



Housing (Scotland) Act 2014

2014 asp 14

PART 7

MISCELLANEOUS

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,

Changes to legislation: *Housing (Scotland) Act 2014, Section 97 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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- (b) in subsection (6), paragraph (a) and the word “and” immediately following it are repealed.

Commencement Information

- I1** S. 97 in force at 20.11.2014 for specified purposes by [S.S.I. 2014/264, art. 2, Sch.](#)
- I2** S. 97 in force at 31.8.2015 in so far as not already in force by [S.S.I. 2015/272, art. 2, Sch.](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1) (a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by [S.S.I. 2015/349 art. 2\(2\)](#)