



Housing (Scotland) Act 2010

2010 asp 17

PART 15

AMENDMENT OF HOUSING (SCOTLAND) ACT 2006

148 **Introductory**

This Part contains miscellaneous amendments of the Housing (Scotland) Act 2006 ([asp 1](#)) (“the 2006 Act”).

149 **HRA designation orders: removal of Ministerial involvement**

- (1) Section 2(2) of the 2006 Act is repealed.
- (2) In section 5 of the 2006 Act—
 - (a) in subsection (1), paragraph (b) and the word “or” immediately preceding it are repealed,
 - (b) in subsection (2), the words “, with the consent of the Scottish Ministers,” are repealed,
 - (c) in subsection (4), the words “(1)(b) or” are repealed.
- (3) In schedule 1 to the 2006 Act—
 - (a) in paragraph 1(3)—
 - (i) for the words from first “as” to “considering” substitute “consider”,
 - (ii) after first “notice” insert “before deciding whether to make the HRA designation order.”,
 - (iii) sub-paragraphs (a) and (b) are repealed,
 - (b) after paragraph 1(5) insert—

“(5A) Before making such a modification, the local authority must—

 - (a) give notice describing the general effect of the proposed modification to—
 - (i) any owner and occupier of a house, and any other person, who it considers likely to be significantly affected by the modification, and

Status: This is the original version (as it was originally enacted).

- (ii) where it considers that a building which falls within paragraph 4 is likely to be significantly affected by the modification, the planning authority (where the planning authority is not the local authority), and
- (b) consider any representations made by such persons.”,
- (c) paragraph 1(6) is repealed,
- (d) paragraph 2 is repealed,
- (e) in the heading for paragraph 3, for “designation” substitute “decision”,
- (f) after paragraph 3(2) insert—
 - “(3) Where the local authority decides not to make an HRA designation order proposed under paragraph 1(1), they must give notice of that fact to the persons, and in the manner, mentioned in that provision.”.

150 Recovery of expenses

- (1) In section 50(2)(c)(i) of the 2006 Act, after “unable” insert “or unwilling”.
- (2) In section 59(1) of the 2006 Act, after paragraph (a) insert—
 - “(aa) expenses it incurs in pursuance of—
 - (i) devising a maintenance plan under 46(1)(b)(ii) or (c), or
 - (ii) varying a maintenance plan under section 47(1),”.
- (3) In section 61 of the 2006 Act, after subsection (3) insert—
 - “(3A) A local authority may recover—
 - (a) the amount of any fee payable in respect of registering any such document,
 - (b) any administrative expenses incurred by it in connection with the registration, and
 - (c) interest, at such reasonable rate as it may determine, from the date when a demand for payment is served until the whole amount is paid, from the owner of the house concerned.”.
- (4) In section 172 of the 2006 Act—
 - (a) in subsection (1), after “(2)” insert “, section 61(3A), subsection (6A) below”,
 - (b) after subsection (6) insert—
 - “(6A) A local authority may recover—
 - (a) the amount of any fee payable in respect of registering a repayment charge or a discharge of such a charge,
 - (b) any administrative expenses incurred by it in connection with the registration, and
 - (c) interest, at such reasonable rate as it may determine, from the date when a demand for payment is served until the whole amount is paid, from the owner of the living accommodation concerned.”.

151 Scheme of assistance: demolition works

Section 71 of the 2006 Act is amended as follows—

- (a) in subsection (1)(b), after “work” insert “(including demolition work)”,
- (b) in subsection (2), after paragraph (d) insert—
 - “(da) demolishing a house,”.