



# 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).

#### **Commencement Information**

**II** S. 52 in force at 1.4.2012 by *S.S.I. 2012/39*, art. 2, **Sch. 1** (with **Sch. 2**)

#### 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.

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Cross Heading: Introductory. (See end of Document for details)*

**Commencement Information**

**I2** S. 53 in force at 1.4.2012 by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

**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).
- (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.

**Commencement Information**

**I3** S. 54 in force at 1.4.2011 for specified purposes by [S.S.I. 2011/96](#), [art. 2](#), [Sch.](#)

**I4** S. 54 in force at 1.4.2012 in so far as not already in force by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Cross  
Heading: Introductory.