



Housing (Scotland) Act 2010

2010 asp 17

PART 2

REGISTERED SOCIAL LANDLORDS

Registration criteria

24 Legislative registration criteria

- (1) The “legislative registration criteria” are—
- (a) that a body does not trade for profit,
 - (b) that a body is established for the purpose of, or has among its objects and powers, the provision, construction, improvement or management of—
 - (i) houses to be kept available for letting,
 - (ii) houses for occupation by members of that body, where the rules of that body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by that body, or
 - (iii) hostels,
 - (c) that a body carries out, or intends to carry out, those purposes, objects or powers in Scotland, and
 - (d) that any additional purposes or objects of a body must be from among the following—
 - (i) providing land, amenities or services, or providing, constructing, repairing or improving buildings, for its residents (or for its residents and other persons together),
 - (ii) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease, on shared ownership terms or on shared equity terms,
 - (iii) constructing houses to be disposed of on shared ownership terms or on shared equity terms,
 - (iv) managing—
 - (A) houses which are held on leases or other lettings (not being houses falling within subsection (1)(b)(i) or (1)(b)(ii)), or

Status: This is the original version (as it was originally enacted).

- (B) blocks of flats (a block of flats meaning 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),
 - (v) providing services of any description for owners or occupiers of houses in—
 - (A) arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works,
 - (B) arranging property insurance,
 - (vi) encouraging and giving advice on the formation of registered social landlords,
 - (vii) providing services for, and giving advice on the running of—
 - (A) registered social landlords, and
 - (B) other organisations whose activities are not carried on for profit which are concerned with housing or matters connected with housing,
 - (viii) promoting or improving the economic, social or environmental wellbeing of—
 - (A) its residents (or its residents and other persons together), or
 - (B) the area in which the houses or hostels it provides are situated,
 - (ix) giving financial assistance (by way of grant or loan or otherwise) to persons in order to help them to acquire houses on shared equity terms.
- (2) But 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 (1)(b) or (1)(d),
 - (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, or
 - (c) to repair or improve houses, or buildings in which houses are situated, after the tenants have exercised, or claimed to exercise, rights to purchase under section 61 of the Housing (Scotland) Act 1987 (c.26).
- (3) Ministers may by order—
- (a) amend the purposes, objects and powers specified in subsections (1)(d) and (2),
 - (b) make such provision (including provision amending or otherwise modifying any provision of this Act) which Ministers consider appropriate for the purpose of applying any provision of this Act to, or adapting it for, bodies constituted otherwise than as a registered society or registered company.
- (4) Before making any order under this section, Ministers must—
- (a) have regard to the interests of persons who may become—
 - (i) homeless, or
 - (ii) tenants of social landlords, and
 - (b) consult—
 - (i) the Regulator,

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

- (ii) tenants of social landlords or their representatives,
 - (iii) social landlords or their representatives, and
 - (iv) secured creditors of registered social landlords or their representatives.
- (5) Any order which restricts or limits purposes or objects in subsection (1)(d) has no effect in relation to a body registered as a social landlord when the order was made.
- (6) In this section—
“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.

25 Regulatory registration criteria

- (1) The “regulatory registration criteria” are such criteria as the Regulator may set about—
- (a) a body’s financial situation,
 - (b) the arrangements for a body’s governance and financial management,
 - (c) the manner in which a body provides housing services,
- and different criteria may be set for different types of bodies or cases.
- (2) Before setting, revising or withdrawing any criteria, the Regulator must consult—
- (a) Ministers,
 - (b) tenants of social landlords or their representatives,
 - (c) social landlords or their representatives, and
 - (d) secured creditors of registered social landlords or their representatives.
- (3) The Regulator must make arrangements for bringing the regulatory registration criteria (and any revision or withdrawal) to the attention of those affected by it.

26 Guidance on registration criteria

- (1) The Regulator must issue guidance as to how it will assess whether a body meets the registration criteria.
- (2) Before issuing or revising guidance, the Regulator must consult—
- (a) Ministers,
 - (b) tenants of registered social landlords or their representatives,
 - (c) registered social landlords or their representatives, and
 - (d) secured creditors of registered social landlords or their representatives.
- (3) The Regulator must make arrangements for bringing any issue or revision of guidance to the attention of those affected by it.