



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 4

#### INQUIRIES AND INFORMATION

##### *Information*

#### **47 Information from tenants on significant performance failures**

- (1) The Regulator must make arrangements to enable and assist tenants of social landlords to provide it with information on significant performance failures by social landlords.
- (2) The Regulator must publish a statement setting out—
  - (a) what it considers to be a significant performance failure (with reference to standards and outcomes in the Scottish Social Housing Charter, performance improvement targets, financial management and governance targets and the code of conduct issued under section 36), and
  - (b) details of its arrangements (including details of how it will deal with information provided and how it will respond to tenants).

#### **48 Power to obtain information**

- (1) The Regulator may, when making inquiries or otherwise for a purpose connected with its functions, require any person to provide it with any document or other information relating to—
  - (a) a social landlord, or
  - (b) a body which at the material time is or was connected to a registered social landlord or a local authority landlord.
- (2) A requirement must specify—
  - (a) the document or other information which the person must provide, and
  - (b) where and by when the person must provide it.
- (3) A requirement must not be made of a person other than the social landlord or connected body concerned unless—

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- (a) the social landlord or connected body has already failed to comply with a requirement to provide the document or other information, or
  - (b) the Regulator believes that the social landlord or connected body is unable to provide the document or other information.
- (4) This section does not authorise the Regulator to require—
- (a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in the Court of Session, or
  - (b) a banker to disclose anything in breach of a duty of confidentiality owed to anyone other than the social landlord or connected body concerned (or any other body connected to the social landlord).
- (5) The Regulator may copy, or make extracts from, any document or other information it receives.

#### **49 Failure to provide information etc.**

- (1) It is an offence for a person, without reasonable excuse, to fail to comply with a requirement made under section 48.
- (2) It is an offence for a person, knowingly or recklessly, to provide information which is false or misleading in a material respect to the Regulator or any other person—
- (a) in purported compliance with a requirement made under section 48, or
  - (b) otherwise if the person knows, or could reasonably be expected to know, that the information may be used by, or provided to, the Regulator.
- (3) It is an offence for a person intentionally to alter, suppress, conceal or destroy a document or other information which the person, or which the person knows another person, has been required to provide under section 48.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person guilty of an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **50 Social landlords' involvement of tenants etc. when providing information**

- (1) The Regulator must issue guidance setting out the extent to which social landlords must seek to involve persons (or representatives of such persons) who are or who may become—
- (a) homeless,
  - (b) tenants of social landlords, or
  - (c) recipients of housing services provided by social landlords,
- in the preparation of information to be given by social landlords to the Regulator.
- (2) The Regulator may require a social landlord to provide information on how it has involved such persons (or their representatives) in providing information to which the guidance relates.
- (3) Guidance may be given generally or for particular purposes (and different guidance may be issued for different social landlords or for different areas or cases).
- (4) Before issuing or revising guidance, the Regulator must consult—

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- (a) Ministers,
  - (b) tenants of social landlords or their representatives,
  - (c) homeless persons or bodies representing the interests of homeless persons,
  - (d) recipients of housing services provided by social landlords or their representatives,
  - (e) social landlords or their representatives,
  - (f) secured creditors of registered social landlords or their representatives, and
  - (g) the Accounts Commission for Scotland.
- (5) The Regulator must make arrangements for bringing its guidance (and any revision or withdrawal) to the attention of affected social landlords.