

HOUSING (AMENDMENT) (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE ACT

Organisational changes affecting registered social landlords

Section 5 – Change of name, office or constitution by registered social landlord

65. Under section 92 of the 2010 Act, an RSL must notify the Regulator of any change in its name or to the address of its registered or principal office with 28 days of that change. Under section 93 of the 2010 Act, an RSL cannot make any other change to its constitution¹ unless the Regulator consents. Sections 94 and 95 make further provision about the Regulator’s consent under section 93.
66. **Section 5** of the Act removes the need for the RSL to obtain the Regulator’s consent to changes to its constitution by inserting a new section 92 providing that the RSL need only notify the Regulator of all such changes (rather than just changes of name or address) within 28 days of the change being made. As a consequence of the removal of the requirement for Regulator’s consent, sections 93 and 95 are no longer needed and so are repealed by section 5(3).

1 Section 165 of the 2010 Act defines what is meant by the “constitution” of an RSL: where the RSL is a registered company, its constitution is its articles of association; where it is a registered society, its constitution is the society’s rules; in any other case, the RSL’s constitution is the instrument which establishes it and states its purpose. See also footnote 7 for the meaning of “registered society”.