



Housing (Scotland) Act 2010

2010 asp 17

HOUSING (SCOTLAND) ACT 2010

PART 1

THE SCOTTISH HOUSING REGULATOR

The Regulator

- 1 The Scottish Housing Regulator
- 2 The Regulator's objective
- 3 The Regulator's functions
- 4 Statement on performance of functions
- 5 Involvement of representative bodies
- 6 Involvement of the Accounts Commission
- 7 Independence from Ministers

Membership

- 8 The Regulator's membership
- 9 Disqualification and removal from office
- 10 Members' expenses

Chairing and proceedings

- 11 Chairing
- 12 The Regulator's proceedings

Staff and property

- 13 The Regulator's chief executive
- 14 The Regulator's other staff and property

Powers

- 15 The Regulator's general powers
- 16 Delegation of powers

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

Studies, co-operation and annual reports

- 17 Studies
- 18 Co-operation with other regulators
- 19 Annual reports

PART 2

REGISTERED SOCIAL LANDLORDS

The register

- 20 Registered social landlords
- 21 Population of the register
- 22 Application
- 23 Entry in the register

Registration criteria

- 24 Legislative registration criteria
- 25 Regulatory registration criteria
- 26 Guidance on registration criteria

Removal from register

- 27 Compulsory de-registration
- 28 Voluntary de-registration

Appeals

- 29 Appeal against decision on registration or removal

Communication with other regulators

- 30 Communication with other regulators

PART 3

PERFORMANCE OF SOCIAL LANDLORDS

Scottish Social Housing Charter

- 31 Scottish Social Housing Charter
- 32 Standards and outcomes
- 33 Scottish Social Housing Charter: supplemental

Targets, guidance, code of conduct and equal opportunities

- 34 Performance improvement targets
- 35 Guidance: housing activities
- 36 Code of conduct: governance and financial accountability
- 37 Financial management or governance targets for registered social landlords
- 38 Guidance: financial management or governance targets
- 39 Encouragement of equal opportunities

Assessing and reporting

- 40 Assessment of social landlords

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

41 Performance reports

PART 4

INQUIRIES AND INFORMATION

Inquiries

- 42 Inquiries about social landlords
- 43 Inquiries: general powers
- 44 Inquiries: survey powers
- 45 Exceptional audit
- 46 Reports on inquiries

Information

- 47 Information from tenants on significant performance failures
- 48 Power to obtain information
- 49 Failure to provide information etc.
- 50 Social landlords' involvement of tenants etc. when providing information

Code of practice

- 51 Code of practice: inquiries

PART 5

REGULATORY INTERVENTION

Introductory

- 52 Regulatory intervention
- 53 Exercise of regulatory intervention powers
- 54 Code of practice: regulatory intervention

Remedial action

- 55 Performance improvement plans
- 56 Enforcement notices

Managerial appointment

- 57 Appointment of manager for housing activities
- 58 Appointment of manager for financial or other affairs
- 59 Appointment of manager: supplementary

Registered social landlords: removal, suspension and appointment of officers etc.

- 60 General power to remove officers
- 61 Suspension of officers etc. during or following inquiries
- 62 Removal of officers etc. following inquiries
- 63 Responsible individuals
- 64 Appeals against suspension or removal
- 65 Appointment of new officers

Registered social landlords: asset protection

- 66 Restrictions on dealings during or following inquiries

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

67 Transfer of assets following inquiries

PART 6

REGISTERED SOCIAL LANDLORDS: ACCOUNTS AND AUDIT

- 68 Determination of accounting requirements
- 69 Compliance with accounting requirements
- 70 Delivery of accounts and audit
- 71 Failure to deliver compliant accounts
- 72 Disclosure of information

PART 7

REGISTERED SOCIAL LANDLORDS: INSOLVENCY ETC.

Moratorium

- 73 Notification of step towards insolvency etc.
- 74 Effect of failure to notify
- 75 Moratorium
- 76 Period of moratorium
- 77 Further moratorium
- 78 Effect of moratorium
- 79 Interim manager

Making proposals

- 80 Proposals: formulation
- 81 Proposals: submission
- 82 Proposals: agreement
- 83 Modifying proposals

Implementing proposals

- 84 Implementation of agreed proposals
- 85 Appointment of manager to implement proposals
- 86 Manager: powers
- 87 Manager of registered society: extra powers
- 88 Regulator assistance
- 89 Failure by manager to implement agreed proposals
- 90 Other failure to implement agreed proposals
- 91 Meaning of “land”

PART 8

REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

Change of name, office or constitution

- 92 Change of name or office
- 93 Change of constitution
- 94 Registered society's rules: supplementary
- 95 Change of registered company's articles: supplementary

Registered societies: restructuring, winding up and dissolution

- 96 Restructuring, winding up and dissolution of registered societies

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

- 97 Restructuring of society
- 98 Voluntary winding up of society
- 99 Dissolution of society

Companies: restructuring and winding up

- 100 Restructuring and winding up of companies
- 101 Restructuring of company
- 102 Conversion of company into a registered society
- 103 Company voluntary arrangement
- 104 Voluntary winding up of company

Winding up petition

- 105 Regulator's power to petition for winding up

Asset transfer on dissolution or winding up

- 106 Asset transfer on dissolution or winding up

PART 9

DISPOSAL OF LAND OR ASSETS BY REGISTERED SOCIAL LANDLORDS

- 107 Power to dispose of land or assets
- 108 Disposals not requiring consent
- 109 Notification where disposal consent not required
- 110 Tenant consultation: other disposals
- 111 Effect of disposals without consent
- 112 De-registered bodies

PART 10

SPECIAL PROCEDURE FOR DISPOSALS AND
RESTRUCTURING RESULTING IN CHANGE OF LANDLORD

CHAPTER 1

DISPOSALS BY A REGISTERED SOCIAL LANDLORD

- 113 Disposals resulting in change of landlord
- 114 Regulator's initial decision
- 115 Consultation with tenants
- 116 Regulator's consent
- 117 Further information
- 118 Ballot
- 119 Written agreements
- 120 Unaffected tenants
- 121 Regulator's approval
- 122 Purchaser protection

CHAPTER 2

RESTRUCTURING OF A REGISTERED SOCIAL LANDLORD

- 123 Restructuring resulting in change of landlord

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

124 Purchaser protection

PART 11

CHANGE OF LANDLORD: SECURE TENANTS

125 Right to acquire certain houses from local authority landlords
126 Approved persons
127 Eligible houses
128 Application to acquire eligible house
129 Offer to sell
130 Market value of eligible house
131 Sale conditions
132 Acceptance of an offer to sell
133 Refusal of application
134 Reference to Lands Tribunal
135 Consent for subsequent disposals
136 Extension of time periods

PART 12

CHARITABLE REGISTERED SOCIAL LANDLORDS

137 Charitable registered social landlords

PART 13

SOCIAL LANDLORDS AND RURAL HOUSING BODIES: LONG LEASES AND HERITABLE SECURITIES

138 Residential restriction on a long lease
139 Heritable security redemption right

PART 14

RIGHT TO BUY: REFORMS

140 Re-accommodated persons: protection of right to buy
141 Limitation on right to buy: new tenants
142 Pressured areas: amendments
143 Limitation on right to buy: new supply social housing
144 Limitation on right to buy: police housing
145 Duty to collect and publish information: local authority housing stock
146 Duty to collect and publish information: tenants eligible for right to buy
147 Duty to collect and publish information: sale of houses by registered social landlords

PART 15

AMENDMENT OF HOUSING (SCOTLAND) ACT 2006

148 Introductory
149 HRA designation orders: removal of Ministerial involvement
150 Recovery of expenses
151 Scheme of assistance: demolition works

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

PART 16

MISCELLANEOUS

- 152 Tenant protection: orders for possession against landlord
- 153 Tenant protection: repossession orders
- 154 Police accommodation not to be Scottish secure tenancy
- 155 Scottish secure tenancy: rent arrears pre-action requirements
- 156 Local authority duties on homelessness: armed forces
- 157 Vacant dwellings: use of information obtained for council tax purposes
- 158 Housing support: persons found to be homeless or threatened with homelessness

PART 17

SUPPLEMENTARY AND FINAL PROVISIONS

- 159 Offences by bodies corporate etc.
- 160 Formal communications
- 161 Orders
- 162 Minor and consequential amendments and repeals
- 163 Ancillary provision
- 164 Connected bodies
- 165 Interpretation
- 166 Commencement
- 167 Short title

SCHEDULE 1 — Transitional provisions

Transfer of staff

- 1 (1) All staff, other than excepted staff, employed immediately before...

Transfer of assets and liabilities

- 2 (1) Ministers may by order provide for the transfer to...

SCHEDULE 2 — Modifications of enactments

Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c.55)

- 1 In section 4A(3)(ba) (societies which cannot disapply section 4) of...

Land Tenure Reform (Scotland) Act 1974 (c.38)

- 2 In section 21 (provisions for contracting out to be void)...

Housing (Scotland) Act 1987 (c.26)

- 3 (1) The Housing (Scotland) Act 1987 is amended as follows....

Housing (Scotland) Act 1988 (c.43)

- 4 (1) The Housing (Scotland) Act 1988 is amended as follows....

Status: Point in time view as at 10/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)

Housing Act 1988 (c.50)

5 In section 52(10) (recovery etc. of grants) of the Housing...

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

6 In the Ethical Standards in Public Life etc. (Scotland) Act...

Housing (Scotland) Act 2001 (asp 10)

7 (1) The Housing (Scotland) Act 2001 is amended as follows....

Scottish Public Services Ombudsman Act 2002 (asp 11)

8 In the Scottish Public Services Ombudsman Act 2002, in schedule...

Freedom of Information (Scotland) Act 2002 (asp 13)

9 In the Freedom of Information (Scotland) Act 2002, in schedule...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

10 In the Public Appointments and Public Bodies etc. (Scotland) Act...

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

11 In the definition of “registered social landlord” in section 143(2)...

Further and Higher Education (Scotland) Act 2005 (asp 6)

12 In section 22(5) of the Further and Higher Education (Scotland)...

Charities and Trustee Investment (Scotland) Act 2005 (asp 10)

13 (1) The Charities and Trustee Investment (Scotland) Act 2005 is...

Housing (Scotland) Act 2006 (asp 1)

14 In section 22(4)(b) (application to private rented housing panel) of...

Public Services Reform (Scotland) Act 2010 (asp 8)

15 (1) The Public Services Reform (Scotland) Act 2010 is amended...

Status:

Point in time view as at 10/02/2011.

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2010.