Housing Act 1996

1996 CHAPTER 52

PART I

[[F1]SOCIAL RENTED SECTOR [[F1]REGULATED BY THE WELSH MINISTERS]]

[[F1]CHAPTER 4A

ENFORCEMENT POWERS]

[[F1]Enforcement notice

Textual Amendments

F1 S. 50C and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 52**, 90(2); S.I. 2011/2475, arts. 1(2), 2(i), 3(e)

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.

[[F2](3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.]

Changes to legislation: *Housing Act 1996, Cross Heading: Enforcement notice is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.

(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 **[**[F3]or section 23 of the Public Services Ombudsman (Wales) Act 2019**]**.

[F4]**[** But Case 2 is not to be treated as applying if any of the other cases listed in this section (10A) applies.**]**

(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.**]**

Textual Amendments

F2 S. 50C(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 11(2)**, 19(2); S.I. 2018/777, art. 3(d)

F3 Words in s. 50C(10) inserted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 16**; S.I. 2019/1096, reg. 2

F4 S. 50C(10A) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 11(3)**, 19(2); S.I. 2018/777, art. 3(d)

[[F5]**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.

Changes to legislation: *Housing Act 1996, Cross Heading: Enforcement notice is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The action specified in an enforcement notice may include publishing the notice in a specified manner.**]**

Textual Amendments

F5 S. 50D inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 53**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F6 50E Appeal

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

Textual Amendments

F6 S. 50E inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 54**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F7 50F Withdrawal

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

Textual Amendments

F7 S. 50F inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 55**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F8 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.**]**

Textual Amendments

F8 S. 50G inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 56**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

Changes to legislation:
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View outstanding changes

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