



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 1

#### HOMELESSNESS AND ALLOCATION OF HOUSING

#### **6 Duty of registered social landlord: further provision**

- (1) Where—
  - (a) a registered social landlord does not, within a reasonable period, comply with a request made by a local authority under section 5,
  - (b) the local authority considers, having regard to any guidance issued under subsection (7) of that section, that the landlord had no good reason for not complying with the request, and
  - (c) the local authority and the landlord are unable, within such period as the Scottish Ministers may specify by order, to reach agreement as to whether there is such a good reason,the local authority and the landlord must appoint an arbiter to determine the issue.
- (2) In determining for the purposes of subsection (1)(a) what is a reasonable period, regard must be had to any guidance issued under section 5(7).
- (3) If there is no agreement as to who is to be appointed as arbiter, the Scottish Ministers must, on the request of the local authority, appoint an arbiter.
- (4) The cost of any arbitration under this section is to be shared equally between the local authority and the landlord unless the arbiter determines otherwise.
- (5) The Scottish Ministers may issue guidance as to—
  - (a) the period within which an arbiter is to be appointed under subsection (1),
  - (b) the procedure for appointing an arbiter under that subsection,
  - (c) the remuneration and other expenses which may be paid to an arbiter appointed under subsection (1) or (3), and any other expenses which may be paid in respect of arbitration,
  - (d) the procedure to be followed at arbitration,
  - (e) the maximum length of time of the arbitration procedure.
- (6) Any determination of an arbiter by virtue of this section is final.