



**Scottish Housing
Regulator**

**Determination of what is
meant by a step to enforce a
security over a
Registered Social Landlord's land
April 2012
Regulatory Guidance**

Part 7 of the Housing (Scotland) Act 2010 (the Act) sets out the legislative provisions regarding an insolvency situation in registered social landlords.

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.