



Housing (Scotland) Act 2010

2010 asp 17

PART 8

REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

[^{F1}Registered social landlord becoming a subsidiary of another body

[^{F1}]^{F2}104A Registered social landlord becoming a subsidiary of another body

- (1) This section applies where a registered social landlord which is a registered society or a registered company proposes to enter into an arrangement under which the landlord will become a subsidiary of a body of which it is not currently a subsidiary.
- (2) Subject to subsection (5)—
 - (a) the registered social landlord must comply with sections 115 to 120 (as applied by subsection (3)) in relation to the arrangement, and
 - (b) the arrangement has effect only if the conditions in subsection (4) are met.
- (3) Sections 115 to 120 apply in relation to a proposed arrangement to which this section applies as they apply in relation to a proposed disposal to which section 107(4) applies.
- (4) The conditions are that, before the arrangement was completed—
 - (a) the registered social landlord complied with sections 115 and 115A(1) (as applied by subsection (3)), and
 - (b) a majority of tenants—
 - (i) voting in a ballot conducted under section 115(1)(a) wish the arrangement to proceed, or, as the case may be,
 - (ii) whose written agreement to the arrangement was sought under section 115A(1)(b) have given that agreement.
- (5) The Regulator must determine that subsections (2) and (3) are not, or are to cease, to apply in relation to an arrangement where the Regulator considers that—
 - (a) the registered social landlord's viability is in jeopardy for financial reasons,
 - (b) a person could take a step in relation to the landlord which would require to be notified to the Regulator under section 73, and

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 104A. (See end of Document for details)

- (c) the determination under this subsection would substantially reduce the likelihood of a person taking such a step.
- (6) The registered social landlord must, as soon as reasonably practicable after the arrangement takes effect (and no later than 28 days after that event), give notice of the arrangement to the Regulator.]]

Textual Amendments

- F1** S. 104A and cross-heading inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 98(1), 104(3)**; [S.S.I. 2014/264](#), art. 2, **Sch.** (with art. 3)
- F2** S. 104A substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 7(2), 11(2)**; [S.S.I. 2018/253](#), **reg. 2(2)**

Changes to legislation:

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