



# 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*Status: Point in time view as at 20/11/2014.**Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010.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*Status: Point in time view as at 20/11/2014.*

*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 20/11/2014.**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 20/11/2014.*

*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

*Registered social landlord becoming a subsidiary of another body*

- 104A Registered social landlord becoming a subsidiary of another body

*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

*Status: Point in time view as at 20/11/2014.**Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)***CHAPTER 2**

## RESTRUCTURING OF A REGISTERED SOCIAL LANDLORD

- 123 Restructuring resulting in change of landlord
- 124 Purchaser protection

**CHAPTER 3**REGISTERED SOCIAL LANDLORD BECOMING  
A SUBSIDIARY OF ANOTHER BODY

- 124A Regulator's consent
- 124B 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

*Status: Point in time view as at 20/11/2014.*

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

---

- 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

## **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...

*Status: Point in time view as at 20/11/2014.**Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)**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....

*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 20/11/2014.

**Changes to legislation:**

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