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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 38**

**HOUSING**

**The Housing (Scotland) Act 2010  
(Consequential Modifications) Order 2012**

*Made* - - - - - *9th February 2012*  
*Laid before the Scottish*  
*Parliament* - - - - - *13th February 2012*  
*Coming into force* - - - - - *1st April 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 163(1)(b) and (2) of the Housing (Scotland) Act 2010<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Housing (Scotland) Act 2010 (Consequential Modifications) Order 2012 and comes into force on 1st April 2012.

**Consequential modifications**

2. The modifications specified in the Schedule have effect.

St Andrew's House,  
Edinburgh  
9th February 2012

*KEITH BROWN*  
Authorised to sign by the Scottish Ministers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE

Article 2

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

*Housing Associations Act 1985*

1. In section 2B of the Housing Associations Act 1985 (meaning of “registered housing association”, “registered social landlord” etc)<sup>(2)</sup>—

- (a) in the definition of “registered housing association” for the words “section 57 of the Housing (Scotland) Act 2001 (asp 10)” substitute “section 20(1) of the Housing (Scotland) Act 2010 (asp 17)”; and
- (b) in the definition of “unregistered”—
  - (i) for “neither” substitute “not” ; and
  - (ii) for “section 57 of the Housing (Scotland) Act 2001 (asp 10)” substitute “section 20(1) of the Housing (Scotland) Act 2010 (asp 17)”.

*Housing (Scotland) Act 1987*

2. In section 21(3) of the Housing (Scotland) Act 1987 (publication of rules relating to the housing list and to transfer of tenants)<sup>(3)</sup> for paragraph (ia) substitute—

“(ia) the Scottish Housing Regulator;”.

*Land Reform (Scotland) Act 2003*

3. In section 40(4)(g) of the Land Reform (Scotland) Act 2003 (effect of registration)<sup>(4)</sup> for sub-paragraph (vii) substitute—

“(vii) by a registered social landlord (within the meaning of the Housing (Scotland) Act 2010 (asp 17)) in pursuance of the power conferred by section 107 of that Act;”.

*Agricultural Holdings (Scotland) Act 2003*

4. In section 27(1)(g) of the Agricultural Holdings (Scotland) Act 2003 (transfers not requiring notice)<sup>(5)</sup> for sub-paragraph (viii) substitute—

“(viii) by a registered social landlord (within the meaning of the Housing (Scotland) Act 2010 (asp 17)) in pursuance of the power conferred by section 107 of that Act;”.

PART 2

MODIFICATIONS OF SUBORDINATE LEGISLATION

*Scottish Secure Tenants (Compensation for Improvements) Regulations 2002*

5. In regulation 4(b)(iii) of the Scottish Secure Tenants (Compensation for Improvements) Regulations 2002 (circumstances where compensation is not payable in respect of qualifying improvement work)<sup>(6)</sup> for “under section 65 of the 2001 Act” substitute “by a registered social

(2) 1985 c.69. Section 2B was inserted by S.I. 1996/2325 and amended by the Housing (Scotland) Act 2001 (asp 10), schedule 10, paragraph 11(3).

(3) 1987 c.26. Section 21(3)(ia) was inserted by the Housing (Scotland) Act 1988 (c.43), Schedule 2, paragraph 7 and substituted by the Housing (Scotland) Act 2001 (asp 10), schedule 10, paragraph 13(3)(c)(ii).

(4) 2003 asp 2.

(5) 2003 asp 11.

(6) S.S.I. 2002/312.

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landlord (within the meaning of the Housing (Scotland) Act 2010) in pursuance of the power conferred by section 107 of that Act”.

*Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Regulations 2004*

**6.** In the definition of “RSL” in regulation 2(1) of the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Regulations 2004 (interpretation and application)(**7**), for “in terms of section 57 of the Act” substitute “within the meaning of section 165 of the Housing (Scotland) Act 2010”.

*Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005*

**7.** In paragraph 6(d) of Schedule 2 to the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005 (fees for registration)(**8**), for “section 57 of the Housing (Scotland) Act 2001” substitute “section 20(1) of the Housing (Scotland) Act 2010”.

*Charities Accounts (Scotland) Regulations 2006*

**8.** In the definition of “registered social landlord” in regulation 1(2) of the Charities Accounts (Scotland) Regulations 2006 (citation, commencement and interpretation)(**9**), for “section 57 of the Housing (Scotland) Act 2001” substitute “section 20(1) of the Housing (Scotland) Act 2010”.

*Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007*

**9.** In the Schedule to the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007 (persons specified for the purposes of section 10(3) of the Management of Offenders etc. (Scotland) Act 2005)(**10**), for “section 57(2) of the Housing (Scotland) Act 2001” substitute “section 20(1) of the Housing (Scotland) Act 2010”.

*Home Energy Assistance Scheme (Scotland) Regulations 2009*

**10.** In the definition of “tenant” in regulation 2 of the Home Energy Assistance Scheme (Scotland) Regulations 2009 (interpretation)(**11**), for “by virtue of section 57 of the Housing (Scotland) Act 2001” substitute “in the register kept under section 20(1) of the Housing (Scotland) Act 2010”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes consequential modifications to primary and secondary legislation in connection with the commencement of Parts 1 to 12 of the Housing (Scotland) Act 2010 on 1st April 2012.

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(7) S.S.I. 2004/117.

(8) S.S.I. 2005/558. Schedule 2 was substituted by S.S.I. 2008/403.

(9) S.S.I. 2006/218, to which there are amendments not relevant to this Order.

(10) S.S.I. 2007/92, to which there are amendments not relevant to this Order.

(11) S.S.I. 2009/48, to which there are amendments not relevant to this Order.