



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01756

Name of petitioner

James Mackie

Petition title

Review current housing legislation to protect people experiencing domestic or elder abuse

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review current housing legislation in circumstances where a non-tenant has been responsible for domestic or elder abuse.

Action taken to resolve issues of concern before submitting the petition

I have discussed this issue with my local councillors, MSPs and Police Scotland.

Petition background information

Domestic violence and elder abuse are major problems in Scotland.

Current housing legislation is making it harder to protect families and older people from this. In some circumstances, it allows a resident who has lived in a property for a short period of time (and who is not on the tenancy agreement) a right to continue living in the property.

Under that same legislation, should the tenant wish to have the non-tenant leave the property, they may have to apply to the Courts effectively for an eviction notice. This takes time and money.

Prior to this legislation being changed, where a non-tenant resident was a threat to the tenant and other family members, the tenant could ask the non-tenant resident to leave the house without any notice.

If the non-tenant refused to leave the property, the police had the power to ask that person to leave at the request of the tenant. Refusal to do so was often seen as a breach of the peace and the person refusing to leave could be apprehended and removed from the property.

It is widely accepted that children's exposure to domestic violence and abuse can be a serious threat to their welfare. It can leave a child with an adverse childhood experience and other traumatic symptoms.

Where a parent (especially a mother) does not have the remedy of an abuser being forced to leave the house, the parent runs a high risk of the children being taken into care.

Changing the law would also offer additional protection to those experiencing elder abuse, e.g. where an adult child still living with their parents, bullies, intimidates or physically abuses them.

Often the only option available to tenants living with a person causing domestic or elder abuse is to leave the house and declare themselves homeless.

At a time when rented accommodation in Scotland is in short supply, this can place added pressure on local authorities. It can also have a personal impact, for example, where young children are forced to change schools due to the location and/or availability of emergency accommodation.

Amending housing legislation to allow some non-tenants a legal right of residency has led to severe hardship for those experiencing domestic and elder abuse and has put them in danger. Tenants should have the right to say who can live in their house.

I am therefore calling upon the Scottish Government to carry out an urgent review of this legislation.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01756>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

23 / 10 / 2019

Comments to stimulate online discussion

• Should tenants have the right to ask partners or other family members to leave a property when there has been a history of domestic or elder abuse?

