

Operational delegation of statutory powers

Where an urgent decision that is not delegated requires to be made between Board meetings, the Chief Executive will raise this with the Chair. The Chair will contact at least two other Board members and will take their views into account when reaching a decision. The Chair will inform the Board of this decision at its next meeting and it will be recorded in the minutes.

This table lists our statutory powers and how they are to be exercised by the Chief Executive of the Scottish Housing Regulator (SHR).

The Chief Executive delegates authority to the relevant Director who then delegates responsibility to relevant staff within their Group. It is the Director's responsibility to ensure that:

- decisions are made in accordance with our Regulatory Framework, policies and guidelines;
- judgement is exercised appropriately; and
- all relevant officers from across SHR are involved in the decision and / or notified of the decision.

The table identifies the staff to whom the Chief Executive has delegated his authority through Directors to take decisions relating to the exercise of statutory powers and the actions required for that decision making.

Housing (Scotland) Act 2010	Nature of approval or decision	Authority	Decided/Actioned by
Delegation of Powers			
The Register			
S20	Maintaining the register of RSLs	The Chief Executive	Group: Digital & Business Support Authorised officer: Business Intelligence Analyst to oversee online Directory
S23	Registering an RSL	SHR Board	On recommendation from Management Team
S25 (1) and S28 (1)	Setting regulatory registration and de-registration criteria	SHR Board	On recommendation from Management Team
S26 (1)	Setting guidance on regulatory registration criteria	SHR Board	On recommendation from Management Team

S30 (1) (2)	Notifying registration to other bodies	The Chief Executive	Group: Regulation Authorised officer: Regulation Manager
S27 (1)	Compulsory de-registration where the body: <ul style="list-style-type: none"> ◆ No longer meets (or has never met) the registration criteria ◆ Has ceased to carry out activities ◆ Has ceased to exist 	SHR Board	On recommendation from Management Team
S28 (3)	Voluntary de-registration where transfer of engagements has taken place and as a result the RSL no longer exists	SHR Board	On recommendation from the Management Team
S29 (2) (c)	All other voluntary de-registrations	SHR Board	On recommendation from Management Team
	Reconsideration of a decision not to register an RSL or removal from the register of an RSL following a remittal of the case from Court of Session	SHR Board	On recommendation from Management Team
S30 (1) (2)	Notifying removal to other bodies	The Chief Executive	Group: Regulation Authorised officer: Regulation Managers
Performance of Social Landlords			
S34 (1) (2)	Setting Performance Improvement Targets <ul style="list-style-type: none"> ◆ For all social landlords 	SHR Board	On recommendation from Management Team
	<ul style="list-style-type: none"> ◆ For individual social landlords 	The Chief Executive	Group: REGULATION

S34 (4)	<p>Notifying social landlords of performance improvement targets</p> <ul style="list-style-type: none"> ◆ For all social landlords ◆ For individual social landlords 	<p>SHR Board</p> <p>The Chief Executive</p>	<p>Authorised officer: Regulation Manager following case conference</p> <p>On recommendation from Management Team</p> <p>Group: REGULATION Authorised officer: Regulation Manager</p>
S35 (1)	Issuing guidance on measuring and assessing social landlords progress towards the Scottish Social Housing Charter	SHR Board	On recommendation from Management Team
S36 (1)	Issuing Code of Conduct setting out standards of financial management and governance for RSLs	SHR Board	On recommendation from Management Team
S36 (3)	Issuing guidance on the Code of Conduct	SHR Board	On recommendation from Management Team
S37 (3)	<p>Setting financial management or governance targets for all RSLs</p> <p>Setting financial management or governance targets for only one RSL</p>	<p>SHR Board</p> <p>The Chief Executive</p>	<p>On recommendation from Management Team</p> <p>Group: REGULATION</p> <p>Authorised officer: Regulation Manager following case conference</p>
S40 (1)	Assessing social landlords'	The Chief Executive	Group: REGULATION

	performance of housing activities		Authorised officer: Regulation Manager
S41 (1)	Publication of performance reports	The Chief Executive	On recommendation from Management Team
Inquiries and Information			
S42 (4)(b)	Appointing someone to conduct an inquiry	The Chief Executive	Group: REGULATION Authorised officer: Regulation Manager following case conference
S44 (1)	Arranging a survey of the condition of housing accommodation	The Chief Executive	Group: Regulation Authorised Officer: Regulation Manager following case conference
S44 (3)	Authorising a person to carry out a survey of housing accommodation	The Chief Executive	Group: REGULATION Authorised Officer: Regulation Manager following case conference
S44 (5)	Notifying social landlords of intention to carry out a survey of housing accommodation	The Chief Executive	Group: REGULATION Authorised Officer: Regulation Manager following case conference
S44 (8)	Providing social landlords with a copy of the survey report	The Chief Executive	Group: Regulation Authorised Officer: Regulation Manager following case conference
S45 (1)	Requiring an exceptional audit for the	The Chief Executive	Group: Regulation

	purposes of an inquiry		Authorised officer: Assistant Director
S46 (1)	Preparation and publication of an inquiry report	The Chief Executive	Group: REGULATION Authorised Officer: Regulation Manager
S46 (2)	Publishing statement setting out types of inquiries which will be published	SHR Board	On recommendation from Management Team
S46 (3) (4)	Sending copies of inquiry reports to social landlords and registered tenant organisations	The Chief Executive	Group REGULATION Authorised officer: Regulation Manager
S47 (2)	Publishing statement on significant performance failures	SHR Board	On recommendation from Management Team
S48 (1)	Power to Obtain Information	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director
S50 (1)	Issuing guidance on extent to which social landlords must seek to involve persons (or representatives of such persons) who are or who may become: <ul style="list-style-type: none"> - homeless - tenants of social landlords; or - recipients of services provided by social landlords 	SHR Board	On recommendation from Management Team
S51 (1)	Issuing code of practice on inquires	SHR Board	On recommendation from

			Management Team
Regulatory Intervention			
S54 (1)	Issuing code of practice on regulatory interventions	SHR Board	On recommendation from Management Team
S55 (2)	Requiring social landlords to submit a performance improvement plan	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director following case conference
S56 (1)	Serving enforcement notice on social landlord	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director following case conference.
S57 (2) (as amended by Housing (Amendment)(Scotland) Act 2018, s.1(2)(b) – no substantive change) the appointment is to be for so long as is necessary to so rectify the failure	Appointment of manager for housing activities	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director following a case conference.
S58 (1) (as amended by Housing (Amendment)(Scotland) Act 2018, s.1(3) – no substantive change) the appointment is to be for so long as is necessary to so rectify the failure	Appointment of manager for financial or other affairs	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director following a case conference.
S60 (1) (as amended	General power to remove officers of a	The Chief Executive	Group REGULATION

by Housing (Amendment)(Scotland) Act 2018, s.2(2) – no substantive change)	registered social landlord		Authorised officer: Assistant Director following a case conference.
S61 (1) (as amended by Housing (Amendment)(Scotland) Act 2018, s.2(3) – no substantive change)	Suspension of officers etc. during or following inquiries	The Chief Executive	Group: REGULATION Authorised Officer: Assistant Director following a case conference.
S61 (3)	Lifting of suspension of officers etc.	The Chief Executive	Group: REGULATION Authorised Officer: Assistant Director following a case conference.
S61 (4)	Giving registered social landlord directions about the performance of a suspended individual's functions or any other matter arising from the suspension	The Chief Executive	Group: REGULATION Authorised Officer: Assistant Director following a case conference.
S62 (1) (as amended by Housing (Amendment)(Scotland) Act 2018, s.2(4) – no substantive change)	Removal of officers following inquiries	The Chief Executive	Group: REGULATION Authorised Officer: Assistant Director following a case conference.
S65 (1) (as amended by Housing (Amendment)(Scotland) Act 2018, s2(6)(a) – no substantive change but note s.65(2A) where the appointment is by virtue of s.65(1)(d) – failure to comply with a	Appointment of new officers of an RSL	The Chief Executive	Group: REGULATION Authorised Officer: Assistant Director following a case conference.

<p>duty/requirement, the appointment is to be for so long as is necessary to so rectify the failure)</p> <p>S65 (4) (as amended by Housing (Amendment)(Scotland) Act 2018, s 2(6)(e) – no substantive change and see comment on s.65(2A) above.)</p>	<p>Renewal of appointment of an officer</p>	<p>The Chief Executive</p>	<p>Group: REGULATION Authorised Officer: Assistant Director following a case conference.</p>
<p>S66 (2)</p>	<p>Restrictions on dealing during or following inquiries</p>	<p>The Chief Executive</p>	<p>Group: REGULATION Authorised Officer: Assistant Director following a case conference.</p>
<p>S67 (3)</p>	<p>Transfer of assets following inquiries</p>	<p>SHR Board</p>	<p>On recommendation of Management Team</p>

S67 (4)	Consultation with tenants and secured creditors prior to making the decision to direct transfer.	The Chief Executive	Group: REGULATION Authorised Officer: Assistant Director following a case conference.
S67 (7)	Consulting with OSCR in the event that the transfer of assets relates to an RSL which is a charity	The Chief Executive	Group: REGULATION Authorised Officer: Regulation Manager
Registered Social Landlords: Accounts and Audit			
S68 (1)	Determination of accounting requirements	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director
Registered Social Landlords: Insolvency etc.			
S73 (2)	Determining what is meant by a step to enforce a security over a registered social landlords land	SHR Board	On recommendation from Management Team
S76 (2) (4)	Giving notice of an extension, cancellation or renewal of the moratorium	The Chief Executive	Group: Regulation Authorised officer: Assistant Director
S76 (5)	Giving note of moratorium ending to RSL and secured creditors	The Chief Executive	Group: REGULATION Authorised officer: Assistant Director
S77 (2)	Renewal of original moratorium if secured creditors give consent	The Chief Executive	Group: Regulation Authorised officer: Assistant Director
S79 (1)	Appointing, or requiring RSL to appoint, an interim manager to RSL during moratorium	The Chief Executive	Group: REGULATION Authorised officer: Director on recommendation from Assistant Director and following a case conference
S80, S81, S82, S83	Making, submitting, agreeing and	The Chief Executive	Group: REGULATION

	modifying proposals about the future ownership and management of the RSL's land		Authorised officer: Director on recommendation from Assistant Director and following a case conference
S85	Appointing a manager to implement the proposals	The Chief Executive	Group: REGULATION Authorised officer: Director on recommendation from Assistant Director and following a case conference
S88	Giving assistance to a registered social landlord	The Chief Executive	On recommendation from case conference of Management Team.
Registered Social Landlords: Organisational Change etc.			
S106 (2)	Asset transfer on dissolution or winding up	SHR Board	On recommendation from Management Team
S106 (3)	Consultation with tenants before making a direction	The Chief Executive	Group: Regulation Authorised Officer: Assistant Director following a case conference
S106 (5) (6)	Consultation with OSCR	The Chief Executive	Group: Regulation Authorised Officer: Assistant Director

**Reviewed September 2020 and approved by Management Team 8 October 2020
Review by at least August 2022**