These notes relate to the Housing (Amendment) (Scotland) Act 2018 (asp 13) which received Royal Assent on 6 July 2018

HOUSING (AMENDMENT) (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE ACT

Organisational changes affecting registered social landlords

Section 6 – Restructuring, winding up and dissolution of registered social landlord

Conversion of company into a registered society

100. The conversion of an RSL that is a company into an RSL that is a registered society is covered by section 102 of the 2010 Act. That section provides that the special resolution relating to the conversion has effect only if the Regulator consented to it before it was passed and the RSL sends a copy of that consent along with the resolution to the registrar of companies. By virtue of section 100(3), the Regulator may consent only where the RSL consulted its tenants on the conversion.

101. The existing section 102(2) makes provision for the inclusion in the register of registered social landlords of the new registered society created as a result.

102. Section 6(10) of the Act replaces section 102 with a new version. The main difference between the current version and the new one is the removal of the need for the Regulator's consent.

103. The new section 102(2) places a duty on the RSL to consult its tenants on the proposed conversion into a registered society. By virtue of subsection (3), the special resolution relating to the conversion has effect only if the RSL confirms it did so, and sends a copy of that confirmation to the registrar of companies with the resolution. Under section 102(4), the RSL must give the Regulator notice of the sending of the special resolution to the registrar. Section 102(5) re-enacts section 102(2) and provides for the inclusion of the new registered society in the register of registered social landlords. Finally, subsections (6) and (7) require the Regulator to issue guidance about tenant consultation and require the RSL to have regard to that guidance when consulting its tenants.