



Housing (Scotland) Act 2014

2014 asp 14

PART 7

MISCELLANEOUS

93 Right to redeem heritable security after 20 years: power to exempt

- (1) In section 11 of the Land Tenure Reform (Scotland) Act 1974 (c.38) (right to redeem heritable security after 20 years where security subjects used as a private dwelling), after subsection (3C) insert—

“(3D) The right to redeem a heritable security conferred by this section does not apply to a heritable security which is in security of a debt of a description specified in an order made by the Scottish Ministers.

(3E) An order under subsection (3D) may—

- (a) disapply the right to redeem conferred by this section subject to conditions or restrictions,
- (b) restrict the disapplication of the right to redeem conferred by this section to—
 - (i) specified descriptions of debt,
 - (ii) specified creditors, or creditors of specified descriptions,
 - (ii) specified heritable securities, or heritable securities of specified descriptions,
- (c) prescribe circumstances in which the disapplication of the right to redeem conferred by this section is to apply or cease to apply.

(3F) An order under subsection (3D) is subject to the negative procedure.”.

- (2) In section 21 of the Land Tenure Reform (Scotland) Act 1974 (provisions for contracting out to be void), for “and 11(3A)” substitute “, 11(3A) and 11(3D)”.

94 First-tier Tribunal: disqualification of members from exercise of certain functions

- (1) This section applies to the following functions and jurisdictions of the First-tier Tribunal—

Status: This is the original version (as it was originally enacted).

- (a) a function or jurisdiction of the sheriff transferred to the Tribunal under section 16 or by virtue of Part 1 of schedule 1,
 - (b) a function conferred on the Tribunal, by virtue of Part 3 and Parts 2 to 4 of schedule 1, by—
 - (i) the 2004 Act,
 - (ii) the 2006 Act,
 - (c) a function conferred on the Tribunal by or under Part 4.
- (2) A member of the First-tier Tribunal is disqualified from exercising a function or jurisdiction to which this section applies if the member is—
- (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the European Parliament,
 - (d) a Minister of the Crown,
 - (e) a member of the Scottish Government.
- (3) The Scottish Ministers may by order modify subsection (2) by—
- (a) adding a disqualification to,
 - (b) varying the description of a disqualification for the time being mentioned in,
 - (c) removing a disqualification from,
- that subsection.

95 Private rented housing panel: disqualification from membership

In Schedule 4 to the Rent (Scotland) Act 1984, after paragraph 1 insert—

- “1A (1) A person is disqualified from appointment to, and from remaining a member of, the private rented housing panel if the person is or becomes—
- (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) a member of the European Parliament,
 - (d) a Minister of the Crown,
 - (e) a member of the Scottish Government.
- (2) The Scottish Ministers may by order modify sub-paragraph (1) by—
- (a) adding a disqualification to,
 - (b) varying the description of a disqualification for the time being mentioned in,
 - (c) removing a disqualification from,
- that sub-paragraph.
- (3) An order under sub-paragraph (2) is subject to the affirmative procedure.”.

96 Delegation of certain functions

- (1) In section 21 of the 2006 Act (panel and committees), after subsection (8) insert—
- “(8A) The president may delegate the president’s functions under section 23 to—
- (a) the vice-president of the panel, or
 - (b) such other member of the panel as the president thinks fit.

- (8B) A delegation under subsection (8A) does not affect the president’s—
- (a) responsibility for the carrying out of delegated functions, or
 - (b) ability to carry out delegated functions.”.
- (2) In section 16 of the Property Factors (Scotland) Act 2011 (asp 8) (panel and committees), after subsection (7) insert—
- “(8) The president may delegate the president’s functions under section 18 to—
- (a) the vice-president of the panel, or
 - (b) such other member of the panel as the president thinks fit.
- (9) A delegation under subsection (8) does not affect the president’s—
- (a) responsibility for the carrying out of delegated functions, or
 - (b) ability to carry out delegated functions.”.

97 Scottish Housing Regulator: transfer of assets following inquiries

In section 67 of the 2010 Act (transfer of assets following inquiries)—

- (a) after subsection (4), insert—

“(4A) A duty on the Regulator to consult in accordance with paragraph (i) or (ii) of subsection (4)(a) does not apply where the Regulator considers that—

- (a) the registered social landlord’s viability is in jeopardy for financial reasons,
- (b) a person could take a step in relation to the registered social landlord which would require to be notified to the Regulator under section 73,
- (c) the direction would substantially reduce the likelihood of a person taking such a step, and
- (d) there is insufficient time to comply with that duty and make a direction which would substantially reduce that likelihood.

(4B) The Regulator must—

- (a) issue guidance on subsection (4A), such guidance to include—
 - (i) the circumstances in which it considers that subsection (4A) is likely to apply,
 - (ii) the actions it expects to take in those circumstances, and
 - (iii) how, in those circumstances, it intends to communicate with any of the persons mentioned in paragraph (b) who are affected by its actions, and
- (b) before issuing or revising any guidance, consult—
 - (i) tenants of registered social landlords or their representatives,
 - (ii) registered social landlords or their representatives, and
 - (iii) secured creditors of registered social landlords or their representatives.

(4C) Where the Regulator proposes to direct a transfer of some (but not all) of a registered social landlord’s assets, the Regulator must—

- (a) before making a direction, obtain an independent valuation of those assets, and
- (b) when making a direction, have regard to that valuation.”,
- (b) in subsection (6), paragraph (a) and the word “and” immediately following it are repealed.

98 Registered social landlord becoming a subsidiary of another body

- (1) After section 104 of the 2010 Act insert—

“Registered social landlord becoming a subsidiary of another body

104A Registered social landlord becoming a subsidiary of another body

- (1) This section applies to a registered social landlord which is—
- (a) a registered society, or
 - (b) a registered company.
- (2) An arrangement under which the registered social landlord is to become a subsidiary of a body of which it is not currently a subsidiary has effect only if the Regulator consents to that arrangement before it is completed.
- (3) Chapter 3 of Part 10 makes provision for Regulator consent for the purpose of this section.”.
- (2) After section 124 of the 2010 Act insert—

“CHAPTER 3

REGISTERED SOCIAL LANDLORD BECOMING A SUBSIDIARY OF ANOTHER BODY

124A Regulator’s consent

- (1) The special procedure set out in sections 114 to 121 of Chapter 1 applies in relation to an arrangement to which the Regulator’s consent is required under section 104A as it applies in relation to a disposal to which Chapter 1 applies.
- (2) The Regulator must determine that the special procedure is not to apply or is to cease to apply where the Regulator considers that—
- (a) the registered social landlord’s viability is in jeopardy for financial reasons,
 - (b) a person could take a step in relation to the registered social landlord which would require to be notified to the Regulator under section 73, and
 - (c) the determination under this subsection would substantially reduce the likelihood of a person taking such a step.
- (3) Where the Regulator makes a determination under subsection (2), the Regulator may give or refuse consent to the arrangement.

124B Purchaser protection

Failure by the Regulator or by a registered social landlord to comply with any provision of sections 114 to 121 of Chapter 1 in relation to an arrangement under which the registered social landlord is to become a subsidiary of a body of which it is not currently a subsidiary does not invalidate the Regulator's consent to the arrangement.”.

- (3) In section 164 of the 2010 Act (connected bodies), the definition of “subsidiary” is repealed.
- (4) In section 165 of the 2010 Act (interpretation), after the definition of “social landlord” insert—
““subsidiary” has the same meaning as in the Companies Act 2006 (c.46) or, as the case may be, the Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c.55),”.

99 Repeal of defective designation provisions

- (1) Part 14 of the 1987 Act (assistance for owners of defective housing) is repealed.
- (2) Schedule 20 to the 1987 Act (assistance by way of repurchase) is repealed.
- (3) Schedule 21 to the 1987 Act (dwellings included in more than one designation) is repealed.