

# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 3

#### PERFORMANCE OF SOCIAL LANDLORDS

##### *Targets, guidance, code of conduct and equal opportunities*

#### **34 Performance improvement targets**

- (1) The Regulator may set performance improvement targets specifying the level or quality of housing services or the standard of housing activities which social landlords must aim to provide by a specified time.
- (2) Different performance improvement targets, or different times, may be set for different social landlords or for different areas or cases.
- (3) Before issuing, revising or withdrawing a performance improvement target, the Regulator must consult—
  - (a) Ministers,
  - (b) tenants of social landlords or their representatives,
  - (c) homeless persons or bodies representing the interests of homeless persons,
  - (d) recipients of housing services provided by social landlords or their representatives,
  - (e) social landlords or their representatives,
  - (f) secured creditors of registered social landlords or their representatives, and
  - (g) the Accounts Commission for Scotland.

This subsection does not apply where—

- (i) the performance improvement target affects only one social landlord, or
  - (ii) the Regulator considers that there is an urgent need to set the performance improvement target.
- (4) The Regulator must make arrangements for bringing a performance improvement target (and any revision or withdrawal) to the attention of affected social landlords.

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Cross Heading: Targets, guidance, code of conduct and equal opportunities. (See end of Document for details)*

#### Commencement Information

**II** S. 34 in force at 1.4.2012 by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

### 35 Guidance: housing activities

- (1) The Regulator must issue guidance setting out—
  - (a) indicators by reference to which it intends to measure progress towards achieving standards and outcomes set out in the Scottish Social Housing Charter, and
  - (b) how it otherwise intends to assess whether a social landlord has achieved, or made progress towards achieving those standards and outcomes.
- (2) The Regulator may also issue guidance—
  - (a) setting out indicators by reference to which it intends to measure progress towards meeting a performance improvement target,
  - (b) setting out how it otherwise intends to assess whether a social landlord has met, or made progress towards meeting, a performance improvement target,
  - (c) on any other matter related to housing services provided by social landlords.
- (3) Guidance may be given generally or for particular purposes (and different guidance may be issued for different social landlords or for different areas or cases).
- (4) Before issuing, revising or withdrawing general guidance, the Regulator must consult—
  - (a) Ministers,
  - (b) tenants of social landlords or their representatives,
  - (c) homeless persons or bodies representing the interests of homeless persons,
  - (d) recipients of housing services provided by social landlords or their representatives,
  - (e) social landlords or their representatives,
  - (f) secured creditors of registered social landlords or their representatives, and
  - (g) the Accounts Commission for Scotland.
- (5) The Regulator must make arrangements for bringing its guidance (and any revision or withdrawal) to the attention of affected social landlords.

#### Commencement Information

**I2** S. 35 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

**I3** S. 35 in force at 1.4.2012 in so far as not already in force by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

### 36 Code of conduct: governance and financial accountability

- (1) The Regulator must issue a code of conduct setting out standards of financial management and governance for registered social landlords.
- (2) The code of conduct may make different provision for different registered social landlords or for different areas or cases.

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**Changes to legislation:** There are currently no known outstanding effects for the Housing (Scotland) Act 2010,  
Cross Heading: Targets, guidance, code of conduct and equal opportunities. (See end of Document for details)

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- (3) The Regulator must issue guidance on the code of conduct.
- (4) Before issuing or revising its code of conduct or guidance, the Regulator must consult—
  - (a) tenants of registered social landlords or their representatives,
  - (b) registered social landlords or their representatives, and
  - (c) secured creditors of registered social landlords or their representatives.
- (5) The Regulator must make arrangements for bringing the code of conduct (and any revision) and its guidance (and any revision) to the attention of registered social landlords.

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**Commencement Information**

- I4** S. 36 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96, art. 2, Sch.](#)
- I5** S. 36 in force at 1.4.2012 in so far as not already in force by [S.S.I. 2012/39, art. 2, Sch. 1](#) (with [Sch. 2](#))

### **37 Financial management or governance targets for registered social landlords**

- (1) The Regulator may set financial management or governance targets specifying standards of financial management or governance which registered social landlords must aim to achieve by a specified time.
- (2) Different financial management or governance targets, or different times, may be set for different registered social landlords or for different cases.
- (3) Before issuing, revising or withdrawing a financial management or governance target, the Regulator must consult—
  - (a) Ministers,
  - (b) tenants of registered social landlords or their representatives,
  - (c) registered social landlords or their representatives, and
  - (d) secured creditors of registered social landlords or their representatives.

This subsection does not apply where—

- (i) the financial management or governance target affects only one registered social landlord, or
  - (ii) the Regulator considers that there is an urgent need to set the financial management or governance target.
- (4) The Regulator must make arrangements for bringing a financial management or governance target (and any revision or withdrawal) to the attention of affected registered social landlords.

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**Commencement Information**

- I6** S. 37 in force at 1.4.2012 by [S.S.I. 2012/39, art. 2, Sch. 1](#) (with [Sch. 2](#))

### **38 Guidance: financial management or governance targets**

- (1) The Regulator may issue guidance—

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**Changes to legislation:** There are currently no known outstanding effects for the Housing (Scotland) Act 2010,  
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- (a) setting out indicators by reference to which it intends to measure progress towards meeting a financial management or governance target,
  - (b) setting out how it otherwise intends to assess whether a registered social landlord has met, or made progress towards meeting, a financial management or governance target.
- (2) Guidance may be given generally or for particular purposes (and different guidance may be issued for different registered social landlords or for different cases).
- (3) Before issuing, revising or withdrawing guidance on a financial management or governance target, the Regulator must consult those persons who it was required to consult when issuing or revising the target.
- (4) The Regulator must make arrangements for bringing its guidance (and any revision or withdrawal) to the attention of affected registered social landlords.

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**Commencement Information**

**I7** S. 38 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with [Sch. 2](#))

### **39 Encouragement of equal opportunities**

Social landlords when performing housing services must act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities.

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**Commencement Information**

**I8** S. 39 in force at 1.4.2011 by [S.S.I. 2011/96](#), art. 2, **Sch.**

**Changes to legislation:**

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