

Housing (Scotland) Amendment Bill

Bill Number:	SP Bill 20
Introduced on:	04 September 2017
Introduced by:	Angela Constance MSP (Government Bill)
Passed:	31 May 2018
Royal Assent:	06 July 2018

Passage of the Bill

The Local Government and Communities Committee was designated as lead committee on the bill. The passage of the Bill is summarised below.

Bill introduced	4 September 2017
Stage 1	Started 29 November 2017. Stage 1 Report published 1 Feb 2018 Stage 1 Debate 29 March 2018
Stage 2	9 May 2018
Stage 3 debate	31 May 2018

Links to all the relevant bill documentation and Official Reports are available on the [Scottish Parliament website here](#).

Purpose and objectives of the Bill

The purpose of the Bill was to enable the [Office for National Statistics](#) (ONS) to reclassify Registered Social Landlords (RSLs) as private sector bodies for the purposes of the national accounts.

As a result of a review by the ONS, the classification of RSLs in Scotland changed from the status of private sector bodies to public sector bodies.

This revised status has implications for RSLs' borrowing powers, given that any borrowing by public bodies counts towards the Scottish Government's borrowing limits. The Scottish Government may have to impose controls on RSLs' borrowing powers. If RSLs' borrowing was restricted there would be a

risk that the Scottish Government's target to deliver at least 50,000 affordable homes by 2021 would be adversely affected.

The ONS makes its classification decisions based on international guidance. In considering whether bodies are public or private, one of the key factors is where control over the body lies. The decision to reclassify RSLs as public bodies was taken by the ONS because of certain powers the Scottish Housing Regulator ('the Regulator') has over RSLs.

Provisions of the Bill

The Bill was a short technical bill comprising 11 sections. The provisions of the Bill had the general effect of removing, or reducing, certain powers that the Regulator has over RSLs.

In particular, the Bill:

- narrowed the powers of the Regulator to appoint a manager to an RSL, and to remove, suspend and appoint officers of an RSL;
- removed the need for the Regulator's consent to: the disposal of land and housing assets by an RSL; any changes to the constitution of an RSL; and the voluntary winding-up, dissolution and restructuring of an RSL, while protecting tenants' rights to be consulted about certain changes;
- provided Scottish Ministers with regulation making powers to limit the influence that a local authority has over an RSL

Parliamentary consideration

Stage 1

The [Local Government and Communities Committee's Stage 1 Report](#) was supportive of the Bill's general principles.

The Committee's report recommended changes in relation to the Scottish Ministers' regulation making powers as set out in sections 8 and 9 of the Bill. In particular, it recommended the introduction of a "sunset clause" so that these powers could be used only for a limited time after the Act came into force.

Stage 2

Only one Scottish Government amendment was lodged (and passed) at Stage 2. The amendment reflected the recommendation made in the Stage 1 report. A sunset clause was introduced for section 8 and 9 of the Bill. This introduced a time limit of three years on the Scottish Ministers' powers to make regulations under these sections of the Bill.

Stage 3

No amendments were lodged at Stage 3 and the Bill was passed unanimously with 144 votes For, none against and no abstentions.