



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 5

#### REGULATORY INTERVENTION

##### *Remedial action*

#### **55 Performance improvement plans**

- (1) This section applies where the Regulator, having made inquiries or otherwise, considers—
  - (a) that a social landlord is, or is at risk of, failing—
    - (i) to achieve a standard or an outcome set out in the Scottish Social Housing Charter, or
    - (ii) to meet a performance improvement target,
  - (b) that—
    - (i) a registered social landlord is, or is at risk of, failing to meet a financial management or governance target, or
    - (ii) there has been misconduct or mismanagement in a registered social landlord's financial or other affairs, or
  - (c) that any other conduct by a social landlord justifies requiring it to submit and implement a performance improvement plan.
- (2) The Regulator may require the social landlord to submit, by such time as the Regulator may specify, a performance improvement plan setting out how and by when the social landlord proposes to rectify or avoid the failure or other problem.
- (3) The Regulator may require the social landlord to involve in such a way as the Regulator may specify, persons (or representatives of persons) who are or who may become—
  - (a) homeless,
  - (b) tenants of the social landlord, or
  - (c) recipients of housing services provided by the social landlord,in preparing a performance improvement plan.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) The Regulator may require the social landlord to provide information on how it has involved such persons (or their representatives) in the preparation of a performance improvement plan.
- (5) The Regulator may approve (with or without modifications or additional conditions) or reject a performance improvement plan submitted to it.
- (6) The Regulator must not—
  - (a) approve a performance improvement plan submitted by a social landlord with modifications or additional conditions, or
  - (b) reject a performance improvement plan submitted by a social landlord, unless it has given the social landlord notice of its intention to do so and has had regard to any views expressed by the social landlord within such period as the Regulator may specify.
- (7) An approved performance improvement plan must be implemented by the social landlord concerned.
- (8) The social landlord must—
  - (a) publish the approved performance improvement plan, and
  - (b) send a copy of it to any registered tenant organisation associated with the social landlord.
- (9) Where a performance improvement plan is rejected, the social landlord must submit a revised plan to the Regulator by such time as the Regulator may specify.

## **56 Enforcement notices**

- (1) The Regulator may serve an enforcement notice if, having made inquiries or otherwise, it considers—
  - (a) that a social landlord is, or is at risk of, failing—
    - (i) to achieve a standard or an outcome set out in the Scottish Social Housing Charter,
    - (ii) to meet a performance improvement target, or
    - (iii) to implement an approved performance improvement plan,
  - (b) that—
    - (i) a registered social landlord is, or is at risk of, failing to meet a financial management or governance target, or
    - (ii) there has been misconduct or mismanagement in a registered social landlord’s financial or other affairs,
  - (c) that the interests of a social landlord’s tenants need protection,
  - (d) that a registered social landlord’s assets need protection,
  - (e) that a registered social landlord’s financial viability is in jeopardy, or
  - (f) that any other conduct by a social landlord justifies serving an enforcement notice.
- (2) An enforcement notice is a notice requiring the social landlord concerned to take action—
  - (a) to rectify or avoid a failure or other problem, or
  - (b) to protect its tenants or assets.

---

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

---

- (3) An enforcement notice must—
  - (a) say why it has been served, and
  - (b) state by when the social landlord must take action.
- (4) The Regulator must—
  - (a) publish an enforcement notice, and
  - (b) send a copy of it to every registered tenant organisation associated with the social landlord concerned.