



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 for the proper management of the registered social landlord's financial or other affairs.

- (2) It is for the Regulator to determine the terms on which an officer is appointed (including as to period of appointment and remuneration and expenses).

- (3) The Regulator may require the registered social landlord to purchase and maintain personal indemnity insurance approved by the Regulator for the officer appointed.

“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.

Status: This is the original version (as it was originally enacted).

- (4) The Regulator may renew the appointment of an officer on expiry of any period of appointment so determined.
- (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).