



Housing (Scotland) Act 2001

2001 asp 10

PART 3

REGULATION OF SOCIAL LANDLORDS

CHAPTER 2

LOCAL AUTHORITY HOUSING MANAGEMENT

72 Inspections

- (1) The Scottish Ministers may appoint a person to carry out an inspection of the exercise of the functions of a local authority in relation to the provision of housing accommodation and related services.
- (2) A person appointed to carry out an inspection under subsection (1) (an “inspector”) has a right of access at all reasonable times to—
 - (a) any premises of the local authority, and
 - (b) any document relating to the authority which appears to the inspector to be necessary for the purposes of the inspection.
- (3) An inspector may—
 - (a) require a person holding or accountable for any such document to provide the inspector with such information and explanation as the inspector thinks necessary,
 - (b) require that person to attend before the inspector in person to give the information or explanation or to produce the document.
- (4) The local authority must provide an inspector with every facility and all information which the inspector may reasonably require for the purposes of the inspection.
- (5) An inspector must, if so required, produce written authorisation for the carrying out of the inspection.
- (6) A person who fails, without reasonable excuse, to comply with a requirement of an inspector under this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: This is the original version (as it was originally enacted).

73 Inspection reports

- (1) Where an inspection has been carried out under section 72, the Scottish Ministers must issue and publish a report and send a copy of it to the local authority and any registered tenant organisation.
- (2) The report must identify any respects in which, as a result of the inspection, the exercise of the functions of the local authority in relation to the provision of housing accommodation and related services was found to be unsatisfactory.

74 Remedial plans

- (1) The Scottish Ministers may require a local authority to prepare, and to submit to the Scottish Ministers by such time as they may direct, a plan (a “remedial plan”) setting out the authority’s proposals for dealing with the matters identified in the report in pursuance of section 73(2), or such of those matters as are specified in the requirement.
- (2) Before making a requirement under subsection (1) the Scottish Ministers must send a draft of the requirement to the authority and must specify a period within which the authority may make comments to the Scottish Ministers on the proposed requirement.
- (3) In deciding whether to make a requirement under subsection (1) and what its terms should be the Scottish Ministers must have regard to any comments received from the authority under subsection (2).
- (4) On receipt of a remedial plan from an authority the Scottish Ministers may—
 - (a) approve it (with or without modifications), or
 - (b) reject it.
- (5) Where the Scottish Ministers approve a remedial plan, they may impose conditions as to its adoption and implementation by the authority.
- (6) The Scottish Ministers must not—
 - (a) approve a remedial plan with modifications,
 - (b) reject a remedial plan, or
 - (c) impose conditions under subsection (5),unless they have given the authority notice of their intention to do so and have had regard to any comments received from the authority within such period as the Scottish Ministers may specify.
- (7) Where a plan is approved under subsection (4)(a), the authority must adopt and implement it in accordance with any conditions imposed under subsection (5).
- (8) Where a plan is rejected under subsection (4)(b), the authority must prepare a revised plan and submit it to the Scottish Ministers by such time as they may direct.

75 Remedial plans: appointment of manager

- (1) The Scottish Ministers may carry out an inspection of the implementation of a remedial plan by a local authority.
- (2) Subsections (2) to (6) of section 72 apply in relation to such an inspection as they apply in relation to an inspection under subsection (1) of that section.

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

- (3) Where, as a result of an inspection under subsection (1) of this section, the Scottish Ministers consider that the remedial plan is not being implemented satisfactorily, they may appoint a manager to exercise such functions of the authority in relation to the provision of housing accommodation and related services as the Scottish Ministers may specify.
- (4) Before appointing a manager under subsection (3) the Scottish Ministers must consult—
 - (a) the authority,
 - (b) such bodies representing local authorities as they think fit, and
 - (c) the Accounts Commission for Scotland,and must have regard to any comments received from them within such period as the Scottish Ministers may specify.
- (5) A manager appointed under subsection (3)—
 - (a) is to be appointed for such period and on such terms and conditions as the Scottish Ministers may determine,
 - (b) has, by virtue of the appointment, power generally to do all such things as are necessary for carrying out the manager’s functions, and
 - (c) has such specific powers (which may include power to do anything which the authority has power to do) as the Scottish Ministers may specify.
- (6) The remuneration and expenses of the manager are to be paid by the authority.
- (7) The Scottish Ministers may give directions in relation to the carrying out of the manager’s functions; and the manager must comply with any such direction.
- (8) In carrying out functions the manager acts as the agent of the authority; and the manager is not personally liable on a contract entered into as manager.
- (9) A person dealing with the manager in good faith and for value is not concerned to inquire whether the manager is acting within the powers conferred by virtue of this section.