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Jane Williams
Clerk to the Local Government and Communities Committee
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8 December 2017

Dear Jane

Housing (Amendment) (Scotland) Bill: Follow up to Evidence Session of 29 November 2017

Many thanks for your letter of 4th December, in which you highlight the recommendations of the Delegated Powers and Law Reform Committee in their report of 28 November.

The report in particular expresses concerns regarding Sections 8 and 9 of the Bill, and the scope of these provisions. The intent of both provisions is to ensure that the Bill achieves its desired aim of reversing ONS' decision to reclassify RSLs as public non-financial corporations, and SFHA fully supports this aim. We are keen that this is achieved at the earliest possible date, and do not wish to see any aspect impede the Bill's progress.

In regards to Section 8, this has been included as a "just in case" provision, to allow further amendments to the powers of the Scottish Housing Regulator in the event of the legislation not resulting in ONS reversing its decision. From the assurances that we have received from Scottish Government, and in light of the ONS' decision to reverse its similar decision in England, we understand that it is unlikely that this provision will ever be required in practice. However, it would be prudent to ensure that the option is there at least until such time as RSLs have been reclassified back to their rightful status as private non-financial corporations. To address the concerns highlighted in the Committee's report, SFHA would have no objection to this clause operating as a "sunset" provision that would only apply until the aim of the Bill had been achieved.

Section 9 of the legislation has been drafted so that subsequent regulations will be brought forward to limit any perceived control that a local authority may exercise over an RSL. As this perception of control was a factor in the ONS' initial decision to reclassify RSLs, SFHA supports the aim of these provisions. We wish to ensure that these measures cover all of the aspects required to persuade ONS to reverse its decision.

The national voice and advocate for Scotland's housing associations and co-operatives

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I hope that this is helpful, and please get in touch if you would like any further clarification.

Yours sincerely

Sally Thomas
Chief Executive

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