



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 3

#### REGULATION OF SOCIAL LANDLORDS

#### CHAPTER 1

#### REGISTERED SOCIAL LANDLORDS

##### *Registration*

#### <sup>F1</sup>57 The register of social landlords

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##### Textual Amendments

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

#### <sup>F1</sup>58 Eligibility for registration

.....

##### Textual Amendments

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

#### <sup>F1</sup>59 Registration

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>60      Removal from the register**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>61      Criteria for registration or removal from register**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>62      Appeal against decision on registration or removal**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

*Regulation*

**<sup>F1</sup>63      Regulation of registered social landlords**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>64      Insolvency etc. of registered social landlords**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

*Disposal of land and related matters*

**<sup>F1</sup>65 Power of registered social landlord to dispose of land**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>66 Consent required for disposal of land by registered social landlord**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>67 Disposals not requiring consent**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**<sup>F1</sup>68 Disposals of land: consultation with tenants**

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**Textual Amendments**

- F1** Ss. 57-68 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(2\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

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## *[<sup>F2</sup>Delegation of functions*

### **Textual Amendments**

**F2** S. 68A and cross-heading inserted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 177, 195\(3\)](#) (with s. 193); [S.S.I. 2006/14, art. 2](#)

### **68A Power to direct certain registered social landlords to delegate functions**

- (1) This subsection applies where—
- (a) a local authority has disposed of an interest in land to a registered social landlord (“RSL 1”) under section 12 of the 1987 Act before the date on which this section came into force,
  - (b) sections 191 to 193 and section 203(1) of the 1987 Act no longer apply to that local authority by virtue of an order made under section 94 of this Act,
  - (c) the Scottish Ministers are satisfied that it is appropriate for RSL 1 to authorise another registered social landlord to exercise any of RSL 1's housing management functions if RSL 1 is to manage its houses in a manner which is consistent with the spirit of any notice served on tenants for the purposes of paragraph 3(2) or (3) of schedule 9 in relation to the disposal, and
  - (d) less than 5 years have passed since this section came into force.
- (2) Where subsection (1) applies, the Scottish Ministers may direct RSL 1 to authorise another registered social landlord (“RSL 2”) to exercise such of RSL 1's housing management functions as may be specified in the direction in place of RSL 1 on such terms, if any, as may be so specified; and both RSL 1 and RSL 2 must comply with the direction.
- (3) RSL 1 may not, while a direction under subsection (2) remains in force, authorise any person other than RSL 2 to exercise any functions specified in the direction.
- (4) A direction made under subsection (2) must be published in such manner as the Scottish Ministers think fit.
- (5) Any authorisation given in pursuance of a direction made under subsection (2) continues to have effect for so long as the direction has effect.
- (6) A direction made under subsection (2) continues to have effect notwithstanding the fact that the power to make that direction has expired by virtue of subsection (1)(d).
- (7) In this section “housing management functions” means functions relating to the management of houses.]

### *Housing management*

### **<sup>F3</sup>69 Inspections**

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**Textual Amendments**

**F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**F370**      **Inspection reports**

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**Textual Amendments**

**F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**F371**      **Appointment of manager**

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**Textual Amendments**

**F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**CHAPTER 2**

**LOCAL AUTHORITY HOUSING MANAGEMENT**

**F372**      **Inspections**

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**Textual Amendments**

**F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**F373**      **Inspection reports**

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**Textual Amendments**

**F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

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### **F<sup>3</sup>74 Remedial plans**

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#### **Textual Amendments**

- F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

### **F<sup>3</sup>75 Remedial plans: appointment of manager**

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#### **Textual Amendments**

- F3** Ss. 69-75 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(3\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

## **CHAPTER 3**

### **COMMON PROVISIONS**

#### *Disposals of tenanted houses: consultation and consent*

### **76 Disposals of tenanted houses: consultation and consent**

- (1) Schedule 9 (which makes provision for consultation with tenants, including a ballot, where a disposal by a local authority landlord <sup>F4</sup>... would result in a change of landlord for a tenant under a Scottish secure tenancy) has effect.
- (2) Where a disposal to which that schedule applies is to a person other than a registered social landlord, the Scottish Ministers must not give consent to the disposal under section 12(7) of the 1987 Act <sup>F5</sup>... unless they are satisfied that a disposal to a registered social landlord is not appropriate.

#### **Textual Amendments**

- F4** Words in s. 76(1) repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(4\)\(a\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)
- F5** Words in s. 76(2) repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(4\)\(b\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

#### **Commencement Information**

- II** S. 76 wholly in force at 1.11.2001, see s. 113 and [S.S.I. 2001/336](#), art. 2(3), [Sch. Pt. II](#) (subject to transitional provisions in [art. 3](#)) (as amended by [S.S.I. 2001/397](#), [art. 7\(b\)](#))

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## Information

### 77 Power to obtain information

- (1) The Scottish Ministers may, for any purpose mentioned in subsection (2), serve on a person a notice requiring the person—
  - (a) to provide the Scottish Ministers, or a person authorised by them, at a time and place and in the form and manner specified in the notice, with such information relating to the affairs of a local authority or, as the case may be, a registered social landlord in connection with the provision of housing accommodation and related services as may be specified or described in the notice, or
  - (b) to produce to the Scottish Ministers, or a person authorised by them, at a time and place specified in the notice, any documents relating to such affairs which are specified or described in the notice and are in that person's custody or under that person's control.
- (2) The purposes referred to in subsection (1) are any purpose connected with the provision of housing accommodation and related services by the authority or, as the case may be, the landlord.
- (3) A notice in pursuance of subsection (1) in relation to a local authority may be served on—
  - (a) the authority,
  - (b) an officer or employee of the authority,
  - (c) any other person whom the Scottish Ministers have reason to believe is or may be in possession of relevant information.
- (4) No notice is to be served on a person falling within paragraph (b) or (c) of subsection (3) unless—
  - (a) a notice has been served on the local authority and has not been complied with, or
  - (b) the Scottish Ministers believe that the information or documents in question are not in the possession of the authority.
- (5) A notice in pursuance of subsection (1) in relation to a registered social landlord may be served on—
  - (a) the landlord,
  - (b) any person who is, or has been, an officer, member, employee or agent of the landlord,
  - (c) a subsidiary or associate of the landlord,
  - (d) any person who is, or has been, an officer, member, employee or agent of a subsidiary or associate of the landlord,
  - (e) any other person whom the Scottish Ministers have reason to believe is or may be in possession of relevant information.
- (6) No notice is to be served on a person falling within paragraphs (b) to (e) of subsection (5) unless—
  - (a) a notice has been served on the registered social landlord and has not been complied with, or
  - (b) the Scottish Ministers believe that the information or documents in question are not in the possession of the landlord.

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**Commencement Information**

- I2** S. 77 wholly in force at 1.11.2001, see s. 113 and [S.S.I. 2001/336, art. 2\(3\)](#), [Sch. Pt. II](#) (subject to transitional provisions in [art. 3](#)) (as amended by [S.S.I. 2001/397, art. 7\(b\)](#))

**78 Power to obtain information: further provision**

- (1) In section 77, “agent” includes banker, solicitor and auditor.
- (2) Nothing in that section authorises the Scottish Ministers to require—
  - (a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session, or
  - (b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by the banker to a person other than a local authority or, as the case may be, a registered social landlord or a subsidiary or associate of a registered social landlord.
- (3) References in that section to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.
- (4) Where by virtue of that section documents are produced to any person, that person may take copies of or make extracts from them.
- (5) A person who fails, without reasonable excuse, to do anything required of that person by a notice under that section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) A person who intentionally alters, suppresses or destroys a document which that person has been required by a notice under that section to produce is guilty of an offence and is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.

**Commencement Information**

- I3** S. 78 wholly in force at 1.11.2001, see s. 113 and [S.S.I. 2001/336, art. 2\(3\)](#), [Sch. Pt. II](#) (subject to transitional provisions in [art. 3](#)) (as amended by [S.S.I. 2001/397, art. 7\(b\)](#))

*Guidance*

**F<sup>6</sup>79 Issue of guidance by the Scottish Ministers**

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**Textual Amendments**

**F6** Ss. 79-82 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(5\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

*Code of good practice*

**F680 Code of good practice**

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**Textual Amendments**

**F6** Ss. 79-82 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(5\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

*Charges for regulatory functions*

**F681 Charges for regulatory functions of the Scottish Ministers**

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**Textual Amendments**

**F6** Ss. 79-82 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(5\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**CHAPTER 4**

**INTERPRETATION OF PART 3**

**F682 Meaning of “subsidiary” and “associate”**

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**Textual Amendments**

**F6** Ss. 79-82 repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(5\)](#); [S.S.I. 2012/39](#), art. 2, [sch. 1](#) (with [sch. 2](#)) (as amended (1.4.2012) by [S.S.I. 2012/91](#), art. 4)

**83 Interpretation of Part 3**

- (1) References in this Part to an officer of a registered social landlord are—
- (a) in the case of an industrial and provident society, to any officer of the society as defined in section 74 of the Industrial and Provident Societies Act 1965 (c.12), including a co-opted member of the committee of the society, and

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- (b) in the case of a company [<sup>F7</sup>registered under the Companies Act 2006], to any director or other officer of the company [<sup>F8</sup>within the meaning of the Companies Acts (see sections 250 and 1173(1) of that Act)] .
- (2) In this Part, in relation to an industrial and provident society—
- (a) “committee” means the committee of management or other directing body of the society,
- (b) “co-opted member”, in relation to the committee, includes any person co-opted to serve on the committee, whether the person is a member of the society or not,
- (c) any reference to a member of the committee includes a co-opted member.
- (3) In this Part—
- “co-operative housing association” has the meaning given in section 300(1)(b) of the 1987 Act,
- “housing activities” means, in relation to a registered social landlord, all its activities in pursuance of the purposes, objects and powers mentioned in section 58,
- “housing association” and, in relation to a housing association, “fully mutual” have the meanings given in section 1 of the Housing Associations Act 1985 (c.69),
- “provision of housing accommodation and related services” includes—
- (a) the prevention and alleviation of homelessness,
- (b) the management of housing accommodation,
- (c) the provision of services for owners and occupiers of houses,
- (d) the provision and management of sites for persons of nomadic habit of life, whatever their race or origin,
- “shared ownership agreement” means an agreement whereby—
- (a) a pro indiviso right in a house is sold, and the remaining pro indiviso rights therein are leased, to a person subject to the person being entitled, from time to time, to purchase those remaining rights until that person has purchased the entire house, or
- (b) pro indiviso rights in houses are conveyed to trustees to hold on behalf of persons each of whom, by purchasing a share in those houses, becomes entitled to exclusive occupancy of one of the houses but with any such person who wishes to sell or otherwise dispose of that person’s share being required to do so through the agency of the trustees,
- or such other agreement as may be approved by the Scottish Ministers whereby a person acquires a pro indiviso right in a house or houses and thereby becomes entitled to exclusive occupancy of the house or, as the case may be, one of the houses.

#### Textual Amendments

- F7** Words in s. 83(1)(b) substituted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 191\(4\)\(a\)](#) (with art. 10)
- F8** Words in s. 83(1)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 191\(4\)\(b\)](#) (with art. 10)

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#### **Commencement Information**

- I4** S. 83 wholly in force at 1.11.2001, see s. 113 and S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))

**Status:**

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