



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 9

#### DISPOSAL OF LAND OR ASSETS BY REGISTERED SOCIAL LANDLORDS

#### **107 Power to dispose of land or assets**

- (1) A registered social landlord has power to dispose of land, or to dispose of any other asset by granting security over it, but may do so only if—
  - (a) the Regulator consents to the disposal, or
  - (b) the Regulator's consent is not required because of section 108.
- (2) The Regulator may—
  - (a) give general consent to certain disposals, or
  - (b) give consent for particular purposes (for example, for particular registered social landlords, particular land or particular disposals).
- (3) The Regulator's consent may be conditional.

#### **Commencement Information**

**II** S. 107 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, [Sch. 1](#) (with [Sch. 2](#))

#### **108 Disposals not requiring consent**

- (1) The Regulator's consent under this Part is not required for a disposal—
  - (a) by way of a lease under a Scottish secure tenancy (or what would be such a tenancy but for schedule 1 to the Housing (Scotland) Act 2001 (asp 10)),
  - (b) by way of a lease under a short Scottish secure tenancy,
  - (c) by way of a lease under an assured tenancy or an assured agricultural occupancy,
  - (d) by way of a lease under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of schedule 4 to the Housing (Scotland) Act 1988 (c.43),
  - (e) by way of an occupancy arrangement,

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- (f) made in pursuance of the right to buy conferred by Part 3 of the Housing (Scotland) Act 1987 (c.26),
  - (g) made in pursuance of a direction given by the Regulator under section 67 or 106,
  - (h) for which the Regulator's consent is required under section 78,
  - (i) made in implementation of agreed proposals under section 86 or 87,
  - (j) arising from a restructuring for which the Regulator's consent is required under Part 8, or
  - (k) of such type and made in such manner as the Regulator may determine.
- (2) For the purposes of subsection (1)(e) an occupancy arrangement is an arrangement other than a lease—
- (a) under which a person has the lawful right to occupy living accommodation (within the meaning of section 194 of the Housing (Scotland) Act 2006 (asp 1)) which forms part of premises or a group of premises owned by the landlord, and
  - (b) where the occupants of the premises share with each other one or more of—
    - (i) a toilet,
    - (ii) personal washing facilities, or
    - (iii) facilities for the preparation or provision of cooked food.
- (3) Before making, revising or withdrawing a determination under subsection (1)(k), the Regulator must consult—
- (a) Ministers,
  - (b) registered social landlords or their representatives, and
  - (c) secured creditors of registered social landlords or their representatives.
- (4) The Regulator must make arrangements for bringing a determination (and any revision or withdrawal) to the attention of those affected by it.

#### **Commencement Information**

- I2** S. 108(1)(2)(4) in force at 1.4.2012 by [S.S.I. 2012/39, art. 2, Sch. 1](#) (with [Sch. 2](#))
- I3** S. 108(3) in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96, art. 2, Sch.](#)
- I4** S. 108(3) 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](#))

## **109 Notification where disposal consent not required**

- (1) If a registered social landlord makes a disposal which does not require the Regulator's consent it must notify the Regulator as soon as reasonably practicable.
- (2) The Regulator may make a determination dispensing with the notification requirement.
- (3) A determination may be given generally or for particular purposes (and different determinations may be issued for different social landlords or for different areas or properties).
- (4) Before issuing, revising or withdrawing a general determination, the Regulator must consult—

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- (a) Ministers,
  - (b) tenants of social landlords or their representatives,
  - (c) registered social landlords or their representatives, and
  - (d) secured creditors of registered social landlords or their representatives.
- (5) The Regulator need not consult on a specific determination relating only to one or more particular registered social landlords or properties.

#### Commencement Information

- I5** S. 109(1)-(3) (5) in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, [Sch. 1](#) (with [Sch. 2](#))
- I6** S. 109(4) in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96](#), art. 2, [Sch.](#)
- I7** S. 109(4) 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](#))

## 110 Tenant consultation: other disposals

- (1) This section applies where—
- (a) a registered social landlord proposes to make a disposal of land for which the Regulator's consent under this Part is required, and
  - [<sup>F1</sup>(aa) the proposed disposal is not by way of granting security over the land or any interest in it,]
  - (b) Part 10 does not apply in relation to the proposed disposal (see section 113).
- (2) The registered social landlord must—
- (a) consult—
    - (i) tenants of any houses included in the disposal, and
    - (ii) any other person whom the Regulator requires the landlord to consult, and
  - (b) inform the Regulator of the views expressed by those consulted.

#### Textual Amendments

- F1** [S. 110\(1\)\(aa\)](#) inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [Sch. 2 para. 18\(4\)](#); [S.S.I. 2014/264](#), art. 2, [Sch.](#)

#### Commencement Information

- I8** S. 110 in force at 1.4.2012 for specified purposes by [S.S.I. 2012/39](#), art. 2, [Sch. 1](#) (with [Sch. 2](#))

## 111 Effect of disposals without consent

A disposal of land by a registered social landlord for which the Regulator's consent is required is void if the Regulator does not consent to the disposal before it is made.

#### Commencement Information

- I9** S. 111 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, [Sch. 1](#) (with [Sch. 2](#))

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## **112 De-registered bodies**

This Part applies in relation to a disposal of land by a body removed from the register of social landlords as if that body were still registered. But it only so applies in relation to land held by the body before it was so removed.

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### **Commencement Information**

**I10** S. 112 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, [Sch. 1](#) (with [Sch. 2](#))

**Status:**

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**Changes to legislation:**

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