



The Scottish Parliament  
Pàrlamaid na h-Alba

## Delegated Powers and Law Reform Committee

Shirley-Anne Somerville MSP  
Cabinet Secretary for Social Justice

*By email*

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15 May 2024

Dear Cabinet Secretary

### **Renters (Reform) Bill**

At the meeting of the Delegated Powers and Law Reform Committee on Tuesday, 14 May, the Committee considered the delegated powers exercisable within devolved competence in the above UK Bill, as referred to in the [Legislative Consent Memorandum](#) (“the LCM”) lodged on 1 May.

Following the Committee’s consideration of the LCM, it agreed to request further information in relation to the following clauses:

#### Clause 50<sup>1</sup> : Power of the Scottish Ministers to protect others

The Committee noted that this is a wide power which would allow the Scottish Ministers to extend the protection afforded against blanket bans for those with children or those in receipt of benefits by private landlords or letting agents to any description of persons, and to create corresponding criminal offences. Regulations under the power may also modify the protection provided by the current Bill, so any new offences provided for may not be in the same terms as those in the Bill.

The Committee noted that the DPM states that any future extensions will be subject to a strong evidence base, careful scrutiny, and broad consensus. The LCM does not provide any additional detail on the Scottish Government’s intentions regarding use of the power. The Committee noted there is no statutory requirement to consult before exercising the power.

The Committee therefore asks the Scottish Government **about its plans for consultation on any exercise of this power given it enables the extension of**

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<sup>1</sup> Described as Clause Gov NC21 in the LCM



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**criminal offences, and what consideration it has given to asking the UK Government to add any such requirement on the face of the Bill?**

Clause 135: Power of the Secretary of State to make consequential provision

The Committee noted that the power in clause 135 appears to overlap with the power in clause 134. Specifically, it appears to confer a concurrent power on the Secretary of State to make provision which could also be made by the Scottish Ministers under clause 134, consequential on provision in Chapter 5 of Part 1 of the Bill. However, neither the DPM nor the LCM mention the concurrent nature of the power.

The Committee therefore asks the Scottish Government:

- **whether it agrees that clause 135 enables the Secretary of State to make provision within the legislative competence of the Scottish Parliament which could also be made by the Scottish Ministers under clause 134, meaning that the two powers are exercisable concurrently; and**
- **why it considers this to be appropriate, noting that the substantive powers in Chapter 5 of Part 1, insofar as exercisable within the Scottish Parliament's legislative competence, are exercisable by the Scottish Ministers alone?**

I would be grateful if you could please email your response to the Committee's questions to [dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot) by **Wednesday, 22 May**.

Yours sincerely

Stuart McMillan MSP  
Convener of the Delegated Powers and Law Reform Committee