

SCHEDULE 7 REGULATION OF REGISTERED SOCIAL LANDLORDS

PART 4

INQUIRY INTO AFFAIRS OF REGISTERED SOCIAL LANDLORDS

Inquiry

- 16 (1) The Scottish Ministers may appoint a person (not a person who is, or at any time has been, a member of the staff of the Scottish Administration, the registered social landlord or a subsidiary or associate of the registered social landlord) to conduct an inquiry into the affairs of a registered social landlord.
- (2) If the appointed person considers it necessary for the purposes of the inquiry, that person may also inquire into the business of any other body which, at a time which the appointed person considers material, is or was a subsidiary or associate of the registered social landlord.
- (3) The appointed person may, by notice in writing served on—
- (a) the registered social landlord,
 - (b) any person who is, or has been, an officer, agent or member of the landlord,
 - (c) any person who is, or has been, an officer, agent or member of a subsidiary or associate of the landlord, or
 - (d) any other person whom the appointed person has reason to believe is or may be in possession of information of relevance to the inquiry,
- impose on the landlord or person a requirement specified in sub-paragraph (4).
- (4) That requirement is a requirement to—
- (a) give to the appointed person, at a time and place and in the form and manner specified in the notice, such information relating to the affairs of the registered social landlord, or of any other such body as is referred to in sub-paragraph (2), as may be specified or described in the notice, and
 - (b) produce to the appointed person, at a time and place specified in the notice, any documents relating to such affairs which are specified or described in the notice and are in that person's custody or under that person's control.
- (5) An association or other person who fails without reasonable excuse to comply with the requirements of a notice under sub-paragraph (3) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) Where by virtue of sub-paragraph (3) any books, accounts or other documents are produced to the appointed person, that person may take copies of or make extracts from them.
- (7) The appointed person may, if that person thinks fit during the course of the inquiry, make one or more interim reports to the Scottish Ministers on such matters as appear to the appointed person to be appropriate.
- (8) On completion of the inquiry the appointed person must make a report to the Scottish Ministers on such matters and in such form as they may specify.
- (9) The Scottish Ministers may publish the report, or such part of it as they think fit.

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

- (10) In this paragraph “agent” includes banker, solicitor and auditor.
- (11) Nothing in this paragraph authorises the appointed person to require—
- (a) the disclosure of anything which a person would be entitled to refuse to disclose on the ground of confidentiality in proceedings in the Court of Session, or
 - (b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by the banker to a person other than a registered social landlord or a subsidiary or associate of a registered social landlord.