Draft Order laid before Parliament under section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
HOUSING

The Housing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2012

Made - - - -

Coming into force - - 1st April 2012

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1), 113(2) and (5) and 114(1) of the Scotland Act 1998(**1**).

In accordance with section 115(1) of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, extent and commencement

1.—(1) This Order may be cited as the Housing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2012.

(2) Paragraph 2 of the Schedule extends to England and Wales only.

(3) This Order comes into force on 1st April 2012.

Status of the Scottish Housing Regulator as part of the Scottish Administration

2. The Scottish Housing Regulator(**2**) is part of the Scottish Administration.

(**1**) 1998 c. 46.

(**2**) The Scottish Housing Regulator was established by section 1 of the Housing (Scotland) Act 2010 (asp 17).

Construction of references to an office-holder in the Scottish Administration

3.—(1) Unless the context otherwise requires, references in the Scotland Act 1998 and any other enactment (except the Crown Suits (Scotland) Act 1857(**3**)) to an office-holder in the Scottish Administration are to be taken to include a reference to the Scottish Housing Regulator.

(2) Paragraph (1) applies whether or not the enactment defines the expression "office-holder in the Scottish Administration" by reference to the Scotland Act 1998 or any specific provision of that Act.

Modifications

4. The modifications specified in the Schedule have effect.

Dover House,London
Date

Parliamentary Under Secretary of State
Scotland OfficeMinistry of Justice

(**3**) 1857 c. 44.

SCHEDULE Article 4

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

House of Commons Disqualification Act 1975 (c.24)

1. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified)(**4**), insert at the appropriate place—

"The Scottish Housing Regulator".

Housing Associations Act 1985 (c.69)

2. In section 2B of the Housing Associations Act 1985 (meaning of "registered housing association", "registered social landlord" etc.), in paragraph (c) of the definition of "unregistered"(**5**), for "Part 3 of the Housing (Scotland) Act 2001 (asp 10)" substitute "Part 2 of the Housing (Scotland) Act 2010 (asp 17)".

Insolvency Act 1986 (c.45)

3. In section 72G(b) of the Insolvency Act 1986 (exception in respect of social landlords)(**6**), for "Part 3 of the Housing (Scotland) Act 2001 (asp 10)" substitute "Part 2 of the Housing (Scotland) Act 2010 (asp 17)".

Taxation of Chargeable Gains Act 1992 (c.12)

4.—(1) The Taxation of Chargeable Gains Act 1992 is amended as follows.

(2) In section 219(1)(c) (disposals following direction by housing regulator)(**7**), after "Housing and Regeneration Act 2008" insert ", section 106 of the Housing (Scotland) Act 2010".

(3) In section 219(2) (disposals by housing related bodies: definitions)(**8**)—

(a) in the definition of "housing regulator", after "the Regulator of Social Housing" insert—

", the Scottish Housing Regulator"; and

(b) in paragraph (c) of the definition of "relevant housing provider", for "section 57 of the Housing (Scotland) Act 2001" substitute "section 20(1) of the Housing (Scotland) Act 2010".

(**4**) There are amendments to Part 2 of Schedule 1 not relevant to this Order.

(**5**) Section 2B was inserted by the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), Schedule 2, paragraph 15(2). The definition of "unregistered" was substituted by the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), Schedule 2, paragraph 40. There are other amendments to the section not relevant to this Order.

(**6**) Section 72G was inserted by the Enterprise Act 2002 (c. 40), Part 10, section 250(1) and amended by the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), Schedule 2, paragraph 61.

(**7**) Section 219(1) was substituted by the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), Schedule 2, paragraph 20(2) and amended by the Housing and Regeneration Act 2008 (c.17), Schedule 9, paragraph 18(2). There are other amendments to the section not relevant to this Order.

(**8**) Section 219(2) was substituted by the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), Schedule 2, paragraph 20(2). The definition of "housing regulator" was amended by the Housing and Regeneration Act 2008 (c.17), Schedule 9, paragraph 18(3)(a). The definition of "relevant housing provider" was substituted by paragraph 18(3)(b) of that Schedule. There are other amendments to the section not relevant to this Order.

(4) In section 259(3)(c) (gifts to housing associations: definition of "relevant housing provider")(**9**), for "section 57 of the Housing (Scotland) Act 2001" substitute "section 20(1) of the Housing (Scotland) Act 2010".

Value Added Tax Act 1994 (c.23)

5.—(1) The Value Added Tax Act 1994 is amended as follows.

(2) For paragraph (b) of Note (21) of Group 5 of Schedule 8 (meaning of "relevant housing association")(**10**) substitute —

"(b) a registered social landlord within the meaning of the Housing (Scotland) Act 2010 (asp 17)(**11**) which is either—

(i) a society registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c.12)(**12**), or

(ii) a company within the meaning of the Companies Act 2006 (c.46), or".

(3) For paragraph 10(3)(b) of Part 1 of Schedule 10(**13**), substitute—

"(b) a registered social landlord within the meaning of the Housing (Scotland) Act 2010 (asp 17) which is either—

(i) a society registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c.12), or

(ii) a company within the meaning of the Companies Act 2006 (c.46), or".

Enterprise Act 2002 (c.40)

6. In section 255(3)(b) of the Enterprise Act 2002 (application of law about company arrangement or administration to non-company)(**14**), for "Part 3 of the Housing (Scotland) Act 2001 (asp 10)" substitute "Part 2 of the Housing (Scotland) Act 2010 (asp 17)".

Finance Act 2003 (c.14)

7.—(1) The Finance Act 2003 is amended as follows.

(2) In section 121 (minor definitions)(**15**), in paragraph (b) of the definition of "registered social landlord", for "section 57 of the Housing (Scotland) Act 2001 (asp 10)" substitute "section 20(1) of the Housing (Scotland) Act 2010 (asp 17)".

(3) In section 128(2)(b) (exemption from stamp duty: definition of "registered social landlord"), for "section 57 of the Housing (Scotland) Act 2001 (asp 10)" substitute "section 20(1) of the Housing (Scotland) Act 2010 (asp 17)".

(**9**) Section 259 was amended by the Housing and Regeneration Act 2008 (c. 17), Schedule 9, paragraph 19.

(**10**) Group 5 was substituted by the Value Added Tax (Construction of Buildings) Order 1995 (S.I. 1995/280), article 2. Note 21 was substituted by the Value Added Tax (Registered Social Landlords) (No.1) Order 1997 (S.I. 1997/50), article 2(b). Paragraph (b) of Note 21 was substituted by the Value Added Tax (Construction of Buildings) Order 2010 (S.1. 2010/486), article 2(1)(c). There are other amendments to Note 21 not relevant to this Order.

(**11**) Section 165 of that Act provides that a registered social landlord means a body registered in the register maintained under section 20(1) of that Act.

(**12**) The Co-operative and Community Benefit Societies and Credit Unions Act 1965 was formerly cited as the Industrial and Provident Societies Act 1965 and was re-named by virtue of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c.7), section 2.

(**13**) Schedule 10 was substituted by the Value Added Tax (Buildings and Land) Order 2008 (S.I 2008/1146), article 2. There are other amendments to paragraph 10(3) of Schedule 10 not relevant to this Order.

(**14**) Section 255(3)(b) was renumbered by the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), Schedule 2, paragraph 119.

(**15**) There are amendments to the section not relevant to this Order.