



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 17

#### SUPPLEMENTARY AND FINAL PROVISIONS

#### 165 Interpretation

In this Act, except where the contrary intention appears—

“approved person” means a person approved under section 126,

“asset” includes property, rights and interests,

“assured agricultural occupancy” has the same meaning as in Part 1 of the Housing Act 1988 (c.50),

“assured tenancy” has the same meaning as in Part 2 of the Housing (Scotland) Act 1988 (c.43),

“body” includes a body of persons corporate or unincorporated and a partnership constituted under the law of Scotland,

“charity” means a body entered in the Scottish Charity Register,

“connected body”, and similar expressions, have the meaning given by section 164,

“constitution”—

- (a) in relation to a registered company, means its articles of association,
- (b) in relation to a registered society, means its rules,
- (c) in relation to a body of any other status, means the instrument which establishes it and states its purposes,

“disposal”, in relation to property, means any disposal of the property or any interest in it and, in particular, includes—

- (a) a sale or lease of the property or any interest in it,
- (b) granting security over the property or any interest in it, and
- (c) granting an option or otherwise entering into a contract for disposal,

“eligible house” has the meaning given by section 127(1),

“enforcement notice” has the meaning given by section 56,

“equal opportunities” has the same meaning as in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998 (c.46),

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“financial management or governance target” has the meaning given by section 37,

“house” includes—

- (a) any part of a building occupied or intended to be occupied as a separate dwelling, and in particular includes a flat, and
- (b) any yard, garden, garage, outhouse and pertinent belonging to the house or usually enjoyed with it,

“housing accommodation” includes flats, lodging-houses and hostels,

“housing activities” means any activities undertaken by a social landlord in relation to housing services which are or may be provided by it,

“housing services” means providing housing accommodation and related services and includes anything done, or required to be done, in relation to—

- (a) the prevention and alleviation of homelessness,
- (b) the management of housing accommodation,
- (c) the provision of services for owners and occupiers of houses,
- (d) the provision and management of sites for gypsies and travellers, whatever their race or origin,

“inquiries” means inquiries under section 42,

“landlord” means any person who lets a house under a tenancy, and includes the landlord's successors in title,

“Lands Tribunal” means the Lands Tribunal for Scotland,

“legislative registration criteria” has the meaning given by section 24,

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39) and references to a local authority area are to be construed accordingly,

“local authority landlord” means a landlord which is a local authority, a joint board or joint committee of 2 or more local authorities, or the common good of a local authority, or any trust controlled by a local authority,

“Ministers” means the Scottish Ministers,

“offer to sell” has the meaning given by section 129,

“officer”—

- (a) in relation to a registered social landlord which is a registered company, has the meaning given by section 1173 of the Companies Act 2006 (c.46),
- (b) in relation to a registered social landlord which is a registered society, has the meaning given by [F1section 149 of the Co-operative and Community Benefit Societies Act 2014],
- (c) in relation to a registered social landlord of any other status, means any person concerned in the management or control of the registered social landlord,

“owner”, in relation to any property, means a person who has right to the property whether or not that person has completed title,

“performance improvement plan” has the meaning given by section 55,

“performance improvement target” has the meaning given by section 34,

“personal indemnity insurance” has the meaning given by section 65(3),

“qualifying tenant” has the meaning given by section 127(2),

“register” has the meaning given by section 20(1),

“registered company” means a company for the purposes of the Companies Act 2006 (c.46),

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- “registered social landlord” means a body registered in the register,
- “registered society” means a society registered under the [<sup>F2</sup>Co-operative and Community Benefit Societies Act 2014],
- “registered tenant organisation” has the meaning given by section 53(6) of the Housing (Scotland) Act 2001 (asp 10),
- “registration criteria” has the meaning given by section 23,
- “the Regulator” means the Scottish Housing Regulator established by section 1,
- “regulatory intervention” is to be construed in accordance with section 52,
- “regulatory registration criteria” has the meaning given by section 25,
- “relevant regulators” has the meaning given by section 18(2),
- “responsible individual” has the meaning given by section 63,
- “revision” includes addition and replacement,
- “tenancy” means an agreement under which a house is made available for human habitation, and “lease” and other related expressions are to be construed accordingly,
- “tenant” means a person who leases a house from a landlord and whose right in the house derives directly from the landlord, and in the case of a joint tenancy means all the tenants,
- “Scottish secure tenancy” has the same meaning as in the Housing (Scotland) Act 2001 (asp 10),
- “Scottish Social Housing Charter” has the meaning given by section 31,
- “secured creditor” in relation to a registered social landlord, means a creditor who holds a security over assets,
- “security” means any security or charge (including a floating charge),
- “short Scottish secure tenancy” has the same meaning as in the Housing (Scotland) Act 2001 (asp 10),
- “social landlord” means a registered social landlord, local authority landlord or a local authority which provides housing services,
- [<sup>F3</sup> “subsidiary” has the same meaning as in the Companies Act 2006 (c.46) or, as the case may be, the [<sup>F4</sup>Co-operative and Community Benefit Societies Act 2014],
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- “undischarged bankrupt” means an individual—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),
  - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it),
  - (c) who is the subject of—
    - (i) a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 (c.66) [<sup>F5</sup>, the Bankruptcy (Scotland) Act 2016] or the Insolvency Act 1986 (c.45), or
    - (ii) a bankruptcy restrictions undertaking entered into under [<sup>F6</sup>paragraph 7 of Schedule 4A to the Insolvency Act 1986], or
  - (d) who has been adjudged bankrupt (and has not been discharged), or is subject to any other kind of order, arrangement or undertaking analogous to those described above, anywhere in the world.

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#### Textual Amendments

- F1** Words in s. 165 substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 2(7)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F2** Words in s. 165 substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 6(16)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F3** Words in s. 165 inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 98(4)**, 104(3); [S.S.I. 2014/264](#), art. 2, Sch.
- F4** Words in s. 165 substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 7(4)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F5** Words in s. 165 inserted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 27(3)** (with [ss. 232](#), [234\(3\)](#), [235](#), [236](#)); [S.S.I. 2016/294](#), reg. 2
- F6** Words in s. 165 substituted (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **Sch. 3 para. 41**; [S.S.I. 2014/261](#), art. 3 (with arts. 4-7, 12) (as amended by [S.S.I. 2015/54](#), art. 2)

#### Modifications etc. (not altering text)

- C1** S. 165 modified (temp. until 1.4.2012) (10.2.2011) by [The Housing \(Scotland\) Act 2010 \(Commencement No. 2, Transitional, Transitory and Saving Provisions\) Order 2011 \(No. 96\)](#), **art. 4**

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 165.