

# HOUSING (AMENDMENT) (SCOTLAND) ACT 2018

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## EXPLANATORY NOTES

### THE ACT

#### *Regulatory intervention by Scottish Housing Regulator*

#### *Section 1 – Managers appointed by, or on the requirement of, the Scottish Housing Regulator*

#### **Section 57 – Appointment of manager for housing activities**

12. Under section 57, the Regulator can appoint a person as manager if the Regulator considers the social landlord is, or is at risk of, failing in a number of respects (including that the landlord is failing to achieve a standard or an outcome set out in the Scottish Social Housing Charter<sup>1</sup> or that the landlord is failing to comply with an enforcement notice<sup>2</sup>) and that a person needs to be appointed to ensure that the social landlord provides housing services to an appropriate standard. While the person can be appointed to manage the social landlord's housing activities generally, or just aspects of its activities, there is no express link between the failure which led to the manager's appointment and the activities the person will manage, nor is there any express provision limiting the period of the manager's appointment (although there is provision in section 59(1) for the Regulator to determine that period).
13. [Section 1\(2\)](#) of the Act amends section 57(1)(b) and (2) so that a person can be appointed as a manager but only to ensure that the social landlord rectifies the failure which the Regulator has identified.
14. [Section 1\(2\)](#) also amends section 57(1)(a) so that a manager can be appointed only where the social landlord has failed or is failing to achieve a standard or outcome set out in the Charter, or in some other respect, rather than where the landlord is only at risk of so failing.
15. In addition, section 1(4) amends section 59 by inserting a new subsection (1A) to limit the period of the manager's appointment to the period necessary to rectify that failure.

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<sup>1</sup> Prepared and published by the Scottish Ministers under Part 3 of the 2010 Act.

<sup>2</sup> Issued by the Regulator under section 56 of the 2010 Act.