



Housing (Amendment) (Scotland) Act 2018

2018 asp 13

Disposal of land etc. by registered social landlords

4 Special procedure where disposal results in change of landlord

- (1) The Housing (Scotland) Act 2010 is further amended as follows.
- (2) In section 113 (disposals resulting in change of landlord)—
 - (a) in subsection (1), for paragraphs (a) and (b), substitute “to which section 107(4) applies.”,
 - (b) subsection (2) is repealed.
- (3) Section 114 is repealed.
- (4) In section 115 (consultation with tenants)—
 - (a) in subsection (1), “, after a direction given by the Regulator under section 114,” is repealed,
 - (b) in subsection (2)—
 - (i) in paragraph (a), sub-paragraph (ii) (and “and” immediately preceding it) is repealed,
 - (ii) in paragraph (b), for “Regulator’s consent” substitute “approval of tenants by way of ballot or written agreement”.
- (5) After section 115 insert—

“115A Tenant approval

- (1) A registered social landlord must, in relation to a proposed disposal—
 - (a) conduct a ballot of tenants of houses included in the proposed disposal on the question of whether the tenants wish the disposal to proceed, or
 - (b) seek the written agreement of the tenants of houses included in the proposed disposal to the disposal.
- (2) The registered social landlord must—

- (a) as soon as reasonably practicable after the ballot is completed or, as the case may be, the period for the giving of written agreement has expired, and
 - (b) before making the disposal,
- notify the Regulator of the results of the ballot or, as the case may be, the number of written agreements sought and the number given.

115B Guidance

- (1) The Regulator must issue guidance in relation to tenant consultation and approval under sections 115 and 115A.
- (2) Guidance issued under subsection (1) may in particular include guidance as to—
 - (a) how notices under section 115(1) and (2) are to be served and the information to be contained in such notices,
 - (b) the consideration to be given to timeous representations made in pursuance of a notice served under section 115(1),
 - (c) the circumstances in which the approval of tenants under section 115A is to be sought by way of—
 - (i) ballot,
 - (ii) written agreement,
 - (d) how such ballots are to be conducted and how such written agreements are to be sought and given.
- (3) A registered social landlord must, in complying with sections 115 and 115A, have regard to guidance issued by the Regulator under subsection (1).”.
- (6) Sections 116 to 119 are repealed.
- (7) In section 120 (unaffected tenants)—
 - (a) in subsection (2)—
 - (i) in paragraph (b), for “section 118” substitute “section 115A(1)(a)”,
 - (ii) for paragraph (c) substitute—
 - “(c) need not seek the agreement of an unaffected tenant when seeking written agreement under section 115A(1)(b).”.
 - (b) in subsection (3), for “Regulator” where it first occurs to the end substitute “registered social landlord must confirm that the tenants concerned have all vacated the houses concerned when notifying the Regulator under section 115A(2)”.
- (8) Sections 121 and 122 are repealed.