



# Housing (Scotland) Act 2010

## 2010 asp 17

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 3rd November 2010 and received Royal Assent on 9th December 2010**

An Act of the Scottish Parliament to establish the Scottish Housing Regulator and to make provision about housing, including provision about the performance and regulation of social landlords and reforms of the right to buy social housing; and for connected purposes.

### Modifications etc. (not altering text)

- C1** specified provision(s) amendment to earlier commencing SSI 2012/39 Sch. 2 para. 18(f) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Commencement No. 7 and Transitional Provision\) Order 2012](#) (S.S.I. 2012/91), arts. 1, 4

## PART 1

### THE SCOTTISH HOUSING REGULATOR

#### *The Regulator*

## 1 The Scottish Housing Regulator

There is established a body corporate to be known as the Scottish Housing Regulator.

### Commencement Information

- II** S. 1 in force at 1.4.2011 by [S.S.I. 2011/96](#), art. 2, [Sch.](#)

## 2 The Regulator's objective

- (1) The Regulator's objective is to safeguard and promote the interests of persons who are or who may become—
- (a) homeless,
  - (b) tenants of social landlords, or

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010. (See end of Document for details)*

- (c) recipients of housing services provided by social landlords.
- (2) The Regulator must, so far as is reasonably practicable, perform its functions in a way—
  - (a) which is compatible with its objective, and
  - (b) which it considers most appropriate for the purpose of meeting that objective.

#### Commencement Information

**I2** S. 2 in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

### 3 The Regulator's functions

- (1) The Regulator's general functions are—
  - (a) to keep a publicly available register of social landlords, and
  - (b) to monitor, assess and report regularly on (and, where appropriate, to make regulatory interventions relating to)—
    - (i) social landlords' performance of housing activities, and
    - (ii) registered social landlords' financial well-being and standards of governance.
- (2) The Regulator must perform its functions in a way which—
  - (a) is proportionate, accountable and transparent,
  - (b) is targeted only where action is needed,
  - (c) encourages equal opportunities and in particular the observance of the requirements of the law for the time being relating to equal opportunities, and
  - (d) is consistent with any other principle which appears to it to represent best regulatory practice.

#### Commencement Information

**I3** S. 3(1) in force at 1.4.2012 by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

**I4** S. 3(2) in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

### 4 Statement on performance of functions

- (1) The Regulator—
  - (a) must prepare a statement setting out how it intends to perform its functions,
  - (b) must review that statement from time to time (and may revise it following such a review), and
  - (c) must publish that statement (and any revision).
- (2) The statement must include information on how the Regulator intends—
  - (a) to meet its objective, and
  - (b) to perform its functions in the way described in section 3(2).
- (3) In preparing the statement the Regulator must take into account the different types of social landlord, for example by taking into account—
  - (a) legal status and governance arrangements,

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- (b) property owned or managed,
  - (c) annual turnover,
  - (d) number of employees.
- (4) Before preparing the statement (and when reviewing it), the Regulator must—
- (a) have regard to the interests of persons who may become—
    - (i) homeless, or
    - (ii) tenants of social landlords, and
  - (b) consult—
    - (i) Ministers,
    - (ii) tenants of social landlords or their representatives,
    - (iii) homeless persons or bodies representing the interests of homeless persons,
    - (iv) recipients of housing services provided by social landlords or their representatives,
    - (v) social landlords or their representatives,
    - (vi) secured creditors of registered social landlords or their representatives, and
    - (vii) the Accounts Commission for Scotland.

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**Commencement Information**

**I5** S. 4 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

**I6** S. 4 in force at 1.4.2012 in so far as not already in force by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

## **5 Involvement of representative bodies**

- (1) Where the Regulator considers it appropriate, it must—
- (a) consult representative bodies about the performance of its general functions (for example, by holding meetings), and
  - (b) involve representative bodies in the performance of its general functions (for example, by appointing them to committees).
- (2) The representative bodies referred to in subsection (1) are—
- (a) representatives of homeless persons,
  - (b) representatives of tenants of social landlords, and
  - (c) representatives of recipients of housing services.
- (3) The Regulator must publish a statement about how it intends to comply with subsection (1).

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**Commencement Information**

**I7** S. 5(1)(a)(2)(3) in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

**I8** S. 5(1)(b) in force at 1.4.2012 by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

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## 6 Involvement of the Accounts Commission

- (1) The Regulator must, at such intervals and in such manner as it considers appropriate, consult the Accounts Commission for Scotland about the performance of the Regulator's general functions in relation to local authority landlords.
- (2) The Regulator must publish a statement about how it intends to comply with subsection (1).

### Commencement Information

- I9** S. 6(1) in force at 1.4.2012 by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))  
**I10** S. 6(2) in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

## 7 Independence from Ministers

Ministers must not—

- (a) give directions relating to, or
  - (b) otherwise seek to control,
- the performance of the Regulator's functions.

This section is subject to any contrary provision in this or any other enactment.

### Commencement Information

- I11** S. 7 in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

## *Membership*

## 8 The Regulator's membership

- (1) The Regulator is to consist of such number of members (but not fewer than 3) as Ministers think fit.
- (2) Each member—
  - (a) is to be appointed by Ministers from among those persons appearing to them to have knowledge and skills relevant to the functions of the Regulator,
  - (b) is to be appointed for such period as is specified in the appointment,
  - (c) may, by notice to Ministers, resign as a member,
  - (d) in other respects holds and vacates office on such terms and conditions as Ministers may determine, and
  - (e) after ceasing to hold office, may be reappointed as a member.

### Commencement Information

- I12** S. 8 in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

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## 9 Disqualification and removal from office

- (1) A person is disqualified from appointment, and from holding office, as a member of the Regulator if that person is—
- (a) a member of the Scottish Parliament,
  - (b) a member of the House of Commons,
  - (c) a member of the European Parliament,
  - (d) an office-holder in the Scottish Administration,
  - (e) a councillor of any local authority,
  - (f) an officer of any registered social landlord (other than by virtue of this Act),
  - (g) an employee of any local authority, or
  - (h) an employee of any registered social landlord.
- (2) Ministers may remove a member from office if satisfied that—
- (a) the member is an undischarged bankrupt, or
  - (b) the member—
    - (i) has been absent from meetings of the Regulator for a period longer than 6 consecutive months without the permission of the Regulator, or
    - (ii) is unable to discharge the member's functions as a member or is unsuitable to continue as a member.

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### Commencement Information

**I13** S. 9 in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

## 10 Members' expenses

The Regulator may pay to its members such sums as it may determine by way of reimbursement of expenses incurred in respect of the performance of their functions.

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### Commencement Information

**I14** S. 10 in force at 1.4.2011 by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

### *Chairing and proceedings*

## 11 Chairing

- (1) Ministers—
- (a) must appoint one of the Regulator's members to chair meetings of the Regulator, and
  - (b) may appoint another of the Regulator's members to act as deputy to that member.
- (2) A member so appointed vacates office on ceasing to be a member of the Regulator.
- (3) The member appointed to chair the meetings and any member appointed to act as deputy to that member otherwise hold and vacate office as such in accordance with the terms of their appointments.