating under the Mobile Homes Act 1983 (1983 Act) is likely to have a minor positive impact in terms of advancing equality of opportunity. RPI is no longer considered to be a robust measure of inflation²¹ and the measure intends to ensure that protections relating to pitch fee uprating remain fair, appropriate and in line with development of statistical measures of inflation. It will affect residents on sites with permanent residential licences and Gypsy/Travellers on Local Authority sites.

The assessment indicates that the change from RPI to CPI for pitch fee uprating would directly positively impact on people with protected characteristics of age, disability and race because mobile home residents are more likely to be older people, people with disabilities and Gypsy/Travellers²². Evidence suggests that these groups may also be more at risk of

¹⁹ [Homelessness prevention duties: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

²⁰ [Social landlords - pre-action requirement where domestic abuse is a factor in rent arrears: equality impact assessment results \(www.gov.scot\)](http://www.gov.scot)

²¹ [Shortcomings of the Retail Prices Index as a measure of inflation - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

²² [About | Centre on the Dynamics of Ethnicity | The University of Manchester](https://www.evens.ac.uk) EVENS is a population level survey with a sample of 14,200 participants, of whom 9,700 identify as members of ethnic and religious minority groups

experiencing poverty²³ ²⁴ and/or be on a fixed income. Over the long term (1989-2023), RPI is a little under one percentage point higher, as well as being more volatile than CPI. As a result, pitch fees are likely to increase more slowly than they would have done without the change, impacting on disposable income. The move to CPI will also mean that pitch fee increases will align with pension and benefit increases, which are uprated by CPI. As CPI is used for pitch fee uprating in the rest of the UK there will be equal treatment of residents in England, Scotland and Wales.

There are no different considerations identified for Gypsy/Traveller sites. In practice, this benefit may not be felt by Gypsy/Travellers on public sites as Councils already generally use CPI as a measure in calculating rent increases. However, this group would be protected should Council practices change in future.

The Bill also adjusts section 5 of the 1983 Act to remove outdated references to gypsy and traveller sites that are no longer needed in consequence of previous changes to the law in relation to these sites. This is essentially a technical change which does not impact on the rights of residents.

Further information about the EQIA results for provisions on mobile homes is published on the Scottish Government website²⁵.

Fuel poverty - 'none' assessment result

Overall assessment results are that measures amending the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 to strengthen current governance have no impact on the policy direction and do not have an impact on the three aspects of the public sector equality duty.

The operational measures have the potential to strengthen engagement and it will be important to ensure we undertake a proportionate level of consultation as part of the periodic reporting process and any future strategy review.

New homes ombudsman – 'none' assessment result

The assessment of this policy on the three aspects of the public sector equality duty indicates that 'none' will be impacted. Section 51 is a minor provision which enables the Scottish Public Services Ombudsman to share information with the UK New Homes Ombudsman, when established. It was screened as having no direct or indirect impact on equalities and will not affect people with protected characteristics.

²³ [8: Socioeconomic circumstances in: Racism and Ethnic Inequality in a Time of Crisis \(bristoluniversitypressdigital.com\)](https://bristoluniversitypressdigital.com)

²⁴ [Gypsy/Travellers in Scotland - A Comprehensive Analysis of the 2011 Census - gov.scot \(www.gov.scot\)](https://www.gov.scot)

²⁵ [Mobile homes - pitch fee uprating: equality impact assessment results \(www.gov.scot\)](https://www.gov.scot)

Recommendations and Conclusions

The evidence collected indicates the Bill is not likely to have adverse impacts on those with protected characteristics. This is seen as all impacts above have been found to be neutral or none, or positive; and no negative impacts have been identified. It is anticipated that, in general terms, the Bill will have a positive impact on all equality groups.

The Scottish Government recognises that future regulations made under these powers could have an impact on people with protected characteristics and it is highlighted that such regulations would be accompanied by an EQIA which will provide a more detailed assessment of the likely impacts arising at that time.

Officials will, when delivering the measures within the Bill, strive to communicate the provisions in a clear and effective manner which takes into account the differing needs of equality groups and ensures that information is accessible to all i.e. both service users and providers.

It is also recognised that it might be necessary to revisit one or multiple EQIAs to take account of any changes to Bill provisions resulting from the parliamentary scrutiny process. As a consequence, the individual policy EQIAs will become living documents requiring review and updating as needed.



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