



# Housing (Scotland) Act 2010

## 2010 asp 17

### HOUSING (SCOTLAND) ACT 2010

#### PART 1

#### THE SCOTTISH HOUSING REGULATOR

##### *The Regulator*

- 1 The Scottish Housing Regulator
- 2 The Regulator's objective
- 3 The Regulator's functions
- 4 Statement on performance of functions
- 5 Involvement of representative bodies
- 6 Involvement of the Accounts Commission
- 7 Independence from Ministers

##### *Membership*

- 8 The Regulator's membership
- 9 Disqualification and removal from office
- 10 Members' expenses

##### *Chairing and proceedings*

- 11 Chairing
- 12 The Regulator's proceedings

##### *Staff and property*

- 13 The Regulator's chief executive
- 14 The Regulator's other staff and property

##### *Powers*

- 15 The Regulator's general powers
- 16 Delegation of powers

*Studies, co-operation and annual reports*

- 17 Studies
- 18 Co-operation with other regulators
- 19 Annual reports

**PART 2**

## REGISTERED SOCIAL LANDLORDS

*The register*

- 20 Registered social landlords
- 21 Population of the register
- 22 Application
- 23 Entry in the register

*Registration criteria*

- 24 Legislative registration criteria
- 25 Regulatory registration criteria
- 26 Guidance on registration criteria

*Removal from register*

- 27 Compulsory de-registration
- 28 Voluntary de-registration

*Appeals*

- 29 Appeal against decision on registration or removal

*Communication with other regulators*

- 30 Communication with other regulators

**PART 3**

## PERFORMANCE OF SOCIAL LANDLORDS

*Scottish Social Housing Charter*

- 31 Scottish Social Housing Charter
- 32 Standards and outcomes
- 33 Scottish Social Housing Charter: supplemental

*Targets, guidance, code of conduct and equal opportunities*

- 34 Performance improvement targets
- 35 Guidance: housing activities
- 36 Code of conduct: governance and financial accountability
- 37 Financial management or governance targets for registered social landlords
- 38 Guidance: financial management or governance targets
- 39 Encouragement of equal opportunities

*Assessing and reporting*

- 40 Assessment of social landlords

41 Performance reports

#### **PART 4**

#### INQUIRIES AND INFORMATION

##### *Inquiries*

42 Inquiries about social landlords  
43 Inquiries: general powers  
44 Inquiries: survey powers  
45 Exceptional audit  
46 Reports on inquiries

##### *Information*

47 Information from tenants on significant performance failures  
48 Power to obtain information  
49 Failure to provide information etc.  
50 Social landlords' involvement of tenants etc. when providing information

##### *Code of practice*

51 Code of practice: inquiries

#### **PART 5**

#### REGULATORY INTERVENTION

##### *Introductory*

52 Regulatory intervention  
53 Exercise of regulatory intervention powers  
54 Code of practice: regulatory intervention

##### *Remedial action*

55 Performance improvement plans  
56 Enforcement notices

##### *Managerial appointment*

57 Appointment of manager for housing activities  
58 Appointment of manager for financial or other affairs  
59 Appointment of manager: supplementary

##### *Registered social landlords: removal, suspension and appointment of officers etc.*

60 General power to remove officers  
61 Suspension of officers etc. during or following inquiries  
62 Removal of officers etc. following inquiries  
63 Responsible individuals  
64 Appeals against suspension or removal  
65 Appointment of new officers

##### *Registered social landlords: asset protection*

66 Restrictions on dealings during or following inquiries

- 67 Transfer of assets following inquiries

#### **PART 6**

##### REGISTERED SOCIAL LANDLORDS: ACCOUNTS AND AUDIT

- 68 Determination of accounting requirements  
69 Compliance with accounting requirements  
70 Delivery of accounts and audit  
71 Failure to deliver compliant accounts  
72 Disclosure of information

#### **PART 7**

##### REGISTERED SOCIAL LANDLORDS: INSOLVENCY ETC.

###### *Moratorium*

- 73 Notification of step towards insolvency etc.  
74 Effect of failure to notify  
75 Moratorium  
76 Period of moratorium  
77 Further moratorium  
78 Effect of moratorium  
79 Interim manager

###### *Making proposals*

- 80 Proposals: formulation  
81 Proposals: submission  
82 Proposals: agreement  
83 Modifying proposals

###### *Implementing proposals*

- 84 Implementation of agreed proposals  
85 Appointment of manager to implement proposals  
86 Manager: powers  
87 Manager of registered society: extra powers  
88 Regulator assistance  
89 Failure by manager to implement agreed proposals  
90 Other failure to implement agreed proposals  
91 Meaning of “land”

#### **PART 8**

##### REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

###### *Change of name, office or constitution*

- 92 Change of name or office  
93 Change of constitution  
94 Registered society’s rules: supplementary  
95 Change of registered company’s articles: supplementary

###### *Registered societies: restructuring, winding up and dissolution*

- 96 Restructuring, winding up and dissolution of registered societies

- 97 Restructuring of society
- 98 Voluntary winding up of society
- 99 Dissolution of society

*Companies: restructuring and winding up*

- 100 Restructuring and winding up of companies
- 101 Restructuring of company
- 102 Conversion of company into a registered society
- 103 Company voluntary arrangement
- 104 Voluntary winding up of company

*Winding up petition*

- 105 Regulator's power to petition for winding up

*Asset transfer on dissolution or winding up*

- 106 Asset transfer on dissolution or winding up

**PART 9**

DISPOSAL OF LAND OR ASSETS BY REGISTERED SOCIAL LANDLORDS

- 107 Power to dispose of land or assets
- 108 Disposals not requiring consent
- 109 Notification where disposal consent not required
- 110 Tenant consultation: other disposals
- 111 Effect of disposals without consent
- 112 De-registered bodies

**PART 10**

SPECIAL PROCEDURE FOR DISPOSALS AND  
RESTRUCTURING RESULTING IN CHANGE OF LANDLORD

**CHAPTER 1**

DISPOSALS BY A REGISTERED SOCIAL LANDLORD

- 113 Disposals resulting in change of landlord
- 114 Regulator's initial decision
- 115 Consultation with tenants
- 116 Regulator's consent
- 117 Further information
- 118 Ballot
- 119 Written agreements
- 120 Unaffected tenants
- 121 Regulator's approval
- 122 Purchaser protection

**CHAPTER 2**

RESTRUCTURING OF A REGISTERED SOCIAL LANDLORD

- 123 Restructuring resulting in change of landlord

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

---

124 Purchaser protection

### **PART 11**

#### CHANGE OF LANDLORD: SECURE TENANTS

125 Right to acquire certain houses from local authority landlords  
 126 Approved persons  
 127 Eligible houses  
 128 Application to acquire eligible house  
 129 Offer to sell  
 130 Market value of eligible house  
 131 Sale conditions  
 132 Acceptance of an offer to sell  
 133 Refusal of application  
 134 Reference to Lands Tribunal  
 135 Consent for subsequent disposals  
 136 Extension of time periods

### **PART 12**

#### CHARITABLE REGISTERED SOCIAL LANDLORDS

137 Charitable registered social landlords

### **PART 13**

#### SOCIAL LANDLORDS AND RURAL HOUSING BODIES: LONG LEASES AND HERITABLE SECURITIES

138 Residential restriction on a long lease  
 139 Heritable security redemption right

### **PART 14**

#### RIGHT TO BUY: REFORMS

140 Re-accommodated persons: protection of right to buy  
 141 Limitation on right to buy: new tenants  
 142 Pressured areas: amendments  
 143 Limitation on right to buy: new supply social housing  
 144 Limitation on right to buy: police housing  
 145 Duty to collect and publish information: local authority housing stock  
 146 Duty to collect and publish information: tenants eligible for right to buy  
 147 Duty to collect and publish information: sale of houses by registered social landlords

### **PART 15**

#### AMENDMENT OF HOUSING (SCOTLAND) ACT 2006

148 Introductory  
 149 HRA designation orders: removal of Ministerial involvement  
 150 Recovery of expenses  
 151 Scheme of assistance: demolition works

## **PART 16**

### MISCELLANEOUS

- 152 Tenant protection: orders for possession against landlord
- 153 Tenant protection: repossession orders
- 154 Police accommodation not to be Scottish secure tenancy
- 155 Scottish secure tenancy: rent arrears pre-action requirements
- 156 Local authority duties on homelessness: armed forces
- 157 Vacant dwellings: use of information obtained for council tax purposes
- 158 Housing support: persons found to be homeless or threatened with homelessness

## **PART 17**

### SUPPLEMENTARY AND FINAL PROVISIONS

- 159 Offences by bodies corporate etc.
- 160 Formal communications
- 161 Orders
- 162 Minor and consequential amendments and repeals
- 163 Ancillary provision
- 164 Connected bodies
- 165 Interpretation
- 166 Commencement
- 167 Short title

---

### SCHEDULE 1 — Transitional provisions

- 1 Transfer of staff
- 2 Transfer of assets and liabilities

### SCHEDULE 2 — Modifications of enactments

- 1 Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c.55)
- 2 Land Tenure Reform (Scotland) Act 1974 (c.38)
- 3 Housing (Scotland) Act 1987 (c.26)
- 4 Housing (Scotland) Act 1988 (c.43)
- 5 Housing Act 1988 (c.50)
- 6 Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)
- 7 Housing (Scotland) Act 2001 (asp 10)
- 8 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 9 Freedom of Information (Scotland) Act 2002 (asp 13)
- 10 Public Appointments and Public Bodies etc.(Scotland) Act 2003 (asp 4)
- 11 Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)
- 12 Further and Higher Education (Scotland) Act 2005 (asp 6)
- 13 Charities and Trustee Investment (Scotland) Act 2005 (asp 10)
- 14 Housing (Scotland) Act 2006 (asp 1)
- 15 Public Services Reform (Scotland) Act 2010 (asp 8)