

Delegated Powers and Law Reform Committee
Tuesday, 11th June 2024
20th Meeting, 2024 (Session 6)

Instrument Responses

Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024 (Re-laid SSI 2024/Draft)

On Thursday 23rd May, the Committee asked the Scottish Government:

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022/32 inserted the words “unless the tenancy is a short-term let” into section 12(1)(f) of the Housing (Scotland) Act 2006, with the effect that the repairing standard duty: (1) did apply to short-term lets as defined in the 2022 Order; but (2) did not apply to “a tenancy of a house which does not exceed 31 days where the purpose of the tenancy is to confer on the tenant the right to occupy the house for a holiday” which was not a short-term let as defined in the 2022 Order. The effect of the present instrument now removing (f) in its entirety is that the repairing standard will now apply to these ‘31-day holiday lets’, whereas before they were exempt. The Explanatory Note and Policy Note state that this amendment is to make it clearer that the repairing standard applies to short-term lets, but they do not mention that the ‘31-day holiday let’ exemption is being removed.

1. Could confirmation be provided that the removal of the “31-day holiday let” exemption is in line with the policy intention?
2. Please confirm whether any corrective action is proposed, and if so, what action and when.

On Friday 31st May, the Scottish Government responded:

1. The Scottish Government confirms that the policy intention is to ensure that lets which are short-term lets within the definition set out in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 are subject to the repairing standard. It is not the intention for holiday lets outside those subject to the short-term licensing regime to be caught. Arguably the provision as drafted may be interpreted as applying the repairing standard to other types of holiday lets.
2. In order to ensure that other types of holiday lets, which fall outside the short-term let licensing regime, are not captured by the changes made by the Amendment Order, the Scottish Government intends to withdraw and re-lay the instrument with the necessary changes. This is being done as a matter of urgency and it is hoped that this will not impact the timetabling of this SSI.