

# HOUSING AND REGENERATION ACT 2008

---

## EXPLANATORY NOTES

### STRUCTURE OF THE ACT

#### **Part 2 – Regulation of Social Housing**

#### *Chapter 7 – Enforcement powers*

#### **Management etc.**

#### *Section 248 - Section 247: Supplemental*

- 715. *Subsection (1)* requires that before the regulator requires a registered provider to implement the process under section 247(2), it must give that provider a notice which specifies the grounds on which action may be taken, warns the provider that it is considering action under this section, and explains the effect of the section.
- 716. *Subsections (2) and (3)* provide that the notice must specify a period during which the registered provider may make representations to the regulator, and that the period must be at least 28 days and begin on the date the provider receives the notice.
- 717. *Subsection (4)* provides that the notice must be copied to the HCA, and to any other person that the regulator thinks appropriate, having regard to any person who has provided information as a result of which the notice is given.
- 718. *Subsection (5)* provides that the notice served under section 247(1) must advise the registered provider on whom it is served about the provisions for the provider to make voluntary undertakings to the regulator under section 125, and the extent to which it would accept an undertaking instead of using this power under 247(2).
- 719. *Subsection (6)* allows the regulator to issue the notice in conjunction with warning notices for other enforcement powers under Chapter 7.
- 720. *Subsection (7)* provides that in deciding whether to use this power, the regulator must have regard to the views of relevant tenants, the registered provider, the HCA and, if appropriate, any relevant local housing authority.
- 721. *Subsection (8)* requires the regulator to send the HCA notice of its final decision to impose a requirement.
- 722. *Subsection (9)* states that a registered provider served with a notice by the regulator under this section has a right of appeal to the High Court.