



# Housing (Wales) Measure 2011

**2011 nawm 5**

## **PART 2**

### **REGISTERED SOCIAL LANDLORDS**

#### **CHAPTER 4**

##### **ENFORCEMENT**

###### *Enforcement notice*

#### **52 Grounds for giving notice**

After section 50B of the Housing Act 1996 insert—

###### *“Enforcement notice*

##### **50C Grounds for giving notice**

- (1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that—
  - (a) any of the following cases applies, and
  - (b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A.
- (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.

*Status: Point in time view as at 18/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross Heading: Enforcement notice. (See end of Document for details)*

- (5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3).
- (6) Case 5 is where the interests of tenants of the registered social landlord require protection.
- (7) Case 6 is where the registered social landlord's assets require protection.
- (8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (9) Case 8 is where an offence under this Part has been committed by the registered social landlord.
- (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005.
- (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
  - (a) Case 8 applies,
  - (b) the Welsh Ministers may give an enforcement notice to the other person, and
  - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.”

#### Commencement Information

**II** S. 52 in force for specified purposes at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(i)

## 53 Content

After section 50C of the Housing Act 1996 insert—

### “50D Content

- (1) An enforcement notice must—
  - (a) specify the grounds on which it is given,
  - (b) specify the action the Welsh Ministers want the registered social landlord to take in response to the notice,
  - (c) specify when the action is to be taken (which may be immediately on receipt of the notice), and
  - (d) explain the effect of sections 50E to 50G.
- (2) The action specified in an enforcement notice may include publishing the notice in a specified manner.”

*Status: Point in time view as at 18/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross Heading: Enforcement notice. (See end of Document for details)*

#### Commencement Information

**I2** [S. 53](#) in force at 18.10.2011 by [S.I. 2011/2475](#), **arts. 1(2), 2(j)**

## 54 Appeal

After section 50D of the Housing Act 1996 insert—

### “50E Appeal

A registered social landlord who is given an enforcement notice may appeal to the High Court.”

#### Commencement Information

**I3** [S. 54](#) in force at 18.10.2011 by [S.I. 2011/2475](#), **arts. 1(2), 2(j)**

## 55 Withdrawal

After section 50E of the Housing Act 1996 insert—

### “50F Withdrawal

The Welsh Ministers may withdraw an enforcement notice by notice to the registered social landlord.”

#### Commencement Information

**I4** [S. 55](#) in force at 18.10.2011 by [S.I. 2011/2475](#), **arts. 1(2), 2(j)**

## 56 Sanction

After section 50F of the Housing Act 1996 insert—

### “50G Sanction

- (1) In the case of an enforcement notice given to a person other than the registered social landlord by virtue of section 50C(11), the Welsh Ministers may only—
  - (a) exercise the power to issue a penalty notice to the person in accordance with the next group of sections, or
  - (b) take steps to have the person prosecuted for the offence by reference to which the enforcement notice was given.
- (2) A person to whom an enforcement notice is given on the ground in Case 8 of section 50C may not be prosecuted for the offence by reference to which the enforcement notice was given unless the person fails to comply with the enforcement notice.”

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**Status:** Point in time view as at 18/10/2011.

**Changes to legislation:** There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross Heading: Enforcement notice. (See end of Document for details)

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#### Commencement Information

**I5** [S. 56](#) in force at 18.10.2011 by [S.I. 2011/2475](#), **arts. 1(2), 2(j)**

**Status:**

Point in time view as at 18/10/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross  
Heading: Enforcement notice.