



Housing (Scotland) Act 2001

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PART 3

REGULATION OF SOCIAL LANDLORDS

CHAPTER 1

REGISTERED SOCIAL LANDLORDS

Registration

58 Eligibility for registration

- (1) A body is eligible for registration as a social landlord if it is—
 - (a) a society registered under the Industrial and Provident Societies Act 1965 (c. 12) which has its registered office for the purposes of that Act in Scotland and satisfies the conditions in subsection (2), or
 - (b) a company registered under the Companies Act 1985 (c. 6) which has its registered office for the purposes of that Act in Scotland and satisfies those conditions.
- (2) The conditions are that the body does not trade for profit and is established for the purpose of, or has among its objects and powers, the provision, construction, improvement or management of—
 - (a) houses to be kept available for letting,
 - (b) houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body, or
 - (c) hostels,and that any additional purposes or objects are among those specified in subsection (3).
- (3) The permissible additional purposes or objects are—
 - (a) providing land, amenities or services, or providing, constructing, repairing or improving buildings, for its residents, either exclusively or together with other persons,

Status: This is the original version (as it was originally enacted).

- (b) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms,
 - (c) constructing houses to be disposed of on shared ownership terms,
 - (d) managing houses which are held on leases or other lettings (not being houses falling within subsection (2)(a) or (b)) or blocks of flats,
 - (e) providing services of any description for owners or occupiers of houses in—
 - (i) arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works,
 - (ii) arranging property insurance,
 - (f) encouraging and giving advice on the formation of registered social landlords or providing services for, and giving advice on the running of, such landlords and other voluntary organisations concerned with housing, or matters connected with housing.
- (4) A body is not ineligible for registration by reason only that its powers include power—
- (a) to acquire commercial premises or businesses as an incidental part of a project or series of projects undertaken for purposes or objects falling within subsection (2) or (3),
 - (b) to repair, improve or convert any commercial premises acquired as mentioned in paragraph (a) or to carry on for a limited period any business so acquired,
 - (c) to repair or improve houses, or buildings in which houses are situated, after the tenants have exercised, or claimed to exercise, acquisition rights.
- (5) The Scottish Ministers may by order amend the permissible purposes, objects and powers specified in subsections (3) and (4), but any such amendment which restricts or limits those purposes, objects or powers has no effect in relation to a body registered as a social landlord when the order was made.
- (6) In this section—
- “acquisition rights” means rights to purchase under section 61 of the 1987 Act,
 - “block of flats” means a building containing two or more flats which are held on leases or other lettings and which are occupied or intended to be occupied wholly or mainly for residential purposes,
 - “disposed of on shared ownership terms” means disposed of under a shared ownership agreement (defined in section 83(3)),
 - “letting” includes the grant of a right or permission to occupy,
 - “residents”, in relation to a body, means persons occupying the houses or hostels provided or managed by the body,
 - “voluntary organisation” means an organisation whose activities are not carried on for profit.