

# Housing (Scotland) Act 2010

## 2010 asp 17

### 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

(1) This Chapter applies to a disposal of land by a registered social landlord [<sup>F1</sup>to which section 107(4) applies.]

<sup>F2</sup>(2) .....

(3) Where this Chapter applies to only a part of a disposal of land, it applies to that part as to a separate disposal.

#### Textual Amendments

**F1** Words in s. 113(1) substituted for s. 113(1)(a)(b) (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(2)(a)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**F2** S. 113(2) repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(2)(b)**, 11(2); S.S.I. 2018/253, reg. 2(2)

#### Commencement Information

**I1** S. 113 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with [Sch. 2](#))

#### <sup>F3</sup>114 Regulator's initial decision

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Chapter 1. (See end of Document for details)*

#### Textual Amendments

- F3** S. 114 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(3)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)

### 115 Consultation with tenants

- (1) A registered social landlord proposing to make a disposal must <sup>F4</sup>... serve a notice on the tenants of each house included in the proposed disposal—
- (a) specifying to whom the proposed disposal is to be made,
  - (b) explaining the likely consequences of the disposal for the tenants,
  - (c) informing them of their right to make representations to the registered social landlord within such reasonable period (of not less than 28 days) as may be specified, and
  - (d) including such other details about the proposed disposal as the landlord considers appropriate.
- (2) The registered social landlord must, after considering any timeous representations made in pursuance of the notice served under subsection (1), serve a further notice on the tenants concerned—
- (a) informing them—
    - (i) of any significant changes to the proposed disposal, <sup>F5</sup> . . .
    - <sup>F5</sup>(ii) . . . . .
  - (b) explaining that the disposal requires the [<sup>F6</sup>approval of tenants by way of ballot or written agreement].

#### Textual Amendments

- F4** Words in s. 115(1) repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(4)(a)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F5** S. 115(2)(a)(ii) and word repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(4)(b)(i)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F6** Words in s. 115(2)(b) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(4)(b)(ii)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)

#### Commencement Information

- I2** S. 115 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with **Sch. 2**)

### [<sup>F7</sup>115A Tenant approval

- (1) A registered social landlord must, in relation to a proposed disposal—
- (a) conduct a ballot of tenants of houses included in the proposed disposal on the question of whether the tenants wish the disposal to proceed, or
  - (b) seek the written agreement of the tenants of houses included in the proposed disposal to the disposal.
- (2) The registered social landlord must—
- (a) as soon as reasonably practicable after the ballot is completed or, as the case may be, the period for the giving of written agreement has expired, and

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- (b) before making the disposal, notify the Regulator of the results of the ballot or, as the case may be, the number of written agreements sought and the number given.]

**Textual Amendments**

**F7** Ss. 115A, 115B inserted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(5)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**[<sup>F7</sup>115B Guidance**

- (1) The Regulator must issue guidance in relation to tenant consultation and approval under sections 115 and 115A.
- (2) Guidance issued under subsection (1) may in particular include guidance as to—
  - (a) how notices under section 115(1) and (2) are to be served and the information to be contained in such notices,
  - (b) the consideration to be given to timeous representations made in pursuance of a notice served under section 115(1),
  - (c) the circumstances in which the approval of tenants under section 115A is to be sought by way of—
    - (i) ballot,
    - (ii) written agreement,
  - (d) how such ballots are to be conducted and how such written agreements are to be sought and given.
- (3) A registered social landlord must, in complying with sections 115 and 115A, have regard to guidance issued by the Regulator under subsection (1).]

**Textual Amendments**

**F7** Ss. 115A, 115B inserted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(5)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**<sup>F8</sup>116 Regulator's consent**

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**Textual Amendments**

**F8** Ss. 116-119 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(6)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**<sup>F8</sup>117 Further information**

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Chapter 1. (See end of Document for details)*

**Textual Amendments**

**F8** Ss. 116-119 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(6)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**<sup>F8</sup>118     Ballot**

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**Textual Amendments**

**F8** Ss. 116-119 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(6)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**<sup>F8</sup>119     Written agreements**

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**Textual Amendments**

**F8** Ss. 116-119 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(6)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**120     Unaffected tenants**

- (1) In this section, “unaffected tenant” means a tenant of a house included in a proposed disposal of land who the registered social landlord expects to have vacated the house before the disposal is made.
- (2) The registered social landlord—
  - (a) need not give notice (or further notice) under section 115 to an unaffected tenant, and
  - (b) may exclude an unaffected tenant from any ballot conducted under [<sup>F9</sup>section 115A(1)(a)], and
  - [<sup>F10</sup>(c) need not seek the agreement of an unaffected tenant when seeking written agreement under section 115A(1)(b).]
- (3) But, where a registered social landlord does not give such a notice or so excludes a tenant from the ballot or does not seek the tenant's written consent, the [<sup>F11</sup>registered social landlord must confirm that the tenants concerned have all vacated the houses concerned when notifying the Regulator under section 115A(2)].

**Textual Amendments**

**F9** Words in s. 120(2)(b) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(7)(a)(i)**, 11(2); S.S.I. 2018/253, reg. 2(2)

**F10** S. 120(2)(c) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(7)(a)(ii)**, 11(2); S.S.I. 2018/253, reg. 2(2)

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Chapter 1. (See end of Document for details)*

**F11** Words in s. 120(3) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(7)(b), 11(2)**; [S.S.I. 2018/253](#), reg. 2(2)

**Commencement Information**

**I3** S. 120 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with Sch. 2)

**<sup>F12</sup>121 Regulator's approval**

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**Textual Amendments**

**F12** S. 121 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(8), 11(2)**; [S.S.I. 2018/253](#), reg. 2(2)

**<sup>F13</sup>122 Purchaser protection**

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**Textual Amendments**

**F13** S. 122 repealed (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 4(8), 11(2)**; [S.S.I. 2018/253](#), reg. 2(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Chapter 1.