



Housing (Scotland) Act 2010

2010 asp 17

PART 5

REGULATORY INTERVENTION

Introductory

52 Regulatory intervention

Regulatory intervention may consist of any combination of the Regulator—

- (a) requiring submission of a performance improvement plan (see section 55),
- (b) serving an enforcement notice (see section 56),
- (c) appointing, or requiring the appointment of, a manager (see sections 57 and 58),
- (d) removing, suspending or appointing a registered social landlord's officers or agents (see sections 60 to 65),
- (e) acting to protect a registered social landlord's assets (see sections 66 and 67).

53 Exercise of regulatory intervention powers

(1) This section applies where the Regulator is deciding—

- (a) whether to make a regulatory intervention,
- (b) which regulatory intervention to make, or
- (c) how to make a regulatory intervention.

(2) The Regulator must consider—

- (a) the desirability of social landlords being free to choose how to provide housing services and manage their financial and other affairs,
- (b) the speed with which the failure or other problem needs to be dealt with, and
- (c) its code of practice issued under section 54.

54 Code of practice: regulatory intervention

(1) The Regulator must issue a code of practice on regulatory interventions setting out how it intends to make decisions referred to in section 53(1).

Status: This is the original version (as it was originally enacted).

- (2) The code of practice may, in particular, set out examples of situations in which it may make a regulatory intervention.
- (3) The code of practice must be kept under review and must be re-issued (with any revisions which the Regulator thinks appropriate) at least once every 5 years.
- (4) Before issuing a code of practice, the Regulator must consult—
 - (a) Ministers,
 - (b) tenants of social landlords or their representatives,
 - (c) homeless persons or bodies representing the interests of homeless persons,
 - (d) recipients of housing services provided by social landlords or their representatives,
 - (e) social landlords or their representatives,
 - (f) secured creditors of registered social landlords or their representatives, and
 - (g) the Accounts Commission for Scotland.
- (5) The Regulator must make arrangements for bringing the issued code of practice to the attention of social landlords.