



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 9

#### DISPOSAL OF LAND OR ASSETS BY REGISTERED SOCIAL LANDLORDS

#### **108 Disposals not requiring consent**

- (1) The Regulator's consent under this Part is not required for a disposal—
- (a) by way of a lease under a Scottish secure tenancy (or what would be such a tenancy but for schedule 1 to the Housing (Scotland) Act 2001 (asp 10)),
  - (b) by way of a lease under a short Scottish secure tenancy,
  - (c) by way of a lease under an assured tenancy or an assured agricultural occupancy,
  - (d) by way of a lease under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of schedule 4 to the Housing (Scotland) Act 1988 (c.43),
  - (e) by way of an occupancy arrangement,
  - (f) made in pursuance of the right to buy conferred by Part 3 of the Housing (Scotland) Act 1987 (c.26),
  - (g) made in pursuance of a direction given by the Regulator under section 67 or 106,
  - (h) for which the Regulator's consent is required under section 78,
  - (i) made in implementation of agreed proposals under section 86 or 87,
  - (j) arising from a restructuring for which the Regulator's consent is required under Part 8, or
  - (k) of such type and made in such manner as the Regulator may determine.
- (2) For the purposes of subsection (1)(e) an occupancy arrangement is an arrangement other than a lease—
- (a) under which a person has the lawful right to occupy living accommodation (within the meaning of section 194 of the Housing (Scotland) Act 2006 (asp 1)) which forms part of premises or a group of premises owned by the landlord, and
  - (b) where the occupants of the premises share with each other one or more of—
    - (i) a toilet,

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*Status: This is the original version (as it was originally enacted).*

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- (ii) personal washing facilities, or
  - (iii) facilities for the preparation or provision of cooked food.
- (3) Before making, revising or withdrawing a determination under subsection (1)(k), the Regulator must consult—
  - (a) Ministers,
  - (b) registered social landlords or their representatives, and
  - (c) secured creditors of registered social landlords or their representatives.
- (4) The Regulator must make arrangements for bringing a determination (and any revision or withdrawal) to the attention of those affected by it.