



Housing (Scotland) Act 2010

2010 asp 17

PART 15

AMENDMENT OF HOUSING (SCOTLAND) ACT 2006

149 HRA designation orders: removal of Ministerial involvement

- (1) Section 2(2) of the 2006 Act is repealed.
- (2) In section 5 of the 2006 Act—
 - (a) in subsection (1), paragraph (b) and the word “or” immediately preceding it are repealed,
 - (b) in subsection (2), the words “, with the consent of the Scottish Ministers,” are repealed,
 - (c) in subsection (4), the words “(1)(b) or” are repealed.
- (3) In schedule 1 to the 2006 Act—
 - (a) in paragraph 1(3)—
 - (i) for the words from first “as” to “considering” substitute “consider”,
 - (ii) after first “notice” insert “before deciding whether to make the HRA designation order.”,
 - (iii) sub-paragraphs (a) and (b) are repealed,
 - (b) after paragraph 1(5) insert—

“(5A) Before making such a modification, the local authority must—

 - (a) give notice describing the general effect of the proposed modification to—
 - (i) any owner and occupier of a house, and any other person, who it considers likely to be significantly affected by the modification, and
 - (ii) where it considers that a building which falls within paragraph 4 is likely to be significantly affected by the modification, the planning authority (where the planning authority is not the local authority), and
 - (b) consider any representations made by such persons.”,

Status: This is the original version (as it was originally enacted).

- (c) paragraph 1(6) is repealed,
- (d) paragraph 2 is repealed,
- (e) in the heading for paragraph 3, for “designation” substitute “decision”,
- (f) after paragraph 3(2) insert—

“(3) Where the local authority decides not to make an HRA designation order proposed under paragraph 1(1), they must give notice of that fact to the persons, and in the manner, mentioned in that provision.”.