

*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

Local authority influence over registered social landlords

Section 9 – Power to reduce local authority influence over registered social landlords

122. In classifying RSLs as public bodies, the ONS indicated to the Scottish Government that another aspect of public sector control over RSLs was the potential involvement in them of local authorities and the ability of local authorities in some cases to exert a degree of influence over RSLs by having either the ability to appoint officers¹ of the RSL or by having certain voting rights, or by having both powers.
123. [Section 9](#) of the Act allows the Scottish Ministers, through the exercise of a regulation-making power, to limit or remove the ability of local authorities to exert this sort of influence over RSLs. This section is similar to section 93 of the Housing and Planning Act 2016, enacted as part of the UK Government’s response to the classification, by the ONS, of private registered providers of social housing (“housing associations”) in England as public bodies.²
124. Regulations under this section are subject to the affirmative procedure.³

¹ For the meaning of “officer” in relation to an RSL, see section 165 of the 2010 Act and paragraph 27 above.

² See [Classification announcement: “Private registered providers” of social housing in England](#)

³ So laid in draft and approved by a resolution of the Scottish Parliament before final regulations are made – see section 29 of ILRA.