

# HOUSING (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### STRUCTURE OF THE ACT

#### **Part 9 – Disposal of Land Or Assets by Registered Social Landlords**

118. This Part of the Act sets out the provisions governing registered social landlords that want to dispose of land, including houses or other assets. The meaning of “disposal” is given in the interpretation section of the Act (section 165) as any disposal of property or any interest in it, including sale or lease of the property or interest, granting security over the property or interest, and granting an option or otherwise entering into a contract for disposal.
119. This Part provides the regulator with powers similar to those of the Scottish Ministers under sections 65 to 68 of the 2001 Act (which are repealed by paragraph 7 of Schedule 2 to the Act).
120. [Section 107](#), which replaces section 66 of the 2001 Act, provides the basic power for an RSL to dispose of its land (or any other asset by granting security over it). This power is subject to the regulator’s consent unless this is not required under section 108 of this Act. Consent may be given generally, to certain disposals, or for particular purposes. The regulator may place conditions on the consent.
121. [Section 108](#) specifies those disposals that do not require the regulator’s consent (principally the granting of a tenancy or the sale of a property under the right to buy). Subsection (1)(e) includes an occupancy arrangement as a new category of disposal that does not need the regulator’s consent. Subsections (1)(g) to (j) provide that consent is not required under section 108 in certain cases where the regulator’s consent is required under another section of the Act, or where the disposal is directed by the SHR.
122. Under section 108(1)(k) the regulator may determine further disposals not requiring its consent, following consultation with Scottish Ministers, registered social landlords or their representatives and secured creditors of RSLs or their representatives. The SHR must bring any determination to the attention of those affected by it.
123. If consent is not required for a disposal, the registered social landlord must notify the regulator as soon as practicable after making such a disposal. Section 109 sets out provisions allowing the regulator to dispense with notification, either generally or for a particular purpose.
124. The registered social landlord may be required to consult tenants before it disposes of land and a ballot or other special procedure may be required if a disposal results in a change of landlord. Section 110 and Part 10 set out the circumstances in which both consultations and ballots or other special procedures are to take place.
125. [Section 110](#) applies to all disposals of land by a registered social landlord which require the regulator’s consent that are not covered by Part 10. For such disposals the RSL must consult the tenants of the houses included in the disposal and anyone else the regulator requires it to consult. The RSL must inform the regulator of the views expressed by those consulted.

*These notes relate to the Housing (Scotland) Act 2010  
(asp 17) which received Royal Assent on 9 December 2010*

126. **Section 111** states that the disposal of land by a registered social landlord, where the regulator's consent is required, is void unless the regulator has given the required consent in advance.