



Housing (Scotland) Act 2010

2010 asp 17

PART 5

REGULATORY INTERVENTION

Managerial appointment

57 Appointment of manager for housing activities

- (1) This section applies where the Regulator, having made inquiries or otherwise, considers—
 - (a) that a social landlord [^{F1}has failed, or is] failing—
 - (i) to achieve a standard or an outcome set out in the Scottish Social Housing Charter,
 - (ii) to meet a performance improvement target,
 - (iii) to implement an approved performance improvement plan, or
 - (iv) to comply with an enforcement notice, and
 - (b) that a person needs to be appointed in order to ensure that the social landlord provides housing services [^{F2}in a way that will rectify the failure].
- (2) The Regulator may appoint, or require the social landlord to appoint, a manager [^{F3}to manage the landlord's housing activities generally, or such aspects of those activities as are necessary, for the purpose of rectifying the failure which the Regulator considers requires the appointment of the manager.]
- (3) Before appointing or requiring appointment of a manager for a local authority or a local authority landlord, the Regulator must—
 - (a) consult—
 - (i) the local authority or local authority landlord,
 - (ii) such bodies representing local authorities as it thinks fits, and
 - (iii) the Accounts Commission for Scotland, and
 - (b) have regard to views expressed by those consulted by such time as the Regulator may specify.

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

Textual Amendments

- F1** Words in s. 57(1)(a) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 1(2)(a)(i)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F2** Words in s. 57(1)(b) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 1(2)(a)(ii)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F3** Words in s. 57(2) substituted for s. 57(2)(a)(b) (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 1(2)(b)**, 11(2); S.S.I. 2018/253, reg. 2(2)

Commencement Information

- I1** S. 57 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with Sch. 2)

58 Appointment of manager for financial or other affairs

[^{F4}(1) This section applies where the Regulator, having made inquiries or otherwise, considers—

- (a) that a registered social landlord has failed, or is failing, to comply with—
 - (i) a duty imposed by this Act or by any other enactment, or
 - (ii) a requirement imposed on the landlord by the Regulator under this Act or any other enactment, and
- (b) that a person needs to be appointed in order to ensure that the landlord manages its financial or other affairs in a way that will rectify the failure.]

(2) The Regulator may appoint, or require the registered social landlord to appoint, a manager [^{F5}to manage the landlord's financial or other affairs generally, or such aspects of those affairs as are necessary, for the purpose of rectifying the failure which the Regulator considers requires the appointment of the manager.]

Textual Amendments

- F4** S. 58(1) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 1(3)(a)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F5** Words in s. 58(2) substituted for s. 58(2)(a)(b) (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 1(3)(b)**, 11(2); S.S.I. 2018/253, reg. 2(2)

Commencement Information

- I2** S. 58 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with Sch. 2)

59 Appointment of manager: supplementary

(1) It is for the Regulator to determine the terms on which a manager is to be appointed under section 57 or 58 (including [^{F6}, subject to subsection (1A),] as to period of appointment and remuneration and expenses).

[^{F7}(1A) The appointment is to be only for so long as is necessary to rectify the failure which gave rise to the manager's appointment.]

- (2) It is for the social landlord to pay the manager's remuneration and expenses.
- (3) A manager has—

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- (a) general powers to do anything required to perform the manager's functions (including power to enter into agreements or do anything else which the social landlord has power to do), and
 - (b) such specific powers as the Regulator may specify.
- [^{F8}(4) The Regulator may give a manager directions about the rectification of the failure which gave rise to the manager's appointment.
- (4A) The manager—
- (a) must comply with such directions,
 - (b) may be removed by the Regulator on failure to so comply.]
- (5) A manager acts as the social landlord's agent and is accordingly not personally liable on an agreement entered into as manager.
- (6) Anyone dealing with a manager in good faith and for value need not inquire whether the manager is acting within the powers conferred by virtue of this section.

Textual Amendments

- F6** Words in s. 59(1) inserted (8.3.2019) by Housing (Amendment) (Scotland) Act 2018 (asp 13), **ss. 1(4)(a)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F7** S. 59(1A) inserted (8.3.2019) by Housing (Amendment) (Scotland) Act 2018 (asp 13), **ss. 1(4)(b)**, 11(2); S.S.I. 2018/253, reg. 2(2)
- F8** S. 59(4)(4A) substituted for s. 59(4) (8.3.2019) by Housing (Amendment) (Scotland) Act 2018 (asp 13), **ss. 1(4)(c)**, 11(2); S.S.I. 2018/253, reg. 2(2)
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Commencement Information

- I3** S. 59 in force at 1.4.2012 by S.S.I. 2012/39, art. 2, **Sch. 1** (with Sch. 2)

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Cross
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