
STATUTORY INSTRUMENTS

2001 No. 1456

The Scotland Act 1998 (Modification of Schedule 5) Order 2001

Insolvency of social landlords

2.—(1) In Part II of Schedule 5 to the Scotland Act 1998 (specific reservations), in Section C2 (insolvency), after the exception relating to business associations there is inserted—

“In relation to business associations which are social landlords, the following additional exceptions—

- (a) the general legal effect of winding up,
- (b) procedures for the initiation of winding up,
- (c) powers of courts in relation to proceedings for winding up, and
- (d) procedures giving protection from creditors,

but only in so far as they relate to a moratorium on the disposal of property held by a social landlord and the management and disposal of such property.”

(2) In that Section, after the definition of “business association” there is inserted—

““Social landlord” means a body which is—

- (a) a society registered under the Industrial and Provident Societies Act 1965⁽¹⁾ which has its registered office for the purposes of that Act in Scotland and satisfies the relevant conditions, or
- (b) a company registered under the Companies Act 1985⁽²⁾ which has its registered office for the purposes of that Act in Scotland and satisfies the relevant conditions.

“The relevant conditions” are that the body does not trade for profit and is established for the purpose of, or has among its objects and powers, the provision, construction, improvement or management of—

- (a) houses to be kept available for letting,
- (b) houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body, or
- (c) hostels,

“house” and “hostel” having the meanings given in section 338(1) of the Housing (Scotland) Act 1987⁽³⁾.”

(1) 1965 c. 12.
(2) 1985 c. 6.
(3) 1987 c. 26