

HOUSING AND REGENERATION ACT 2008

EXPLANATORY NOTES

STRUCTURE OF THE ACT

Part 2 – Regulation of Social Housing

Chapter 3 - Registration

Procedure

Section 117 - Fees

258. The regulator may make the initial registration under section 116 conditional on payment of a fee, and may make continued registration conditional upon payment of an annual fee.
259. *Subsection (3)* gives the regulator the power to set the amount of the fee to be charged under this section, and to make provisions for the arrangements for annual fees, both when they are paid, and in respect of which period.
260. *Subsection (4)* gives the regulator the power to set fees on a differential basis according to different cases or circumstances. For example, the regulator may, if it chooses, set a variable fee scale according to the number of homes owned, or relate it to the amount of income a provider receives in an annual period.
261. *Subsection (5)* provides that fees will be set in accordance with principles which aim to ensure that so far as is reasonably practicable:
- a) aggregate fee income the regulator receives matches the amount of expenditure it incurs in performing its functions,
 - b) each fee is reasonable and proportionate to the costs to which it relates, and
 - c) actual or potential registered providers can see the relationship between the amount of a fee and the costs to which it relates.
262. *Subsection (6)* specifies that the principles under *subsection (5)* for setting fees:
- a) shall provide for section 95(3) (the regulator's power to give financial assistance to a registered provider by lending money or giving a guarantee or indemnity with the consent of the Secretary of State) to be disregarded for the purpose of subsection (5)(a),
 - b) may provide for specified or potential expenditure under the remainder of section 95 (financial assistance) to be disregarded.
263. *Subsection (7)* specifies that the principles do not have effect until they are approved by the Secretary of State.
264. *Subsection (8)* requires that in preparing or revising principles, the regulator shall consult persons appearing to it to represent the interest of fee payers.

*These notes refer to the Housing and Regeneration Act
2008 (c.17) which received Royal Assent on 22 July 2008*

265. *Subsection (9)* specifies that the regulator's accounts shall show both fees received and fees outstanding.