



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 1

#### THE HOMES AND COMMUNITIES AGENCY

### CHAPTER 4

#### OTHER FUNCTIONS OF THE HCA

#### *General*

#### **28 Business**

- (1) The HCA may carry on any business.
- (2) In subsection (1) “business” includes undertaking.

#### **Commencement Information**

**11** [S. 28](#) in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(o\)](#) (with [arts. 6-13](#))

#### **29 Powers to form companies etc.**

The HCA may, with the consent of the Secretary of State, form, or acquire interests in, bodies corporate.

#### **Commencement Information**

**12** [S. 29](#) in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(o\)](#) (with [arts. 6-13](#))

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 4 is up to date with all changes known to be in force on or before 04 July 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)*

### 30 Community services

The HCA may provide such services for communities as it considers appropriate or facilitate the provision of such services.

#### Commencement Information

**I3** S. 30 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(o) (with arts. 6-13)

### *Social housing*

### 31 Duties in relation to social housing

- (1) Subsection (2) applies if the HCA acquires, constructs or converts any housing or other land for use as low cost rental accommodation.
- (2) The HCA must ensure that a [<sup>F1</sup>registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (3) Subsection (4) applies if the HCA disposes of any housing or other land to a person on condition that the person provides low cost rental accommodation (whether in the same or different housing or other land).
- (4) The HCA must impose a further condition that a [<sup>F2</sup>registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (5) Subsection (6) applies if the HCA provides infrastructure to a person on condition that the person provides low cost rental accommodation.
- (6) The HCA must impose a further condition ensuring that a [<sup>F3</sup>registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (7) Subsection (8) applies if the HCA is proposing to give financial assistance on condition that the recipient provides low cost rental accommodation.
- (8) The HCA must impose a further condition ensuring that a [<sup>F4</sup>registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (9) Subsection (10) applies if the HCA is proposing to give financial assistance on condition that the recipient provides low cost home ownership accommodation.
- (10) The HCA must consult the Regulator of Social Housing about the proposals.
- (11) For the purposes of this section, a person provides low cost rental accommodation or low cost home ownership accommodation if (and only if) the person acquires, constructs or converts any housing or other land for use as low cost rental accommodation or (as the case may be) low cost home ownership accommodation or ensures such acquisition, construction or conversion by another.
- (12) In this section—
  - <sup>F5</sup> ... <sup>F5</sup> <sup>F5</sup> ...

“low cost home ownership accommodation” has the meaning given by section 70,

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F5 F5 F5  
... ..

“low cost rental accommodation” has the meaning given by section 69,

#### Textual Amendments

- F1** Words in s. 31(2) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(2)(a)**
- F2** Words in s. 31(4) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(2)(a)**
- F3** Words in s. 31(6) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(2)(a)**
- F4** Words in s. 31(8) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(2)(a)**
- F5** Words in s. 31(12) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(2)(b)**

#### Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

#### Commencement Information

- I4** S. 31 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

## 32 Recovery etc. of social housing assistance

- (1) The HCA may, in such events as it may determine, exercise the powers conferred by subsections (2) to (4) in relation to a person who has received social housing assistance.
- (2) The HCA may reduce any grant payable by it or restrict any other social housing assistance due from it.
- (3) The HCA may suspend or cancel any instalment of any grant payable by it or any aspect of any other social housing assistance due from it.
- (4) The HCA may direct the recipient of any social housing assistance given by way of grant to—
  - (a) apply or appropriate for such purposes of the recipient as the HCA may specify, or
  - (b) pay to the HCA,such amount as the HCA may specify.
- (5) The HCA may not specify an amount which exceeds the recoverable amount.
- (6) The recoverable amount is—
  - (a) the total amount of grant received by the person to whom the direction is given, less
  - (b) the total of any amounts applied, appropriated or paid in accordance with any previous directions given in respect of that grant under subsection (4),and for the purposes of paragraph (b) any amounts provided for by virtue of section 33(1) are to be ignored.

*Status: Point in time view as at 15/01/2012.*

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- (7) Subsection (5) is without prejudice to the power of the HCA under section 33(1).
- (8) In exercising its powers under subsections (2) to (4) the HCA must act in accordance with such principles as it has determined.
- (9) A person who has received social housing assistance must notify the HCA if an event of a kind determined by the HCA under subsection (1) occurs after the assistance has been given.
- (10) Such a person must, if required by notice of the HCA, supply the HCA with such particulars of, and information relating to, the event as are specified in the notice.
- (11) The HCA must notify the Regulator of Social Housing at least 14 days before exercising, in relation to a registered provider of social housing, any of the powers conferred by subsections (2) to (4).
- (12) Events determined by the HCA under subsection (1), and principles determined by the HCA under subsection (8), must be determined on or before the time the HCA gives the social housing assistance concerned unless they are determined subsequently with the agreement of the recipient of the assistance.
- (13) In this Part—
  - “social housing” has the same meaning as in Part 2,
  - “social housing assistance” means financial assistance given under section 19 on condition that the recipient provides social housing (whether by itself or as part of a wider project);
 and, for the purposes of this Part, a person provides social housing if (and only if) the person acquires, constructs, converts, improves or repairs any housing or other land for use as social housing or ensures such acquisition, construction, conversion, improvement or repair by another.

**Modifications etc. (not altering text)**

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/628, **art. 6(e)** (with **arts. 911141517**))

**Commencement Information**

- I5** [S. 32](#) in force at 1.4.2009 for specified purposes by [S.I. 2009/803](#), **art. 2(1)(a)**
- I6** [S. 32](#) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

**33 Section 32: interest and successors in title**

- (1) A direction by the HCA under section 32(4) may require the application, appropriation or payment, in addition to the specified amount, of one or more of the following—
  - (a) interest on the specified amount,
  - (b) an amount calculated by reference to any increase in the market value of any housing or other land acquired, constructed, converted, improved or repaired as a result of the grant, and
  - (c) interest on the amount falling within paragraph (b).
- (2) Any direction falling within subsection (1)(a) or (c) must specify—
  - (a) the applicable rate or rates of interest (whether fixed or variable),

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- (b) the date from which interest is payable, and
  - (c) any provision for suspended or reduced interest which is applicable.
- (3) The date specified under subsection (2)(b) must not be earlier than the date of the event giving rise to the power to give a direction.
- (4) In subsection (2)(c)—
- (a) provision for suspended interest means provision to the effect that if the principal amount is applied, appropriated or paid before a date specified in the direction, no interest will be payable for any period after the date of the direction, and
  - (b) provision for reduced interest means provision to the effect that if the principal amount is so applied, appropriated or paid, any interest payable will be payable at a rate or rates lower than the rate or rates which would otherwise be applicable.
- (5) Any direction falling within subsection (1)(b) must specify—
- (a) the housing or other land concerned, and
  - (b) the method of calculating the amount concerned.
- (6) Subsection (7) applies if—
- (a) social housing assistance has been given to a person, and
  - (b) at any time the social housing provided as a result of the assistance becomes vested in, or is leased for a term of years to, or reverts to, another person.
- (7) Section 32 and this section (including this subsection) have effect in relation to periods after that time as if the assistance, or such element of it as may be determined by the HCA to be appropriate, had been given to that other person.
- (8) The matters specified in a direction under subsection (2)(a) to (c) or (5), and the element mentioned in subsection (7), are to be—
- (a) such as the HCA, acting in accordance with such principles as it may determine, may specify as being appropriate, or
  - (b) such as the HCA may determine to be appropriate in the particular case.
- (9) Principles determined by the HCA under subsection (8)(a), and determinations by the HCA under subsection (8)(b), must be determined on or before the time the HCA gives the social housing assistance concerned unless they are determined subsequently with the agreement of the recipient of the assistance.

**Modifications etc. (not altering text)**

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 187\(3\), 240\(2\)](#); S.I. 2012/628, art. 6(e) (with arts. 911141517))

**Commencement Information**

- I7** S. 33 in force at 1.4.2009 for specified purposes by [S.I. 2009/803, art. 2\(1\)\(b\)](#)
- I8** S. 33 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862, art. 2](#) (with [Sch.](#))

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### 34 Determinations under sections 32 and 33

- (1) The HCA must not make a general determination under section 32 or 33 without the consent of the Secretary of State.
- (2) Before making such a determination, the HCA must consult—
  - (a) the Regulator of Social Housing, and
  - (b) such other persons as it considers appropriate.
- (3) Subsection (4) applies if a general determination under section 32 or 33 about relevant events relates to social housing assistance given to a registered provider of social housing.
- (4) The HCA must, in particular, consult such bodies appearing to it to represent the interests of registered providers of social housing as it considers appropriate.
- (5) The HCA must publish a general determination made under section 32 or 33 in such manner as it considers appropriate for bringing the determination to the attention of those affected by it.
- (6) A general determination of the HCA under section 32 or 33 may make different provision for different cases or descriptions of case (including different provision for different areas).
- (7) For the purposes of subsection (6) descriptions may be framed by reference to any matters whatever.
- (8) A determination of the HCA under section 32 or 33 may be varied or revoked by it (subject to any provision as to the time by which such a determination must be made).
- (9) In this section—
 

“general determination” means a determination which does not relate solely to a particular case,

“relevant event” means an event of a kind determined by the HCA under section 32(1).

#### **Modifications etc. (not altering text)**

**C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 187\(3\)](#), 240(2); S.I. 2012/628, [art. 6\(e\)](#) (with [arts. 911141517](#)))

#### **Commencement Information**

**I9** S. 34 in force at 1.4.2009 by [S.I. 2009/803](#), [art. 2\(1\)\(c\)](#) (with [art. 2\(2\)\(3\)](#))

### 35 Duty to give financial assistance in respect of certain disposals

- (1) The HCA must exercise its powers under section 19 to give financial assistance by way of grant to a relevant provider of social housing in respect of any discount given by the provider—
  - (a) to a person exercising the right to acquire conferred by section 180, or
  - (b) on a disposal of a dwelling in England by the provider to a qualifying tenant otherwise than in pursuance of the right conferred by that section.

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- (2) In subsection (1)(b) “qualifying tenant” means a tenant who was entitled to exercise the right to acquire conferred by section 180, or by section 16 of the Housing Act 1996 (c. 52), in relation to a dwelling of the relevant provider of social housing other than the dwelling being disposed of by the provider.
- (3) The amount of the grant given by virtue of subsection (1)(a) to a relevant provider of social housing for any year is to be the aggregate value of the discounts given by that provider in that year.
- (4) The amount of the grant given by virtue of subsection (1)(b) to a relevant provider of social housing must not exceed the amount of the discount to which the tenant would have been entitled in respect of the other dwelling.
- (5) The HCA must specify—
  - (a) the procedure to be followed in relation to applications for a grant by virtue of this section,
  - (b) in the case of a grant by virtue of subsection (1)(b), the method for calculating, and any other limitations on, the amount of the grant,
  - (c) the manner in which, and time or times at which, a grant by virtue of this section is to be paid,
  - (d) any other terms or conditions on which such a grant is given.
- (6) In this section—
  - “dwelling” has the same meaning as in Part 2,
  - “<sup>F6</sup>private registered provider] of social housing” includes a person falling within section 180(3),
  - “registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996,
  - “relevant provider of social housing” means—
    - (a) a <sup>F7</sup>private registered provider] of social housing, or
    - (b) a registered social landlord,
  - “tenant” has the same meaning as in Part 2.

#### Textual Amendments

- F6** Words in s. 35(6) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(3)(a)**
- F7** Words in s. 35(6) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(3)(b)**

#### Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

#### Commencement Information

- I10** S. 35 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

## 36 Information in relation to social housing

- (1) The Secretary of State may by order provide for the HCA to supply such information about—

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- (a) which accommodation provided directly or indirectly by it is to be social housing,
  - (b) the type of social housing to be so provided, and
  - (c) the consequences of it being social housing,
- as may be specified or described in the order.
- (2) An order under this section may, in particular, provide for—
- (a) the person or persons to whom the information is to be provided,
  - (b) the time at which, or period or frequency within which, the information is to be provided,
  - (c) the form and manner in which the information is to be provided.

**Modifications etc. (not altering text)**

**C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 187\(3\), 240\(2\)](#); S.I. 2012/628, art. 6(e) (with arts. 911141517))

**Commencement Information**

**I11** S. 36 in force at 1.4.2009 by [S.I. 2009/803, art. 2\(1\)\(d\)](#)

**37 Duty to co-operate with Regulator of Social Housing**

- (1) The HCA must co-operate with the Regulator of Social Housing.
- (2) In particular, the HCA must consult the regulator on matters likely to interest the regulator.

**Commencement Information**

**I12** S. 37 in force at 8.9.2008 by [S.I. 2008/2358, art. 2\(1\)](#)

*Information, education and guidance etc.*

**38 Information services**

- (1) The HCA may—
  - (a) publish ideas or information, or
  - (b) disseminate or promote ideas or information in other ways.
- (2) The HCA may undertake research or experimentation.
- (3) The HCA may provide other information services.
- (4) The HCA may facilitate—
  - (a) the publication or other dissemination or promotion of ideas or information,
  - (b) research or experimentation, or
  - (c) the provision of other information services.



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#### Commencement Information

**I13** S. 38 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(p) (with arts. 6-13)

### 39 Advice, education and training

- (1) The HCA may provide—
  - (a) advice, education or training, or
  - (b) other advisory, education or training services.
- (2) The HCA may facilitate the provision of—
  - (a) advice, education or training, or
  - (b) other advisory, education or training services.

#### Commencement Information

**I14** S. 39 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(p) (with arts. 6-13)

### 40 Guidance

- (1) The HCA may give guidance to such persons as it considers appropriate about any matters relating to its objects.
- (2) Before giving guidance under this section, the HCA must consult such persons as it considers appropriate.
- (3) As soon as reasonably practicable after giving guidance under this section, the HCA must take such steps as the HCA considers appropriate to bring it to the attention of those affected by it.
- (4) The HCA may revoke guidance given under this section.
- (5) The HCA—
  - (a) must, before revoking guidance under this section, consult such persons as it considers appropriate, and
  - (b) must, as soon as reasonably practicable after the revocation, take such steps as it considers appropriate to bring the revocation to the attention of those affected by it.
- (6) References in this section to giving guidance include references to giving guidance by varying existing guidance.

#### Commencement Information

**I15** S. 40 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(p) (with arts. 6-13)

*Status: Point in time view as at 15/01/2012.*

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### *Functions in relation to companies and other persons*

#### **41 Control of subsidiaries**

- (1) The HCA must ensure that no subsidiary of the HCA engages, without the consent of the Secretary of State, in an activity which the HCA would not be required or permitted to carry on.
- (2) The HCA must ensure that no subsidiary of the HCA—
  - (a) borrows from a person other than the HCA, or
  - (b) raises money by the issue of shares or stock to a person other than the HCA, without the consent of the Secretary of State.

#### **Commencement Information**

**I16** S. 41 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(q) (with arts. 6-13)

#### **42 Agency arrangements with UDCs**

- (1) The HCA may, with the consent of the Secretary of State, appoint an urban development corporation to act as its agent.
- (2) The appointment—
  - (a) may be in connection with any of the functions of the HCA other than its functions in connection with Chapter 3, and
  - (b) is to be on such terms as may be agreed.
- (3) The appointment must specify the functions in connection with which it is made.
- (4) An urban development corporation must act as agent in accordance with the terms of its appointment.
- (5) An urban development corporation may arrange for any of its property or staff to be made available to the HCA if—
  - (a) the purpose is to assist the HCA to exercise any of its functions, and
  - (b) the HCA asks the urban development corporation to make the property or staff available.
- (6) The property or staff are to be made available for such period, and on such other terms, as the urban development corporation considers appropriate.
- (7) In this Part “urban development corporation” means a corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980 (c. 65).

#### **Commencement Information**

**I17** S. 42 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(r) (with arts. 6-13)

#### **43 Acting with, or for, other persons: general**

- (1) The HCA may act with other persons (whether in partnership or otherwise).

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(2) The HCA may act as agent for other persons.

**Commencement Information**

**I18** S. 43 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(s) (with arts. 6-13)

**44 Local government involvement**

- (1) The HCA must from time to time consult such representatives of local government as the HCA considers appropriate about how the HCA pursues its objects.
- (2) The HCA must from time to time publish a statement about how it proposes to comply with subsection (1).
- (3) Before publishing a statement the HCA must consult such persons as it considers appropriate.

**Commencement Information**

**I19** S. 44 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

*Other*

**45 Support services**

- (1) The HCA may provide services in support of a project.
- (2) The HCA may, in particular—
  - (a) second staff to the project,
  - (b) provide consultants or other manpower resources to the project on a temporary basis, or
  - (c) lend or otherwise provide technical, property or other resources to the project.
- (3) The HCA may facilitate the provision of services in support of a project.

**Commencement Information**

**I20** S. 45 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(t) (with arts. 6-13)

**Status:**

Point in time view as at 15/01/2012.

**Changes to legislation:**

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