



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 3

#### REGULATION OF SOCIAL LANDLORDS

### 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>F1</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>F2</sup>... unless they are satisfied that a disposal to a registered social landlord is not appropriate.

#### Textual Amendments

- F1** Words in s. 76(1) repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(4\)\(a\)](#); S.S.I. 2012/39, art. 2, sch. 1 (with sch. 2) (as amended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)
- F2** Words in s. 76(2) repealed (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [sch. 2 para. 7\(4\)\(b\)](#); S.S.I. 2012/39, art. 2, sch. 1 (with sch. 2) (as amended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

- I1** 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\(b\)](#))

*Status: Point in time view as at 01/04/2012.*

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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>3</sup>79 Issue of guidance by the Scottish Ministers

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**Textual Amendments**

**F3** 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*

**F3 80 Code of good practice**

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**Textual Amendments**

**F3** 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*

**F3 81 Charges for regulatory functions of the Scottish Ministers**

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**Textual Amendments**

**F3** 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)

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