



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 5

#### REGULATORY INTERVENTION

*Registered social landlords: removal, suspension and appointment of officers etc.*

#### **65 Appointment of new officers**

- (1) The Regulator may appoint an individual as an officer of a registered social landlord—
- (a) in place of an officer it removes under section 60 or 62,
  - (b) where there are no officers,
  - (c) where—
    - (i) the registered social landlord has an insufficient number of officers to be able to appoint an officer under its constitution, and
    - (ii) the constitution does not provide a mechanism for appointing an officer in such circumstances, or
  - (d) if the Regulator considers that an additional officer is needed [<sup>F1</sup>to rectify a failure by the registered social landlord to comply with—
    - (i) a duty imposed by this Act or by any other enactment, or
    - (ii) a requirement imposed on the landlord by the Regulator under this Act or any other enactment,relating to its] financial or other affairs.
- (2) It is for the Regulator to determine the terms on which an officer is appointed (including [<sup>F2</sup>, subject to subsection (2A),] as to period of appointment and remuneration and expenses).
- [<sup>F3</sup>(2A) Where the officer is appointed by virtue of subsection (1)(d) to rectify a failure to comply with a duty or requirement, the appointment is to be only for so long as is necessary to so rectify the failure.]
- (3) The Regulator may require the registered social landlord to purchase and maintain personal indemnity insurance approved by the Regulator for the officer appointed.

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 65. (See end of Document for details)*

“personal indemnity insurance” means insurance designed to indemnify against liability attaching to an individual in connection with any negligence, default, or breach of duty committed in the individual's capacity as officer but does not include insurance with a provision—

- (a) prohibited by section 68A(2) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10),
  - (b) prohibited by section 234(3) of the Companies Act 2006 (c.46), or
  - (c) which would be prohibited if the registered social landlord was a registered company or a charity.
- (4) [<sup>F4</sup>Subject to subsection (4A), the] Regulator may renew the appointment of an officer on expiry of any period of appointment so determined.
- [<sup>F5</sup>(4A) Where the officer was appointed by virtue of subsection (1)(d), subsection (2A) applies to the renewal of the appointment as it applies to the appointment.]
- (5) It is for the registered social landlord to pay the appointed officer's remuneration and expenses.
- (6) An appointed officer is entitled—
- (a) to require a general meeting of the registered social landlord to be convened within 21 days of giving notice to the landlord's officers of a request to that effect,
  - (b) to attend, speak and vote at such a general meeting (whether or not convened in pursuance of paragraph (a)),
  - (c) to move a resolution at such a general meeting (whether or not so convened), and
  - (d) to resign or retire in accordance with the registered social landlord's constitution.
- (7) An appointment may be made despite any contrary restriction in the registered social landlord's constitution (and any such restriction contrary to anything done by virtue of this section is accordingly overridden in relation to the appointment concerned).

#### Textual Amendments

- F1** Words in s. 65(1)(d) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 2(6)(a)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F2** Words in s. 65(2) inserted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 2(6)(b)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F3** S. 65(2A) inserted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 2(6)(c)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F4** Words in s. 65(4) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 2(6)(d)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F5** S. 65(4A) inserted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 2(6)(e)**, 11(2); S.S.I. 2018/253, reg. 2(2)

#### Commencement Information

- I1** S. 65 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with [Sch. 2](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 65.