



What you need to know: Coronavirus (Scotland) (No.2) Bill 2020

Background

The UK Government passed the [Coronavirus Act 2020](#) on 25 March introducing powers to close some businesses and limit people leaving their homes for non-essential journeys and gatherings across the UK. The Scottish Government subsequently introduced the [Coronavirus \(Scotland\) Act 2020](#) which was passed on 1 April 2020 and included specific powers in Scotland, including measures to delay evictions for most renters for at least six months. You can read more about it in this [CIH briefing](#).

On 20 May, the Scottish Parliament passed another piece of emergency legislation, the [Coronavirus \(Scotland\) \(No.2\) Bill 2020](#) (the Bill). It will automatically expire on 30 September unless Ministers decide to extend by six months. They may make a further extension to 30 September 2021 at the latest.

This briefing covers the main new housing provisions in the Bill - rights for students to terminate tenancies in purpose built student accommodation (PBSA) and pre-action requirements for private landlords seeking an eviction - as well as some of the other measures relevant to the housing sector.

Students' right to terminate

Many students have been unable to continue their studies because of Coronavirus and have chosen to move back home. Most students renting in the mainstream private rented sector (PRS) have been able to terminate their lease earlier than planned by giving 28 days' notice to their landlord. However, this has not been the case for all students living in PBSA and many have faced paying rent on accommodation they cannot use.

Existing tenancies

While some PBSA landlords have been working with students and allowed agreements to be terminated early, it appears that some have not. The Bill will allow students who entered into agreements before the Bill comes into force to give seven days' notice to end their tenancy.

New tenancies

There has also been some concern about students

being able to secure accommodation for the next academic year. The Bill therefore will also allow a student who has signed a new lease during the outbreak and then finds they do not need it (for example, if colleges and universities remain closed longer than expected) to terminate the tenancy by giving 28 days' notice.

New pre-action requirements

The Coronavirus (Scotland) Act 2020 protected tenants from eviction by increasing the notice period for most evictions to six months, except in certain circumstances such as cases involving criminal or antisocial behaviour or where the property had been abandoned where less notice is required.

While the housing sector welcomed the principle that no tenant should be evicted through no fault of their own during the Coronavirus outbreak, there has been some concern that the measures introduced will just delay evictions and lead to significant increases in notices being issued to private tenants when the First Tier Tribunal begins hearing cases again.

The Bill introduces pre-action requirements for evictions for arrears accrued in full or in part while the Bill is in force. It covers assured and short assured tenancies and the new private residential tenancy.

The requirements will be set out in regulations but the Bill suggests these could include the landlord providing information to their tenant and a requirement to seek to reach an agreement for repaying arrears or any other debts associated with the tenancy.

The First Tier Tribunal will have to assess the extent to which any pre-action requirements were met before the landlord applied for the eviction order.

Other measures in the Bill

Emergency powers over care homes

Health Boards will be able to direct care home providers to take steps to reduce risks to the health of residents where this is deemed necessary. For example, this could include



specifying cleaning that must take place. The Bill also includes powers for the Health Board to enforce a direction if it is not carried out by the provider. Ministers will also be able to apply for a court order to appoint a manager in exceptional cases or appoint a health body to purchase a care home which is in severe financial difficulty, is unable to provide services and the safety of residents is at risk.

Extension of accounts for social landlords

The deadline for reporting on the 2019/20 period as per the [Housing \(Scotland\) Act 2010](#), has been increased from six to nine months.

Extension to modification of local connection referrals

In November 2019, the Scottish Government brought Section 8 of the [Homelessness etc. \(Scotland\) Act 2003](#) into force with the intention of restricting referrals of homeless households to other local authority areas. In order to make use of the power, Ministers must consult and publish a statement setting out how local connection referrals are to be modified within 12 months.

Given that local authorities, homeless organisations and others who would be contributing to the statutory consultation are focussing resources on Coronavirus mitigation, the timescale for publication of the statement has been extended to 18 months and may be extended by a further six months if necessary.

Consent for listed buildings and conservation areas

Because most construction work has been stopped due to Coronavirus, permission for work on listed buildings and in conservation areas may lapse before work can be carried out. The Bill extends consent for work that would be due to lapse before 6 October 2020 by six months to 6 April 2021.

Extension of time to claim back Land and Building Transaction Tax (LBTT) Additional Dwelling Supplement (ADS)

When purchasing a second home over £40,000, the buyer has to pay ADS of 4% of the value of the property on top of any LBTT due. In recognition that some people may purchase a second home before they have been able to sell their existing home, the buyer can claim back the ADS if they sell their first home within 18 months of purchasing their second home.

Given that the housing market has been significantly impacted by Coronavirus and transactions have reduced significantly, the time allowed to sell an existing home and claim back ADS will be extended to 36 months.