



Housing (Scotland) Act 2010

2010 asp 17

PART 5

REGULATORY INTERVENTION

Managerial appointment

57 Appointment of manager for housing activities

- (1) This section applies where the Regulator, having made inquiries or otherwise, considers—
 - (a) that a social landlord is, or is at risk of, failing—
 - (i) to achieve a standard or an outcome set out in the Scottish Social Housing Charter,
 - (ii) to meet a performance improvement target,
 - (iii) to implement an approved performance improvement plan, or
 - (iv) to comply with an enforcement notice, and
 - (b) that a person needs to be appointed in order to ensure that the social landlord provides housing services to an appropriate standard.
- (2) The Regulator may appoint, or require the social landlord to appoint, a manager—
 - (a) to manage its housing activities generally, or
 - (b) to manage particular aspects of those activities.
- (3) Before appointing or requiring appointment of a manager for a local authority or a local authority landlord, the Regulator must—
 - (a) consult—
 - (i) the local authority or local authority landlord,
 - (ii) such bodies representing local authorities as it thinks fits, and
 - (iii) the Accounts Commission for Scotland, and
 - (b) have regard to views expressed by those consulted by such time as the Regulator may specify.

58 Appointment of manager for financial or other affairs

- (1) This section applies where the Regulator, having made inquiries or otherwise, considers that a person needs to be appointed in order to ensure that the registered social landlord manages its financial or other affairs to an appropriate standard.
- (2) The Regulator may appoint, or require the registered social landlord to appoint, a manager—
 - (a) to manage its financial and other affairs generally, or
 - (b) to manage particular aspects of those affairs.

59 Appointment of manager: supplementary

- (1) It is for the Regulator to determine the terms on which a manager is to be appointed under section 57 or 58 (including as to period of appointment and remuneration and expenses).
- (2) It is for the social landlord to pay the manager's remuneration and expenses.
- (3) A manager has—
 - (a) general powers to do anything required to perform the manager's functions (including power to enter into agreements or do anything else which the social landlord has power to do), and
 - (b) such specific powers as the Regulator may specify.
- (4) But a manager must comply with any direction by the Regulator about the performance of the manager's functions (and may be removed on failure to so comply).
- (5) A manager acts as the social landlord's agent and is accordingly not personally liable on an agreement entered into as manager.
- (6) Anyone dealing with a manager in good faith and for value need not inquire whether the manager is acting within the powers conferred by virtue of this section.