Housing (Amendment) (Scotland) Act 2018

2018 asp 13

Regulatory intervention by Scottish Housing Regulator

1 Managers appointed by, or on the requirement of, the Scottish Housing Regulator

(1) The Housing (Scotland) Act 2010 is amended as follows.

(2) In section 57 (appointment of manager for housing activities)—

(a) in subsection (1)—

(i) in paragraph (a), for "is, or is at risk of," substitute "has failed, or is",

(ii) in paragraph (b), for "to an appropriate standard" substitute "in a way that will rectify the failure",

(b) in subsection (2), for paragraphs (a) and (b) substitute "to manage the landlord's housing activities generally, or such aspects of those activities as are necessary, for the purpose of rectifying the failure which the Regulator considers requires the appointment of the manager.".

(3) In section 58 (appointment of manager for financial or other affairs)—

(a) for subsection (1) substitute—

"(1) This section applies where the Regulator, having made inquiries or otherwise, considers—

(a) that a 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, and

(b) that a person needs to be appointed in order to ensure that the landlord manages its financial or other affairs in a way that will rectify the failure.",

(b) in subsection (2), for paragraphs (a) and (b) substitute "to manage the landlord's financial or other affairs generally, or such aspects of those affairs

as are necessary, for the purpose of rectifying the failure which the Regulator considers requires the appointment of the manager.”.

(4) In section 59 (appointment of manager under section 57 or 58: supplementary)—

(a) in subsection (1), after “including” insert “, subject to subsection (1A),”,

(b) after subsection (1) insert—

“(1A) The appointment is to be only for so long as is necessary to rectify the failure which gave rise to the manager’s appointment.”,

(c) for subsection (4) substitute—

“(4) The Regulator may give a manager directions about the rectification of the failure which gave rise to the manager’s appointment.

(4A) The manager—

(a) must comply with such directions,

(b) may be removed by the Regulator on failure to so comply.”.

(5) In section 87 (extra powers of manager of registered society appointed by the Scottish Housing Regulator)—

(a) in subsection (3), for “section 50 of the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c.12)” substitute “section 109 of the Co-operative and Community Benefit Societies Act 2014”,

(b) in subsection (4), for “section 51 or 52 of the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c.12) (and, in particular, has effect subject to section 54 of that Act)” substitute “section 110 or 112 of the Co-operative and Community Benefit Societies Act 2014”.