



Housing (Scotland) Act 2001

2001 asp 10

PART 3

REGULATION OF SOCIAL LANDLORDS

CHAPTER 4

INTERPRETATION OF PART 3

82 **Meaning of “subsidiary” and “associate”**

- (1) In this Part “subsidiary”, in relation to a registered social landlord, means a company with respect to which one of the following conditions is fulfilled—
- (a) the landlord is a member of the company and controls the composition of the board of directors,
 - (b) the landlord holds more than half in nominal value of the company’s equity share capital,
 - (c) the company is a subsidiary, within the meaning of the Companies Act 1985 (c. 6) or the Friendly and Industrial and Provident Societies Act 1968 (c. 55), of another company which, by virtue of paragraph (a) or (b), is itself a subsidiary of the landlord.
- (2) For the purposes of subsection (1)(a), the composition of a company’s board of directors is deemed to be controlled by a registered social landlord if, but only if, the landlord, by the exercise of some power exercisable by the landlord without the consent or concurrence of any other person, can appoint or remove the holders of all or a majority of the directorships.
- (3) In relation to a company which is an industrial and provident society—
- (a) any reference in this section to the board of directors is a reference to the committee of management of the society,
 - (b) the reference in subsection (2) to the holders of all or a majority of the directorships is a reference—
 - (i) to all or a majority of the members of the committee, or

Status: This is the original version (as it was originally enacted).

- (ii) if the landlord is a member of the committee, such number as together with the landlord would constitute a majority.
- (4) In the case of a registered social landlord which is a body of trustees, references in this section to the landlord are to the trustees acting as such.
- (5) In this Part “associate”, in relation to a registered social landlord, means—
 - (a) any body of which the landlord is a subsidiary, and
 - (b) any other subsidiary of such a body.
- (6) In subsection (5) “subsidiary” has the same meaning as in the Companies Act 1985 (c. 6) or the Friendly and Industrial and Provident Societies Act 1968 (c. 55) or, in the case of a body which is itself a registered social landlord, has the meaning given by subsection (1).

83 Interpretation of Part 3

- (1) References in this Part to an officer of a registered social landlord are—
 - (a) in the case of an industrial and provident society, to any officer of the society as defined in section 74 of the Industrial and Provident Societies Act 1965 (c. 12), including a co-opted member of the committee of the society, and
 - (b) in the case of a company registered under the Companies Act 1985 (c. 6), to any director or other officer of the company within the meaning of that Act.
- (2) In this Part, in relation to an industrial and provident society—
 - (a) “committee” means the committee of management or other directing body of the society,
 - (b) “co-opted member”, in relation to the committee, includes any person co-opted to serve on the committee, whether the person is a member of the society or not,
 - (c) any reference to a member of the committee includes a co-opted member.
- (3) In this Part—
 - “co-operative housing association” has the meaning given in section 300(1)(b) of the 1987 Act,
 - “housing activities” means, in relation to a registered social landlord, all its activities in pursuance of the purposes, objects and powers mentioned in section 58,
 - “housing association” and, in relation to a housing association, “fully mutual” have the meanings given in section 1 of the Housing Associations Act 1985 (c. 69),
 - “provision of housing accommodation and related services” includes—
 - (a) the prevention and alleviation of homelessness,
 - (b) the management of housing accommodation,
 - (c) the provision of services for owners and occupiers of houses,
 - (d) the provision and management of sites for persons of nomadic habit of life, whatever their race or origin,
 - “shared ownership agreement” means an agreement whereby—
 - (a) a pro indiviso right in a house is sold, and the remaining pro indiviso rights therein are leased, to a person subject to the person being entitled,

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

from time to time, to purchase those remaining rights until that person has purchased the entire house, or

- (b) pro indiviso rights in houses are conveyed to trustees to hold on behalf of persons each of whom, by purchasing a share in those houses, becomes entitled to exclusive occupancy of one of the houses but with any such person who wishes to sell or otherwise dispose of that person's share being required to do so through the agency of the trustees,

or such other agreement as may be approved by the Scottish Ministers whereby a person acquires a pro indiviso right in a house or houses and thereby becomes entitled to exclusive occupancy of the house or, as the case may be, one of the houses.