

HOUSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

STRUCTURE OF THE ACT

Part 2 – Registered Social Landlords

Registration criteria

32. [Section 24](#) sets out the criteria (the ‘legislative registration criteria’) that a body must meet before it can be registered as a social landlord. The criteria are that a body does not trade for profit; that it is established for the purpose of, or has among its objects and powers, the provision, construction, improvement or management of houses to be kept available for letting or for occupation by its members, or of hostels. The body must operate, or intend to operate, in Scotland. Section 24(1)(d) prescribes a number of additional purposes or objects that a body is able to carry out in addition to the criteria at 24(1)(a), (b) and (c).
33. [Section 24\(3\)\(a\)](#) provides Ministers with the power by order to amend the additional purposes, objects and powers specified in section 24(1)(d) and 24(2). Section 24(3)(b) gives Ministers the power to make, amend or modify a provision in the Act which they consider to be appropriate to adapt the Act so that it applies to bodies that have a status other than that of a registered society or registered company. Ministers are required to consult the regulator and tenants, social landlords and secured creditors of RSLs (or representatives of these groups), and to have regard to the interests of people who may become homeless or who are on social landlords’ waiting lists, before making an order under this section. An order that restricts or limits purposes or objects in section 24(1)(d) has no effect in relation to a body registered as a social landlord when the order was made.
34. [Section 25](#) provides the regulator with powers to set regulatory registration criteria about a body’s financial situation, the arrangements for its governance and financial management and the manner in which it provides housing services. The regulator is able to set different criteria for different types of bodies. The regulator must consult interested parties before setting, revising or withdrawing any criteria.
35. [Section 26](#) requires the regulator to issue guidance on how it will assess whether a body meets the registration criteria and to make this available to those with an interest in the guidance. Before issuing, revising or withdrawing guidance the regulator must consult Scottish Ministers, registered social landlords or their representatives, tenants of RSLs or their representatives, and secured creditors of RSLs or their representatives.