



Housing Act 1996

1996 CHAPTER 52

PART I

[^{F1}SOCIAL RENTED SECTOR [^{F1}REGULATED BY THE WELSH MINISTERS]]

CHAPTER I

REGISTERED SOCIAL LANDLORDS

Modifications etc. (not altering text)

- C1** Pt. 1: The system of "registered social landlords" under this Part is replaced (8.9.2008 for specified purposes and 1.12.2008, 16.2.2009, 1.4.2009, 7.9.2009 and 1.4.2010 for further purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), Pt. 2. This Part continues to apply in relation to Wales with certain provisions applied in relation to England and certain provisions preserved although they apply to England only, see s. 60 of the affecting Act; [S.I. 2008/2358](#), art. 3; [S.I. 2008/3068](#), art. 3 (with arts. 6-13); [S.I. 2009/363](#), art. 2; [S.I. 2009/803](#), art. 7; [S.I. 2009/2096](#), art. 2(1); [S.I. 2010/862](#), art. 2 (with Sch.)

Registration

[^{F1}A1] Introduction

This Chapter provides for the registration of social landlords in Wales.]

Textual Amendments

- F1** S. A1 inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(2)**, 325(1); [S.I. 2010/862](#), art. 2 (with Sch.)

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1 The register of social landlords.

(1) ^{F2}The Welsh Ministers] shall maintain a register of social landlords which shall be open to inspection at all reasonable times ^{F3}

^{F4}(1A)

^{F4}(1B)

^{F5}(2)

Textual Amendments

- F2** Words in s. 1 substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(3\)\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F3** Words in s. 1(1) repealed (1.11.1998) by [1998 c. 38, ss. 140, 152, Sch. 16 para. 83\(2\), Sch. 18 Pt.VI \(with ss. 137\(1\), 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)
- F4** S. 1(1A)(1B) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(3\)\(b\), 325\(1\), Sch. 16; S.I. 2010/862, arts. 2, 3 \(with Sch.\)](#)
- F5** S. 1(2) repealed (1.11.1998) by [1998 c. 38, ss. 140, 152, Sch. 16 para. 83\(4\), Sch. 18 Pt.VI \(with ss. 137\(1\), 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)

Modifications etc. (not altering text)

- C2** S. 1 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)
- C3** S. 1 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 3, Sch. para. 5 \(with art. 6\)](#)

^{F6}1A Welsh bodies

In this Chapter “Welsh body” means a body which is—

- (a) a registered charity whose address, for the purposes of registration by the Charity Commission for England and Wales, is in Wales,
- (b) ^{F7}a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 (in this Part, a “registered society”) whose registered office for the purposes of that Act is in Wales,] or
- (c) a company within the meaning of the Companies Act 2006 which has its registered office for the purposes of that Act in Wales.]

Textual Amendments

- F6** S. 1A inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(4\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F7** S. 1A(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 57 \(with Sch. 5\)](#)

2 Eligibility for registration.

(1) ^{F8}A Welsh body] is eligible for registration as a social landlord if it is—

- (a) a registered charity which is a housing association,
- (b) ^{F9}a registered society] which satisfies the conditions in subsection (2), or
- (c) ^{F10}a company] which satisfies those conditions.

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- (2) The conditions are that the body is [^{F11}principally concerned with Welsh housing, is] non-profit-making and is established for the purpose of, or has among its objects or powers, the provision, construction, improvement or management of—
- (a) houses to be kept available for letting,
 - (b) houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body, or
 - (c) hostels,
- and that any additional purposes or objects are among those specified in subsection (4).

[^{F12}(2A) A body is principally concerned with Welsh housing if the Welsh Ministers think—

- (a) that it owns housing only or mainly in Wales, or
- (b) that its activities are principally undertaken in respect of Wales;

and once a body has been registered in reliance on paragraph (a) or (b) it does not cease to be eligible for registration by virtue only of ceasing to satisfy that paragraph.]

- (3) For the purposes of this section a body is non-profit-making if—
- (a) it does not trade for profit, or
 - (b) its constitution or rules prohibit the issue of capital with interest or dividend exceeding the rate prescribed by the Treasury for the purposes of section 1(1) of the ^{M1}Housing Associations Act 1985.
- (4) The permissible additional purposes or objects are—
- (a) providing land, amenities or services, or providing, constructing, repairing or improving buildings, for its residents, either exclusively or together with other persons;
 - (b) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms;
 - (c) constructing houses to be disposed of on shared ownership terms;
 - (d) managing houses held on leases or other lettings (not being houses within subsection (2)(a) or (b)) or blocks of flats;
 - (e) providing services of any description for owners or occupiers of houses in arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works;
 - (f) encouraging and giving advice on the forming of housing associations or providing services for, and giving advice on the running of, such associations and other voluntary organisations concerned with housing, or matters connected with housing.
- (5) A body is not ineligible for registration as a social landlord by reason only that its powers include power—
- (a) to acquire commercial premises or businesses as an incidental part of a project or series of projects undertaken for purposes or objects falling within subsection (2) or (4);
 - (b) to repair, improve or convert commercial premises acquired as mentioned in paragraph (a) or to carry on for a limited period any business so acquired;
 - (c) to repair or improve houses, or buildings in which houses are situated, after a disposal of the houses by the body by way of sale or lease or on shared ownership terms.

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(6) In this section—

“block of flats” means a building containing two or more flats which are held on leases or other lettings and which are occupied or intended to be occupied wholly or mainly for residential purposes;

“disposed of on shared ownership terms” means disposed of on a lease—

- (a) granted on a payment of a premium calculated by reference to a percentage of the value of the house or of the cost of providing it, or
- (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference directly or indirectly to the value of the house;

“letting” includes the grant of a licence to occupy;

“residents”, in relation to a body, means persons occupying a house or hostel provided or managed by the body; and

“voluntary organisation” means an organisation whose activities are not carried on for profit.

(7) The [^{F13}Welsh Ministers] may by order specify permissible purposes, objects or powers additional to those specified in subsections (4) and (5).

The order may (without prejudice to the inclusion of other incidental or supplementary provisions) contain such provision as the [^{F13}Welsh Ministers] thinks fit with respect to the priority of mortgages entered into in pursuance of any additional purposes, objects or powers.

(8) An order under subsection (7) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [^{F14}the National Assembly for Wales] .

Textual Amendments

- F8** Words in s. 2(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F9** Words in s. 2(1)(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 58 \(with Sch. 5\)](#)
- F10** Words in s. 2(1)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 161\(2\)\(a\) \(with art. 10\)](#)
- F11** Words in s. 2(2) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(b\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F12** S. 2(2A) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(c\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F13** Words in s. 2(7) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(d\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F14** Words in s. 2(8) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(e\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)

Modifications etc. (not altering text)

- C4** S. 2(4) extended (19.4.1999) by [1999/985, art.2](#)
 S. 2(4) extended (1.7.1999) by [S.I. 1999/1206, art. 2\(1\)](#)

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Commencement Information

- II** S. 2 wholly in force 1.10.1996; s. 2 not in force at Royal Assent see s. 232(1)-(3); s. 2(7)(8) in force at 1.8.1996 by 1996/2048, art. 2(1) and s. 2 in force at 1.10.1996 to the extent not already in force by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in the Sch. to that S.I.)

Marginal Citations

- M1** 1985 c. 69.

3 Registration.

- (1) The [^{F15}Relevant Authority] may register as a social landlord [^{F16}any Welsh body] which is eligible for such registration.
- (2) An application for registration shall be made in such manner, and shall be accompanied by such fee (if any), as [^{F17}the Welsh Ministers] may determine.
- (3) As soon as may be after registering a body as a social landlord [^{F17}the Welsh Ministers] shall give notice of the registration—
 - (a) in the case of a registered charity, to the [^{F18}Charity Commission],
 - (b) in the case of [^{F19}a registered society], to the [^{F20}Financial Conduct Authority], and
 - (c) in the case of [^{F21}a company (including a company that is a registered charity)], to the registrar of companies,who shall record the registration.
- (4) [^{F22}A Welsh body] which at any time is, or was, registered as a social landlord shall, for all purposes other than rectification of the register, be conclusively presumed to be, or to have been, at that time a body eligible for registration as a social landlord.

Textual Amendments

- F15** Words in Pt. 1 substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.
- F16** Words in s. 3(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(6)(a), 325(1)**; S.I. 2010/862, **art. 2** (with Sch.)
- F17** Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7), 325(1)**; S.I. 2010/862, **art. 2** (with Sch.)
- F18** Words in s. 3(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 184**; S.I. 2007/309, **art. 2, Sch.**
- F19** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F20** Words in s. 3(3)(b) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), **art. 1(1), Sch. 11 para. 5(1)(2)(a)** (with Sch. 12)
- F21** Words in s. 3(3)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), **art. 1(2), Sch. 1 para. 161(3)(a)** (with art. 10)
- F22** Words in s. 3(4) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(6)(b), 325(1)**; S.I. 2010/862, **art. 2** (with Sch.)

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Commencement Information

- I2** S. 3 wholly in force 1.10.1996; s. 3 not in force at Royal Assent see s. 232(1)-(3); s. 3(2) in force for certain purposes at 1.8.1996 by [S.I. 1996/2048](#), [art. 3](#) and s. 3 in force at 1.10.1996 to the extent it is not already in force by [S.I. 1996/2402](#), [art. 3](#) (subject to the transitional provisions and savings in the Sch. to that S.I.)

4 Removal from the register.

- (1) A body which has been registered as a social landlord shall not be removed from the register except in accordance with this section.
- (2) If it appears to the ^[F17]the Welsh Ministers] that a body which is on the register of social landlords—
 - (a) is no longer a body eligible for such registration, or
 - (b) has ceased to exist or does not operate,^[F17]the Welsh Ministers] shall, after giving the body at least 14 days' notice, remove it from the register.
- (3) In the case of a body which appears to ^[F17]the Welsh Ministers] to have ceased to exist or not to operate, notice under subsection (2) shall be deemed to be given to the body if it is served at the address last known to ^[F17]the Welsh Ministers] to be the principal place of business of the body.
- (4) A body which is registered as a social landlord may request ^[F17]the Welsh Ministers] to remove it from the register and ^[F17]the Welsh Ministers] may do so, subject to the following provisions.
- (5) Before removing a body from the register of social landlords under subsection (4) ^[F17]the Welsh Ministers] shall consult the local authorities in whose area the body operates; and ^[F17]the Welsh Ministers] shall also inform those authorities of its decision.
- (6) As soon as may be after removing a body from the register of social landlords ^[F17]the Welsh Ministers] shall give notice of the removal—
 - (a) in the case of a registered charity, to the ^[F23]Charity Commission],
 - (b) in the case of ^[F19]a registered society], to the ^[F24]Financial Conduct Authority], and
 - (c) in the case of ^[F25]a company (including a company that is a registered charity)], to the registrar of companies,
 who shall record the removal.

Textual Amendments

- F17** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 61\(7\)](#), 325(1); [S.I. 2010/862](#), [art. 2](#) (with Sch.)
- F19** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 56](#) (with Sch. 5)
- F23** Words in s. 4(6) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 185](#); [S.I. 2007/309](#), [art. 2](#), Sch.
- F24** Words in s. 4(6)(b) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), [art. 1\(1\)](#), Sch. 11 para. 5(1)(2)(b) (with Sch. 12)

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F25 Words in s. 4(6)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 161\(3\)\(b\)](#) (with art. 10)

Modifications etc. (not altering text)

C5 S. 4 extended (16.9.1996) by [S.I. 1996/2402](#), art. 3, [Sch. para. 1](#)

5 Criteria for registration or removal from register.

- (1) The [^{F26}Relevant Authority] shall establish (and may from time to time vary) criteria which should be satisfied by a body seeking registration as a social landlord; and in deciding whether to register a body [^{F17}the Welsh Ministers] shall have regard to whether those criteria are met.
- (2) The [^{F26}Relevant Authority] shall establish (and may from time to time vary) criteria which should be satisfied where such a body seeks to be removed from the register of social landlords; and in deciding whether to remove a body from the register the [^{F26}Relevant Authority] shall have regard to whether those criteria are met.
- (3) Before establishing or varying any such criteria [^{F17}the Welsh Ministers] shall consult such bodies representative of registered social landlords, and such bodies representative of local authorities, as it thinks fit.
- (4) The [^{F26}Relevant Authority] shall publish the criteria for registration and the criteria for removal from the register in such manner as [^{F17}the Welsh Ministers] considers appropriate for bringing the criteria to the notice of bodies representative of registered social landlords and bodies representative of local authorities.

Textual Amendments

- F17** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 61\(7\)](#), [325\(1\)](#); [S.I. 2010/862](#), art. 2 (with [Sch.](#))
- F26** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, [Sch. 16 para. 82\(1\)\(2\)](#) (with [ss. 139\(2\)](#), [141\(1\)](#), [143\(2\)](#)); [S.I. 1998/2244](#), [art.5](#).

6 Appeal against decision on removal.

- (1) A body which is aggrieved by a decision of [^{F17}the Welsh Ministers]—
 - (a) not to register it as a social landlord, or
 - (b) to remove or not to remove it from the register of social landlords,
 may appeal against the decision to the High Court.
- (2) If an appeal is brought against a decision relating to the removal of a body from the register, [^{F17}the Welsh Ministers] shall not remove the body from the register until the appeal has been finally determined or is withdrawn.
- (3) As soon as may be after an appeal is brought against a decision relating to the removal of a body from the register, [^{F17}the Welsh Ministers] shall give notice of the appeal—
 - (a) in the case of a registered charity, to the [^{F27}Charity Commission],
 - (b) in the case of [^{F19}a registered society], to the [^{F28}Financial Conduct Authority], and

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- (c) in the case of ^{F29}a company (including a company that is a registered charity)], to the registrar of companies.

Textual Amendments

- F17** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F19** Words in Act substituted (1.8.2014) by Co-operative and [Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 56 \(with Sch. 5\)](#)
- F27** Words in s. 6(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 186; S.I. 2007/309, art. 2, Sch.](#)
- F28** Words in s. 6(3)(b) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\), art. 1\(1\), Sch. 11 para. 5\(1\)\(2\)\(c\) \(with Sch. 12\)](#)
- F29** Words in s. 6(3)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 161\(3\)\(c\) \(with art. 10\)](#)

Modifications etc. (not altering text)

- C6** S. 6 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)
 S. 6 restricted (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 3](#)

^{F30}Voluntary undertakings

Textual Amendments

- F30** S. 6A and cross-heading inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 41, 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(f\)](#)

6A Voluntary undertakings

- (1) A registered social landlord may give the Welsh Ministers an undertaking in respect of any matter concerning housing.
- (2) The Welsh Ministers may prescribe a procedure to be followed in giving an undertaking.
- (3) The Welsh Ministers must have regard to any undertaking offered or given in exercising a regulatory or enforcement power.
- (4) The Welsh Ministers may base a decision about whether to exercise a regulatory or enforcement power wholly or partly on the extent to which an undertaking has been honoured.
- (5) In this section, “regulatory or enforcement power” means a power exercisable under any of the following provisions—
 - section 35,
 - section 37,
 - section 38,
 - Chapter 4A of this Part,
 - paragraphs 4 and 6 to 15H of Part 2 of Schedule 1,
 - Part 3A of Schedule 1,

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Part 4 of Schedule 1.

- (6) This section does not apply in relation to a registered social landlord's provision of housing in England.]

Regulation of registered social landlords

7 Regulation of registered social landlords.

Schedule 1 has effect for the regulation of registered social landlords.

Part I relates to the control of payments to members and similar matters.

Part II relates to the constitution, change of rules, amalgamation or dissolution of a registered social landlord.

[^{F31}Part 3A relates to inspection.]

Part III relates to accounts and audit.

Part IV relates to inquiries into the affairs of a registered social landlord.

Textual Amendments

- F31** Words in s. 7 inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), **Sch. para. 3**; [S.I. 2011/2475](#), arts. 1(2), 2(u)
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Commencement Information

- I3** S. 7 wholly in force 1.10.1996; s. 7 not in force at Royal Assent see s. 232(1)-(3); s. 7 in force for certain purposes at 1.8.1996 by [S.I. 1996/2048](#), arts. 2, 3; s. 7 in force at 1.10.1996 to the extent it is not already in force by [S.I. 1996/2402](#), **art. 3** (with transitional provisions and savings in the Sch. to that S.I.)

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)