

HOUSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

STRUCTURE OF THE ACT

Part 5 – Regulatory Intervention

Appointment of a manager

70. [Section 57](#) allows the regulator, if it considers it necessary, to appoint someone to manage a social landlord's services (or aspects of its services). There are two criteria, set out at subsection (1), that must be met before the regulator can make such an appointment. First, it considers (either following an inquiry or for some other reason) that the landlord is failing or at risk of failing to:
- achieve a standard or an outcome in the Social Housing Charter;
 - meet a performance improvement target;
 - implement an agreed improvement plan; or
 - comply with an enforcement notice.
71. Secondly, it must consider such an appointment is needed to make sure the social landlord provides an appropriate standard of services. In the case of a local authority landlord there is a further requirement at subsection (3) for the regulator to consult the local authority, its representative body (COSLA), and the Accounts Commission before making an appointment.
72. There is no requirement to consult before making an appointment to a registered social landlord, although the criteria at [section 57\(1\)](#) must be met.
73. [Section 58](#) applies to registered social landlords only. It provides that, where it has established a need to do so, the regulator may appoint or require any RSL to appoint a manager for its financial or other affairs.
74. [Section 59](#) allows the regulator to determine a manager's terms and conditions and period of appointment. The manager will have general powers to do what is necessary to fulfil his or her functions, and may also be given specific powers by the regulator. The manager must comply with any direction given by the regulator ([section 59\(4\)](#)).