

# Compulsory Purchase Reform in Scotland

## Scottish Empty Homes Partnership: Consultation Response December 2025

**We are in the grip of a housing emergency.** 2.3 million people across Scotland are without a secure place to call home<sup>1</sup>, the number of households in temporary accommodation is at a 22-year high<sup>2</sup>, and 43 children are made homeless every day<sup>3</sup>. Meanwhile, figures published by the Government in December 2024 revealed **43,538 empty homes across Scotland**, including 31,596 'long-term empty' homes<sup>4</sup>.

At Shelter Scotland we are demanding **a new generation of social homes**, one that can help secure a safe, secure home for everyone. While empty homes are not a substitute for housebuilding, returning properties to use is often quicker, greener, and cheaper than building from scratch, making Scotland's empty homes a vital part of fighting the housing emergency.

The Government is right that Scotland's compulsory purchase system is outdated, complicated, and underutilised, and we welcome the news of a proactive and comprehensive approach to reform. However, a *truly* comprehensive approach must recognise that **not all compulsory purchase is the same**.

Compulsory Purchase Orders (CPOs) used on empty homes must function very differently from most other CPO cases: often involving no displacement, working at a small-scale, and only arising as a last resort following failed attempts to have the homeowner bring the home back into use voluntarily. Instead of forming part of a wider infrastructure or development project, empty home CPOs are attempting to turn individual neglected assets back into homes during a housing emergency. As such, having them follow the same complex, compensation-heavy process as a new motorway is making this vital action on housing supply slower, riskier, and often completely unviable.

In this response, we support the Government's proposal to consolidate and update compulsory purchase legislation, and argue for:

1. Specific, explicit provisions for empty homes;
2. Effective information, inspection, and action powers for councils;
3. Compensation rules that ensure the public aren't made to subsidise long-term neglect or speculative property vacancy; and
4. The introduction of Compulsory Sales Orders (CSOs) and Compulsory Lease Orders (CLOs) as part of a coherent toolkit for tackling long-term vacancy and dereliction in Scotland.

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<sup>1</sup> YouGov data, commissioned by Shelter Scotland in 2025.

<sup>2</sup> <https://www.insidehousing.co.uk/news/number-of-homeless-people-in-temporary-accommodation-in-scotland-hits-22-year-high-90367>

<sup>3</sup> [Shelter Scotland's strategic plan 2025-2029 - Shelter Scotland](#)

<sup>4</sup> Residential properties, liable for council tax, that have been empty for over a year.

# Executive Summary

Scotland faces a prolonged and dramatic housing emergency: one that is damaging lives, undermining communities, and weakening growth. There are 110,000 households on council housing waitlists across the country, and every 15 minutes a household is made homeless. Meanwhile, over 31,500 residential properties have sat empty for over a year.

Empty homes are not a 'silver bullet', and must form part of a broader programme of housebuilding and housing rights, but they are on average a faster, cheaper, and greener way of delivering housing. As such, making it easier to bring empty homes back into use is particularly important in the context of constrained local finances and the need to reduce reliance on temporary accommodation.

We're happy to see the Government's consultation on CPOs and related powers, and trust it will lead to the significant reform it sets out to achieve. This response focuses on the parts of the consultation most relevant to tackling long-term empty homes - an area where current CPO legislation is too slow, complex, and inflexible to meet the urgency of the housing emergency.

## Structure and Enabling Powers (1, 4)

We agree that current legislation leads to an underutilisation of CPOs, and support the adoption of a single, modern statute. However, that statute must include **a distinct and explicit chapter for empty homes work**. This would reflect the uniqueness of empty homes among wider CPO work, including:

1. The focus on individual dwellings over larger works;
2. Properties being unused/unoccupied by definition;
3. Owners often being unknown or untraceable, making CPOs impossible; and
4. Extensive and unsuccessful prior engagement and support from Empty Homes Officers (EHOs).

Under the current framework councils may have sufficient powers *in principle*, but in practice CPOs come with unnecessary and significant cost, time, capacity, and risk barriers. Without clearer, specific pathways and supporting guidance, CPOs will continue to be an underutilised last resort rather than a meaningful tool for responding to Scotland's housing emergency.

## Information and Pre-Acquisition Powers (6, 8, 11, 12)

Local authorities cannot act effectively on long-term empty homes without sufficient information and investigatory powers. We therefore support, in the context of empty homes:

1. A general power of temporary possession to inspect and address immediate safety issues;
2. A general pre-CPO power of entry for surveys and urgent safety works;
3. Greater use of back-to-back CPOs where appropriate (and with social housing guarantees);
4. A general power to require specified parties to provide information on ownership and other interests around empty homes.

These powers should complement (rather than replace) the strong emphasis on voluntary engagement that underpins much of the work done by SEHP and Scotland's EHOs, and would be useful backstops when all voluntary routes have been exhausted.

### **Timeliness and Decision-Making (24, 33, 35)**

Both the urgency of the housing emergency and the potential for further deterioration of properties mean that new legislation should work to avoid delays or lengthy CPO processes around empty homes. As such, we support:

1. Introducing a statutory time limit (for example 12 weeks) for referring opposed CPOs to a Reporter after the close of objections, with scope for extension in specific cases;
2. Enabling local authorities to confirm unopposed CPOs in appropriate cases, particularly routine empty homes acquisitions (with right of appeal for affected owners); and,
3. Empowering Reporters to determine routine CPOs under published criteria.

### **Compensation and Finances (65, 66, 81, 101)**

We accept that compensation should broadly reflect the principle of equivalence detailed in the consultation paper. However, its use should be updated in the name of fairness and the public interest. For empty homes cases specifically, we advocate:

1. Stronger powers to exclude 'hope value' and focus on a property's existing use and condition;
2. Clearer guidelines to ensure value arising from public investment in an empty property isn't used to reward neglectful owners;
3. Clearer powers for councils to make discretionary advance payments in cases of hardship; and,
4. Excluding empty homes from any expansion of disturbance compensation for non-occupier owners.

The public should not be required to subsidise long-term vacancy and neglect during a housing emergency. For CPOs to operate fairly, and to ensure maximum effect from spending on empty homes, regulation must ensure we do not reward people for property they would otherwise leave to decay.

### **Compulsory Sale and Lease Orders (106-117)**

We support the introduction of CSOs and CLOs as part of a wider compulsory powers toolkit, building on our [previous report to the Scottish Government](#):

- CSOs would allow councils to require the sale of a long-term empty or derelict home where voluntary engagement and existing powers have failed, but where a CPO is impractical.
- CLOs would allow councils or RSLs to lease long-term empty properties and carry out necessary works without removing ownership from the 'landlord'. This could be particularly valuable for tackling vacancies in areas of high housing need and reducing reliance on temporary accommodation.

# Detailed Response by Consultation Question

## **1: Do you agree that legislation governing compulsory purchase procedures and compensation in Scotland should be brought into a single statute?**

Yes; a single statute (with up-to-date guidance) would be a significant step towards broader CPO use. However, the 'comprehensive' approach detailed in the consultation papers must recognise empty homes as a distinct category within the legislation. This includes clarifying that principles developed around large infrastructure/regeneration projects are not always appropriate for long-term empty homes, and providing a dedicated chapter or procedural pathway in the statute. Until the differences facing empty homes CPOs are reflected in specific legislation, they will continue to be underutilised.

## **4: Are local authorities' compulsory purchase powers (set out on page 13-14) sufficiently broad to cover the circumstances in which they may need to compulsorily acquire land in carrying out their statutory functions?**

In principle yes. However, a lack of specificity in their powers means many councils (if not all councils) underutilise compulsory purchase. The Government's assessment of CPOs appearing too 'complex, legalistic, and time-consuming' to many local authorities is in line with SEHP's own research and engagement experience. For many councils, CPOs entail legal/financial input beyond allocated resources, long and uncertain timescales, and a significant financial risk. This often leaves authorities facing a difficult choice: do they invest a large share of their limited budgets in acquiring neglected properties, or leave the properties to deteriorate further?

Neither outcome is satisfactory in the context of a housing emergency. As such, we reassert the need for distinct legislation and procedures regarding empty homes in CPO reform. This includes clarifying how existing powers should be interpreted in an empty homes context, reinforcing that empty homes are a legitimate and important focus for CPO (aligned with housing and regeneration powers), and ensuring that compensation rules don't make CPOs financially unrealistic for local authorities.

## **6: Should there be a general power for acquiring authorities to seek temporary possession of land?**

Yes. This would be of particular value in the context of empty homes, where councils often need to assess viability for re-use and address immediate health and safety risks (e.g. unsecured openings, structural defects, or infestations). Providing an intermediate step before full acquisition may also encourage more proactive powers use among councils, and could mirror Empty Dwelling Management Orders already being used to bring homes back into use in England and Wales. We would also support clear, issue-specific criteria for when temporary possession of land could be sought.

## **8: How might the use of back-to-back CPOs be further encouraged?**

To further encourage back-to-back CPOs, the Government should:

- Recognise back-to-back acquisitions for social/affordable housing use in legislation/guidance;

- Develop model agreements and standard legal templates, potentially drawing on the success of back-to-back CPOs in restoring empty homes in Glasgow;
- Ensure that CPOs used to deliver social housing are eligible for relevant capital funding programmes, and provide advice to councils and EHOs on acquiring those funds;
- Provide financial advice and support to councils and social landlords for projects that would explore potential partnerships in the hopes of encouraging back-to-back CPOs; and,
- Emphasise the importance of guarantees that back-to-back CPO use results in social housing.

**11: Would it be helpful to introduce a general power for acquiring authorities to require specified parties to provide information about ownership, occupation and other interests in land? Please explain your views.**

We support the introduction of powers for councils to require specific parties to provide information about ownership, occupation and other interest, either through general powers for acquiring authorities or specific powers for empty home CPOs. Given the lack of occupiers by definition and the potential for unresponsive or unidentified owners to extend the time a home stays empty, these powers could be key to preventing further housing deterioration and bringing stock back into use. Furthermore, there should be explicit routes for councils to continue with compulsory acquisition in instances where owners are still not identifiable.

**12: Do you agree that acquiring authorities should have a general power of entry prior to the making of a CPO for the purposes of surveying etc?**

We would support power of entry prior to the making of a CPO in the name of surveying, valuation, and urgent works – as well as for councils carrying out empty home CPO processes to claim back costs of urgent works against any compensation. While existing environmental health or building standards cover some situations, a CPO-linked power of entry (subject to safeguards) would allow councils to make better informed decisions around their interventions in specific empty home cases. These powers would need conditions (including notice requirements, limits on purposes, and clear record-keeping and accountability), but in general could allow early inspections that protect both public safety and the value of the property.

**24: Should there be a statutory time period within which an opposed CPO should be referred to a Reporter after it has been submitted for confirmation? If not, please explain your reasons.**

Yes. Uncertainty and delay in handling opposed CPOs can undermine confidence and increase costs for all parties, while allowing empty homes to further deteriorate. However, there should be provision for extensions in exceptional circumstances.

**33: Should acquiring authorities be empowered to confirm unopposed CPOs?**

Yes. Requiring Ministerial confirmation in all cases can add unnecessary delay and administrative burdens, particularly where a property is unoccupied, public interest is clear, and no objections have

been lodged. In an empty homes context this would shorten timelines and reduce uncertainty, allowing CPOs to be used with more confidence.

**35: Should Reporters be empowered to take CPO decisions, subject to published criteria regarding delegation by Scottish Ministers? Please explain your views.**

Yes. Delegation by Ministers on CPO decisions can improve timeliness and consistency, and focus Ministerial attention on complex cases. In the context of empty homes, Reporter-level decisions would be particularly appropriate where:

- Properties are long-term empty (and therefore unoccupied);
- Owners are unidentifiable or have refused to engage with voluntary processes for returning a home to use;
- Acquisition is clearly aligned with local housing policy; and,
- Objections raise no novel legal or human rights issues.

**65: Do you agree that compulsory purchase compensation in Scotland should continue to be based on the principle of equivalence? If not, please explain your reasons.**

Yes, but with careful application and special considerations around empty homes CPOs. In particular, the Government should be careful not to create situations where local authorities are effectively required to use public funds to cover the consequences of sustained neglect or unsuccessful property speculation – especially in a housing emergency. This may require specific provisions in the new statute clarifying how equivalence should be applied in empty homes contexts, and enabling local authorities to recuperate any urgent works that have had to be carried out on an empty home.

**66: Should compensation for land acquired compulsorily continue to be based on an assessment of its market value (disregarding increases/decreases attributable to the CPO scheme)? Please note that the following questions consider potential exceptions to this approach.**

While understanding the continued use of market value as a general basis for compensation, there should be specific considerations made for empty homes, namely:

1. Acquiring authorities/Reporters/Ministers should have stronger powers to disregard 'hope value', given the property's status as an empty home and the need to avoid public funds rewarding the neglect of a house during a housing emergency.
2. Guidelines must emphasise that valuations should be based on current condition and lawful use: as an empty home is currently long-term vacant, this should carry greater weight than any original or speculative value.

The Levelling Up and Regeneration Act 2023 provided Ministers in England and Wales to disregard hope value in certain schemes, including for the delivery of affordable housing. Scotland must at least go this far, but should also go further in designing a clearer, targeted approach for requisitioning and reintroducing empty homes. This would mean that, where an owner has left a property empty for a

sustained period and any uplift in value is dependent on public or community action, compensation reflects reality rather than rewarding inactivity.

**81: Should owners who do not occupy the property be able to claim a wider range of disturbance compensation than at present?**

It is essential that non-occupier owners of empty homes are not entitled to claim 'disturbance' compensation. This again shows the need for separate, specific empty homes legislation to avoid local authorities either underutilising CPOs or rewarding neglectful or speculative owners of empty homes.

**101: Are any new powers needed to enable acquiring authorities to make discretionary advance payments, if one is sought before they take possession?**

Yes. While we must avoid rewarding neglect or speculation during a housing emergency, we must also recognise the difficult personal circumstances that can create empty homes and the needs of homeowners in hardship. We support clear powers to make discretionary advanced payments, believing it would help CPO processes better match existing support-first EHO/SEHP approaches.

**106: Should local authorities be able to instruct the sale of a property without permission from the property owner? Please explain your reasons.**

Yes, we support the introduction of CSOs (and CLOs) as part of a wider compulsory powers toolkit. As indicated by our [previous report to the Scottish Government](#), CSOs would allow councils to require the sale of a long-term empty or derelict home where:

1. The obstacle to the property's use as a home is its ownership;
2. Voluntary efforts and existing powers have failed to bring the property back to use; and,
3. A CPO is not viable.

Our research suggests that this would apply to a large enough number of empty homes to make CSOs an effective tool in bringing homes back into use and combatting Scotland's housing crisis.

**107: In what circumstances might compulsory sale be justified, and what benefits or drawbacks might there be?**

SEHP's work with local authorities shows clearly that there is a category of long-term empty home where CSOs are not viable (e.g. due to lack of council resources or an empty home is both a blight to the community but unsuitable as social housing), but where inaction means continued neighbourhood issues and wasted housing potential. We therefore support legislation enabling local authorities to instruct the sale of a property via CSO, particularly where:

- Properties are long-term empty and/or causing harm to neighbours or the wider community (e.g. damp, vermin, blocked common repairs, debt to public bodies);
- Voluntary routes (e.g. advice, support, incentives, negotiations) have been exhausted. For example if the owner cannot be traced, is non-responsive, or repeatedly fails to act.

- CPO use would be impractical or poor value. For example if there was no social landlord willing to enter a back-to-back CPO agreement, or if the property was in such poor condition that repair would divert resources away from better value social housing provision.
- There is a clear public interest case for a change in ownership, and it is likely that bringing in a new owner (with clear end-use expectations) will unlock the property as a home.

Our [CSO workshops](#) and broader advice work has identified potential benefits including:

- Unlocking 'no-hope' empty homes cases where councils are currently doing nothing because existing powers aren't sufficient.
- Creating a structure that prevents ownership passing through councils, avoiding local authorities taking on unsellable or high-risk properties.
- Protecting social housing budgets by allowing local authorities to focus on CPOs for properties clearly suitable as social or affordable housing, while CSOs help with more problematic cases.
- Creating the idea of a 'real last resort' to reinforce the credibility of empty homes enforcement work in Scotland.

However, risks associated with CSOs could include:

- Unsold properties left in 'limbo' post-auction.
- The potential of weak 'end-use control'. If conditions are too loose, properties may be bought for uses that do not meet local housing need (though if conditions are too strict, sales may fail).
- Potential burdens to councils, who may have to take on similar administrative and legal burdens as for CPOs but would not acquire an asset in return.
- A risk that councils use CSOs in lieu of CPOs and unnecessarily reduce public housing stock.

However, we believe that these issues point to the need for designing CSO legislation carefully rather than abandoning it. If legislation is grounded in public interest and housing rights, with clear end-use expectations, CSOs could be a vital part of bringing Scotland's empty homes back into use.

**108: If a CSO process was introduced, would the procedures involved in preparing a CSO need to be equivalent to those that apply to a CPO? If not, how should those procedures differ?**

It is likely CSOs would have to meet the safeguarding and reporting standards of CPOs (at a minimum) and that most, if not all, parts of the CPO process would need to be replicated: notice, statement of reasons, public interest test, objection and inquiry process, compensation assessment, and so on. However, there are likely to be some key differences:

1. Explicit 'support first, enforcement last' structure: the process should build in EHOs as part of an escalation process from voluntary engagement through to CSO, to ensure all other options (including potential for CPO) have been exhausted.
2. Given that most CSOs would be for single-property cases, tailored documentation and templates could reduce the process' administrative burden (which councils may be less likely to take on otherwise, as they are not gaining an asset themselves).

3. Public interest must be clearly demonstrated, likely through explicitly specifying the end use of a property acquired via CSO in any agreements or sales. It is critical that any CSO process that is legislated for does not become a replacement for CPOs, but instead helps remove blight properties and provide Scotland with more desperately-needed social and affordable homes.

#### **110: What measures could be taken to control the use of the property by the new owner?**

There must be explicit and enforceable conditions attached to CSOs that are justified through housing need and community benefit, including:

- End-use conditions linked directly to the grounds for CSO. For housing this would likely entail residential use within a defined period, minimum habitability standards, and restrictions on uses that undermine local housing such as second homes or short-term lets. In areas with less severe housing need conditions may focus more on removal of blight, but residential use should still be strongly encouraged wherever possible.
- Priority routes for social and affordable housing, potentially through the ability to offer preferential terms or first right of refusal to approved social landlords or housing associations.
- Clawback and anti-speculation measures that would ensure public value, particularly when a buyer benefits from below-market pricing or public grants (i.e. clawback clauses, restrictions on resales, the possibility of fast-tracked CLO or CPO if the property falls empty again).

While these measures should be proportionate so as to not deter buyers, it is vital to ensure CSOs support Scotland's housing needs rather than create a new avenue for property speculation.

#### **112: What should happen if the property does not sell?**

There should be a clear 'plan' B legislated for properties that don't sell, though this should be developed in partnership with local authorities and community groups. For example, a CSO process could follow the below:

1. Clarification of previous efforts: e.g. the home has not been brought back into use via voluntary routes, Compulsory Lease Order, or Compulsory Purchase Order.
2. Initial auction listing.
3. Re-marketing and method flexibility: e.g. requirement to try multiple sale routes, potential to adjust terms of sale.
4. Offer to social/affordable housing providers with preferential terms.
5. Last-resort relapse: CSO decision allowed to lapse if no realistic market or social housing use, and other routes are inappropriate. Other enforcement powers (building standards, council tax, environmental health) should continue to apply.

While the above is just an example, the principle should be one of avoiding limbo: CSOs either end in a sale, a social/affordable acquisition, or a conscious and justified decision that no further compulsory action is proportionate.

**113: Should local authorities be able to instruct the lease of a property without permission from the property owner? Please explain your reasons.**

Yes. Compulsory Lease Orders (CLOs) or similar powers would be an appropriate and proportionate tool for Scottish local authorities to possess when dealing with empty homes. CLOs would allow councils or RSLs to lease long-term empty homes and carry out necessary works, without removing ownership from the initial owner. This would be particularly key in tackling vacancies in areas of high housing need, and potentially reducing the reliance on temporary accommodation.

**114: In what circumstances might compulsory lease be justified, and what benefits or drawbacks might there be?**

CLOs would be justified when:

- A long-term empty home is causing detriment to an area or depriving a community facing significant housing need of a home;
- The local authority has taken all reasonable steps to work with the owner on a voluntary basis, but this has failed;
- The property can be brought up to a lettable standard within a reasonable budget and timeframe and would be likely to attract tenants; and
- A CSO or CPO would be inappropriate or disproportionate. For example if the owner's circumstances or the nature of the case makes a CSO a harsher step than is necessary, or there are other reasons to keep ownership with an existing owner while still securing housing use.

Benefits of CLOs would likely include an increase in the housing stock available to local authorities for shorter- or fixed-term accommodation; the potential for cost-recovery through rent whilst guaranteeing social or mid-market rates; and a compulsory powers option that is less intrusive than a purchase or a sale. CLOs could also act as a bridge: the rapid response mechanism that can be used until new social housing is built, or permanent solutions are found to an area's empty homes.

Drawbacks could include risks around management/quality assurance; disputes between owners and local authorities around rents, cost-recovery, timelines, or the property condition upon being handed back; and potential administrative complexity. However, as with CSOs, this is an argument for clear and carefully designed statutory standards rather than a lack of action.

**115: If a CLO process was introduced, would the procedures involved in preparing a CLO need to be more onerous than those that apply to a CPO? Please explain your views.**

No. Reflecting the fact that the property owner retains the title, CLO procedures should be if anything less onerous than those that apply to CPOs (though still robust and transparent). All core safeguards should still be included, but it may be possible to simplify CLO processes to lighten the administrative burden on both councils and owners (e.g. simpler documentation and standardised forms, less Ministerial involvement, and shorter statutory timescales).

**116: If you think there are any other measures or issues that we should be aware of as part of our consideration of CLOs, please tell us more about these.**

Legislation around Compulsory Leasing Orders should be created in partnership with local authorities, community groups, and housing rights organisations. There will likely be many issues that will need specific attention during this process, including:

1. The protection of tenants' rights and establishment of quality standards;
2. Duties/assistance to integrate CLOs with local homelessness strategies;
3. Clear guidelines around local authority cost recovery and owners' pathways back to ownership.

**117: Do you think that the introduction of either Compulsory Sale Orders or Compulsory Lease Orders in Scotland would add any benefits beyond a reformed CPO process, as a tool for tackling long-term vacant or derelict properties? Please provide details.**

Yes, significantly so. As stated in our responses to questions 106 and 113:

**CSOs** would allow councils to require the sale of a long-term empty or derelict home where:

4. The obstacle to the property's use as a home is its ownership;
5. Voluntary efforts and existing powers have failed to bring the property back to use; and,
6. A CPO is not viable.

Our research suggests that this would apply to a large enough number of empty homes to make CSOs an effective tool in bringing homes back into use and combatting Scotland's housing crisis.

**CLOs** would allow councils or RSLs to lease long-term empty homes and carry out necessary works, without removing ownership from the initial owner. This would be particularly key in tackling vacancies in areas of high housing need, and potentially reducing the reliance on temporary accommodation.