
Changes to legislation: Housing Act 1996, Paragraph 7 is up to date with all changes known to be in force on or before 11 April 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

SCHEDULES

SCHEDULE 2

SOCIAL RENTED SECTOR: HOUSING COMPLAINTS

Determinations by housing ombudsman

- 7 (1) A housing ombudsman under an approved scheme shall [^{F1}, in accordance with the scheme,] investigate any complaint duly made to him [^{F2}under the scheme], and where he investigates a complaint he shall determine it by reference to what is, in his opinion, fair in all the circumstances of the case.
- (2) He may in his determination—
- (a) order the member of a scheme against whom the complaint was made to pay compensation to the complainant, and
 - (b) order that the member or the complainant shall not exercise or require the performance of any of the contractual or other obligations or rights existing between them.
- [^{F3}(2A) Sub-paragraph (2B) applies where during an investigation of a complaint against a member of the scheme, a housing ombudsman identifies that the member's policies or practices in relation to a matter may give rise to further complaints about that matter.
- (2B) The housing ombudsman may, in the ombudsman's determination of the complaint, order the member to review their policy or practice on that matter.]
- (3) If the member against whom the complaint was made fails to comply with the determination within a reasonable time, the housing ombudsman may order him to publish in such manner as the ombudsman sees fit that he has failed to comply with the determination.
- (4) Where the member is not a social landlord, the housing ombudsman may also order that the member—
- (a) be expelled from the scheme, and
 - (b) publish in such manner as the housing ombudsman sees fit that he has been expelled and the reasons for his expulsion.
- (5) If a person fails to comply with an order under sub-paragraph (3) or (4)(b), the housing ombudsman may take such steps as he thinks appropriate to publish what the member ought to have published and recover from the member the costs of doing so.
- (6) A member who is ordered by the housing ombudsman to pay compensation or take any other steps has power to do so, except that a member which is also a charity shall not do anything contrary to its trusts.

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Textual Amendments

- F1** Words in Sch. 2 para. 7 inserted (1.10.2022) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 160(2)(a)**, 170(5) (with s. 160(4)); S.I. 2022/561, reg. 5
- F2** Words in Sch. 2 para. 7 substituted (1.10.2022) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 160(2)(b)**, 170(5) (with s. 160(4)); S.I. 2022/561, reg. 5
- F3** Sch. 2 para. 7(2A)(2B) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 40(4)**, 46(2)

Commencement Information

- I1** Sch. 2 para. 7 wholly in force at 1.4.1997 see s. 232(1)-(3) and S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Changes to legislation:

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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](#)