



Scottish Housing
Regulator

Determination of what is meant by a step to enforce a security over a Registered Social Landlord's land

Statutory Guidance

Republished - February 2019

About us

We are the independent regulator of social landlords in Scotland.

We safeguard and promote the interests of:

Around:

600,000

Tenants who live in homes provided by social landlords

Over:

123,000

Home owners who receive services of social landlords

Over:

45,000

People and their families who may be homeless and seek help from local authorities

Around:

2,000

Gypsy/Travellers who can use official sites provided by social landlords

We regulate:

Around:



Social landlords

Around:

160
32

Registered social landlords

Local authorities

Our equalities commitment

Promoting equalities and human rights is integral to all of our work. We set out how we will meet our equalities duties in our Equalities Statement.

Our role:

To monitor, assess and report on social landlords' performance of housing activities and RSLs' financial wellbeing and standards of governance. We intervene, where we need to, to protect the interests of tenants and service users.

Our Regulatory Framework explains how we regulate social landlords. It is available from: www.scottishhousingregulator.gov.uk



HAPPY TO **TRANSLATE**

1. Introduction and purpose

- 1.1 Part 7 of the Housing (Scotland) Act 2010 (the Act) sets out the legislative provisions regarding an insolvency situation in registered social landlords.
- 1.2 Section 73 of Part 7 provides that the Scottish Housing Regulator can determine what is meant by a "step to enforce a security" over a registered social landlord's land.

Determination of what is meant by a step to enforce a security over a Registered Social Landlord's land

(1) Any formal step, whether or not in terms of any statutory provision, taken by a person with a view to enforcing a security over a registered social landlord's land.

(2) A step referred to in (1) above may include, but is not limited to, the following:

- (a) The issuing of any demand for payment or notice of default in terms of any agreement with the registered social landlord or in terms of the security itself;
- (b) The taking of any step required in terms of Part II of the Conveyancing and Feudal Reform (Scotland) Act 1970 for the enforcement of rights under a standard security;
- (c) The taking of any step required in terms of Schedule B1 to the Insolvency Act 1986 for the appointment of an administrator to the registered social landlord;
- (d) The taking of any step required in terms of the Insolvency Act 1986 for the appointment of a receiver or administrative receiver over property of the registered social landlord; or
- (e) The intimation of any assignation of rents or other receipts arising from land to the party against whom the assigned rights are held.

This guidance has been issued under section 73 of the Act.



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