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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 7**

**The Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Regulations 2013**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Regulations 2013 and come into force on 1st March 2013.

(2) In these Regulations, “the 2004 Regulations” means the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Regulations 2004<sup>(1)</sup>.

**Amendment of the 2004 Regulations**

2.—(1) The 2004 Regulations are amended in accordance with this regulation.

(2) In regulation 2 (interpretation and application)—

(a) after the definition of “the Act”, insert ““the 2010 Act” means the Housing (Scotland) Act 2010<sup>(2)</sup>”;

(b) omit the definition of “GRO for owner occupation”;

(c) after the definition of “housing association”, insert ““IIF” has the meaning given to it by paragraph 1 of Schedule 5;”;

(d) after the definition of “project”, insert—

““PSR” has the meaning given to it by paragraph 1 of Schedule 2;

“the Regulator” means the Scottish Housing Regulator established under section 1 of the 2010 Act;”;

(e) omit the definition of “retail prices index”; and

(f) in the definition of “RSL”, for “Housing (Scotland) Act 2010” substitute “2010 Act”<sup>(3)</sup>.

(3) In regulation 3 (categories of grant assistance)—

(a) in paragraph (b), for “GRO for owner occupation” substitute “PSR”;

(b) delete “and” at the end of paragraph (c); and

(c) after paragraph (d) insert—

“; and

(e) IIF, to which the provisions of Schedule 5 apply.”.

(4) In regulation 4 (provisions applying to each category of grant assistance) for “1 to 4” substitute “1 to 5”.

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<sup>(1)</sup> S.S.I. 2004/117, which is amended by S.S.I. 2012/38.

<sup>(2)</sup> 2010 asp 17.

<sup>(3)</sup> The definition of “RSL” is amended by S.S.I. 2012/38.

- (5) In Schedule 1 (provisions relating to HAG)—
- (a) in paragraph 1, omit the definition of “performance grading”;
  - (b) for paragraph 4(a) substitute—
    - “(a) any information about the performance of the grant applicant or its ability to deliver the project contained in—
      - (i) a performance report published by the Regulator in terms of section 41 of the 2010 Act;
      - (ii) a report of an inquiry made by the Regulator in terms of section 46 of the 2010 Act;
      - (iii) a performance improvement plan, prepared by an RSL at the request of the Regulator, in terms of section 55 of the 2010 Act;
      - (iv) an enforcement notice issued by the Regulator in terms of section 56 of the 2010 Act;
    - (ab) whether the Regulator has appointed a manager in terms of section 57 (appointment of manager for housing activities), or section 58 (appointment of manager for financial or other affairs), of the 2010 Act;”;
  - (c) for paragraph 13 substitute—
    - “13.—(1) Any programme agreement may be terminated by the local authority if—
      - (a) the grant recipient fails to deliver the programme to the reasonable satisfaction of the local authority;
      - (b) information of a kind referred to in paragraph 4(a), produced during the term of the agreement, raises concerns about the ability of the grant recipient to complete the programme to the satisfaction of the local authority; or
      - (c) the Regulator appoints a manager in terms of either of the sections referred to in paragraph 4(ab).
    - (2) A grant recipient must inform the local authority immediately in the event that any information of a kind specified in paragraph 4(a) is produced, or either of the appointments referred to in paragraph 4(ab) is made, in relation to the grant recipient.”.
- (6) For Schedule 2 (GRO for owner occupation), substitute the Schedule contained in Schedule 1 to these Regulations.
- (7) After Schedule 4, insert the Schedule contained in Schedule 2 to these Regulations.

### **Saving provision**

**3.** Where any application for grant under Schedule 2 (GRO for owner occupation) to the 2004 Regulations has been approved before 1st March 2013 nothing in these Regulations affects the continued operation of the 2004 Regulations in relation to that grant, and the 2004 Regulations continue to apply to it as they applied immediately before that date.

### **Transitional provision**

**4.—(1)** Any application for grant under Schedule 1 (HAG) to the 2004 Regulations made but not yet determined before 1st March 2013 is, on and after that day, to be treated as an application for such a grant made on 1st March 2013.

(2) Any programme agreement under Schedule 1 (HAG) to the 2004 Regulations in existence on 1st March 2013 is, on and after that day, to be treated as if it had been agreed on 1st March 2013.

St Andrew's House,  
Edinburgh  
15th January 2013

*M J BURGESS*  
Authorised to sign by the Scottish Ministers