



Housing (Scotland) Act 2010

2010 asp 17

PART 9

DISPOSAL OF LAND OR ASSETS BY REGISTERED SOCIAL LANDLORDS

108 [F¹Disposals not subject to section 107]

- (1) [F²This section applies to] a disposal—
- (a) by way of a lease under a Scottish secure tenancy (or what would be such a tenancy but for schedule 1 to the Housing (Scotland) Act 2001 (asp 10)),
 - (b) by way of a lease under a short Scottish secure tenancy,
 - (c) by way of a lease under an assured tenancy or an assured agricultural occupancy,
 - (d) by way of a lease under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of schedule 4 to the Housing (Scotland) Act 1988 (c.43),
 - [F³(da) by way of a lease under what would be a private residential tenancy but for—
 - (i) any of paragraphs 2 to 6 or 20 of schedule 1 of the Private Housing (Tenancies) (Scotland) Act 2016, and
 - (ii) paragraph 14 of that schedule.]
 - (e) by way of an occupancy arrangement,
 - [F⁴(f)
 - (g) made in pursuance of a direction given by the Regulator under section 67 or 106,
 - (h) for which the Regulator's consent is required under section 78,
 - (i) made in implementation of agreed proposals under section 86 or 87,
 - (j) arising from a restructuring [F⁵in relation to which Part 8 applies], or
 - (k) of such type and made in such manner as the Regulator may determine.
- (2) For the purposes of subsection (1)(e) an occupancy arrangement is an arrangement other than a lease—
- (a) under which a person has the lawful right to occupy living accommodation (within the meaning of section 194 of the Housing (Scotland) Act 2006 (asp 1)) which forms part of premises or a group of premises owned by the landlord, and

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 108. (See end of Document for details)

- (b) where the occupants of the premises share with each other one or more of—
 - (i) a toilet,
 - (ii) personal washing facilities, or
 - (iii) facilities for the preparation or provision of cooked food.
- (3) Before making, revising or withdrawing a determination under subsection (1)(k), the Regulator must consult—
 - (a) Ministers,
 - (b) registered social landlords or their representatives, and
 - (c) secured creditors of registered social landlords or their representatives.
- (4) The Regulator must make arrangements for bringing a determination (and any revision or withdrawal) to the attention of those affected by it.

Textual Amendments

- F1** S. 108 title substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 3(5)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F2** Words in s. 108(1) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 3(4)(a)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)
- F3** S. 108(1)(da) inserted (1.12.2017) by [The Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(Consequential Provisions\) Regulations 2017 \(S.S.I. 2017/405\)](#), regs. 1, **3(2)**
- F4** S. 108(1)(f) repealed (1.8.2016) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 2 para. 18(3)**; [S.S.I. 2014/264](#), art. 2, sch. (with art. 4)
- F5** Words in s. 108(1)(j) substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), **ss. 3(4)(b)**, 11(2); [S.S.I. 2018/253](#), reg. 2(2)

Commencement Information

- I1** S. 108(1)(2)(4) in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, **Sch. 1** (with Sch. 2)
- I2** S. 108(3) in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96](#), art. 2, **Sch.**
- I3** S. 108(3) 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)

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 108.