



# Housing (Amendment) (Scotland) Act 2018

2018 asp 13

## *Disposal of land etc. by registered social landlords*

### **4 Special procedure where disposal results in change of landlord**

- (1) The Housing (Scotland) Act 2010 is further amended as follows.
- (2) In section 113 (disposals resulting in change of landlord)—
  - (a) in subsection (1), for paragraphs (a) and (b), substitute “ to which section 107(4) applies. ”,
  - (b) subsection (2) is repealed.
- (3) Section 114 is repealed.
- (4) In section 115 (consultation with tenants)—
  - (a) in subsection (1), “, after a direction given by the Regulator under section 114,” is repealed,
  - (b) in subsection (2)—
    - (i) in paragraph (a), sub-paragraph (ii) (and “and” immediately preceding it) is repealed,
    - (ii) in paragraph (b), for “Regulator's consent” substitute “ approval of tenants by way of ballot or written agreement ”.
- (5) After section 115 insert—

#### **“115A Tenant approval**

- (1) A registered social landlord must, in relation to a proposed disposal—
  - (a) conduct a ballot of tenants of houses included in the proposed disposal on the question of whether the tenants wish the disposal to proceed, or
  - (b) seek the written agreement of the tenants of houses included in the proposed disposal to the disposal.
- (2) The registered social landlord must—

---

*Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) (Scotland) Act 2018, Section 4. (See end of Document for details)*

---

- (a) as soon as reasonably practicable after the ballot is completed or, as the case may be, the period for the giving of written agreement has expired, and
  - (b) before making the disposal,
- notify the Regulator of the results of the ballot or, as the case may be, the number of written agreements sought and the number given.

### **115B Guidance**

- (1) The Regulator must issue guidance in relation to tenant consultation and approval under sections 115 and 115A.
- (2) Guidance issued under subsection (1) may in particular include guidance as to—
  - (a) how notices under section 115(1) and (2) are to be served and the information to be contained in such notices,
  - (b) the consideration to be given to timeous representations made in pursuance of a notice served under section 115(1),
  - (c) the circumstances in which the approval of tenants under section 115A is to be sought by way of—
    - (i) ballot,
    - (ii) written agreement,
  - (d) how such ballots are to be conducted and how such written agreements are to be sought and given.
- (3) A registered social landlord must, in complying with sections 115 and 115A, have regard to guidance issued by the Regulator under subsection (1).”.
- (6) Sections 116 to 119 are repealed.
- (7) In section 120 (unaffected tenants)—
  - (a) in subsection (2)—
    - (i) in paragraph (b), for “section 118” substitute “ section 115A(1)(a) ”,
    - (ii) for paragraph (c) substitute—
      - “(c) need not seek the agreement of an unaffected tenant when seeking written agreement under section 115A(1)(b).”,
  - (b) in subsection (3), for “Regulator” where it first occurs to the end substitute “ registered social landlord must confirm that the tenants concerned have all vacated the houses concerned when notifying the Regulator under section 115A(2) ”.
- (8) Sections 121 and 122 are repealed.

---

#### **Commencement Information**

**II** S. 4 in force at 8.3.2019 by [S.S.I. 2018/253](#), [reg. 2\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Amendment) (Scotland) Act 2018, Section 4.