



# Housing (Amendment) (Scotland) Act 2018

2018 asp 13

## *Regulatory intervention by Scottish Housing Regulator*

- 2 Registered social landlords: removal, suspension and appointment of officers etc.**
- (1) The Housing (Scotland) Act 2010 is further amended as follows.
- (2) In section 60 (general power to remove officers), in subsection (1), for paragraph (e) substitute—
- “(e) is, because of absence or other failure to act, failing to ensure that the registered social landlord is complying with—
- (i) a duty imposed by this Act or by any other enactment,
  - (ii) a requirement imposed on the landlord by the Regulator under this Act or any other enactment.”.

(3) In section 61 (suspension of officers etc. during or following inquiries), in subsection (1), for paragraphs (a) to (c) substitute—

“(a) that the registered social landlord has failed, or is failing, 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 housing activities or its financial or other affairs.”.

(4) In section 62 (removal of officers etc. following inquiries), in subsection (1), for paragraphs (a) to (c) substitute—

“(a) that the registered social landlord has failed, or is failing, 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 housing activities or its financial or other affairs.”.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In section 63 (responsible individuals), “misconduct, mismanagement,” is repealed.
- (6) In section 65 (appointment of new officers)—
- (a) in subsection (1)(d), for “for the proper management of the registered social landlord’s” substitute “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”,
  - (b) in subsection (2), after “including” insert “, subject to subsection (2A),”,
  - (c) after subsection (2) insert—
    - “(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.”,
  - (d) in subsection (4), for “The” substitute “Subject to subsection (4A), the”,
  - (e) after that subsection insert—
    - “(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.”.
- (7) In section 165 (interpretation), in the definition of “officer”, in paragraph (b), for “section 74 of that Act” substitute “section 149 of the Co-operative and Community Benefit Societies Act 2014”.