



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 1

#### INTRODUCTION

##### *Preliminary*

#### **59 Purpose**

The purpose of this Part is to regulate the provision of social housing (as defined in sections 68 to 77) by English bodies (as defined in section 79).

#### **60 Structural overview**

- (1) This Part replaces the system of “registered social landlords” under Part 1 of the Housing Act 1996 (c. 52).
- (2) That Part will continue to apply in relation to Wales (see section 61).
- (3) Certain provisions of that Part—
  - (a) are applied in relation to England by this Part (see section 179), or
  - (b) are preserved although they apply to England only (see section 124).
- (4) The Table describes the content of this Part.

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<i>Chapter</i>	<i>Sections</i>	<i>Topic</i>	<i>Contents</i>
1	59 to 80	Introduction	(a) Preliminary (b) Social housing

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5	170 to 191	Disposal of property	(a) Introductory (b) Regulator's consent (c) Proceeds (d) Tenants' rights and duties (e) Miscellaneous (f) Right to acquire (g) Consents under other legislation
6	192 to 217	Regulatory powers	(a) Standards (b) Monitoring (c) Management and constitution (d) Guidance (e) Managers of social housing
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<i>Chapter</i>	<i>Sections</i>	<i>Topic</i>	<i>Contents</i>
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(b) Miscellaneous

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## **61 Restriction of “registered social landlord” system to Wales**

(1) Part 1 of the Housing Act 1996 (c. 52) (social rented sector) is amended as follows (and the title of Part 1 becomes “Social Rented Sector in Wales”).

(2) Before section 1 (register of social landlords) insert—

### **“A1 Introduction**

This Chapter provides for the registration of social landlords in Wales.”

(3) In section 1—

- (a) for “The Relevant Authority” substitute “The Welsh Ministers”, and
- (b) omit subsections (1A) and (1B).

(4) After section 1 insert—

### **“1A Welsh bodies**

In this Chapter “Welsh body” means a body which is—

- (a) a registered charity whose address, for the purposes of registration by the Charity Commission for England and Wales, is in Wales,
- (b) an industrial and provident society whose registered office for the purposes of the Industrial and Provident Societies Act 1965 is in Wales, or
- (c) a company within the meaning of the Companies Act 2006 which has its registered office for the purposes of that Act in Wales.”

(5) In section 2 (eligibility for registration)—

- (a) in subsection (1), for “A body” substitute “A Welsh body”,
- (b) in subsection (2) after “that the body is” insert “principally concerned with Welsh housing, is”,
- (c) after subsection (2) insert—

“(2A) A body is principally concerned with Welsh housing if the Welsh Ministers think—

- (a) that it owns housing only or mainly in Wales, or
- (b) that its activities are principally undertaken in respect of Wales;

and once a body has been registered in reliance on paragraph (a) or (b) it does not cease to be eligible for registration by virtue only of ceasing to satisfy that paragraph.”

- (d) in subsection (7) for “Secretary of State” (in each place) substitute “Welsh Ministers”, and
- (e) in subsection (8) for “either House of Parliament” substitute “the National Assembly for Wales”.

(6) In section 3 (registration)—

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- (a) in subsection (1) for “any body” substitute “any Welsh body”, and
- (b) in subsection (4) for “A body” substitute “A Welsh body”.

(7) The table sets out substitutions which have effect throughout the Part (except section 51 and Schedule 2); and where necessary in consequence of those substitutions, for words in the singular substitute appropriate corresponding words in the plural.

<i>Expression</i>	<i>Substitution</i>
“the Relevant Authority”	“the Welsh Ministers”
“the Authority”	“the Welsh Ministers”
“the Relevant Authority's”	“the Welsh Ministers”

(8) Omit section 56 (meaning of “the Relevant Authority”).

(9) Sections 62 and 63 make other consequential amendments.

## **62 References to Welsh Ministers**

In the following provisions of the Housing Act 1996 (c. 52)—

- (a) for “Secretary of State” substitute “Welsh Ministers”,
- (b) for “Secretary of State makes” substitute “Welsh Ministers make”,
- (c) for “he” substitute “they”,
- (d) for “him” substitute “them” (except in section 12A(4)), and
- (e) for “considers” substitute “consider”.

<i>Provision</i>	<i>Topic</i>
Section 9(1A)(b)	Consent for disposal of land
Section 12A(4)	Right of first refusal: regulations
Section 15A(5)	Deferred resale agreements: order
Section 17(1), (2)(b), (5)(b) and (6)	Right to acquire: orders and regulations
Section 18(5)(b)	Social housing grants: appointment of agent
Section 23(6)	Loans: approved schemes
Section 27A(3)	Grants to other bodies: further provision
Section 29(1), (2) and (3)	Commutation of special residual subsidy
Section 30(5)(b)	Collection of information: notice
Section 39(3)	Insolvency etc: order defining terms
Section 46(7)(b)	Appointment of manager: order
Section 52(1) and (3)	Orders: general
Section 53(1), (4) and (5)	Determinations: general
Section 55(2)	Consequential: order

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<i>Provision</i>	<i>Topic</i>
Paragraph 9(3A)(b) of Schedule 1	Change of rules of industrial and provident society: consent
Paragraph 11(3A)(b) of Schedule 1	Change of articles of company: consent
Paragraph 15A(1) of Schedule 1	Transfer of assets of charity on dissolution: order

### **63 References to National Assembly for Wales**

In the following provisions of the Housing Act 1996 (c. 52) for “either House of Parliament” substitute “the National Assembly for Wales”.

<i>Provision</i>	<i>Topic</i>
Section 12A(8)(b)	Right of first refusal: regulations
Section 15A(6)(b)	Deferred resale agreements: order
Section 17(7)	Right to acquire: orders and regulations
Section 27A(10)	Grants to other bodies: order
Section 39(3)	Insolvency: order
Section 55(3)	Consequential: order
Paragraph 15A(4) of Schedule 1	Transfer of assets of charity on dissolution: order

### **64 Dissolution of Housing Corporation**

- (1) The Secretary of State shall by order make provision for the dissolution of the Housing Corporation.
- (2) The Secretary of State may by order make consequential amendment of enactments referring to the Housing Corporation.
- (3) Omit section 33A of the Housing Associations Act 1985 (c. 69) (provision of services between the Corporations).

### **65 Transfer schemes**

- (1) The Secretary of State may make one or more schemes for the transfer of the Housing Corporation’s property, rights or liabilities to—
  - (a) the regulator,
  - (b) the HCA, or
  - (c) the Secretary of State.
- (2) On the transfer date, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.
- (3) Schedule 6 applies to a scheme under this section.
- (4) In this section—

“designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;

“the transfer date” means the date specified by a scheme as the date on which the scheme is to have effect.

- (5) Schedule 7 makes provision about the tax implications of schemes under this section (and schemes under section 51).

## **66 Interim arrangements**

The Secretary of State may by notice require the Housing Corporation to provide staff, premises, facilities or other assistance to—

- (a) the regulator, or
- (b) the HCA.

## **67 Transitional arrangements**

- (1) The Secretary of State may by order transfer functions of the Housing Corporation to—
- (a) the regulator,
  - (b) the HCA, or
  - (c) the regulator and the HCA jointly or concurrently.
- (2) An order under subsection (1) may make provision in relation to English registered social landlords which is similar to any provision made by this Part in relation to registered providers.
- (3) “English registered social landlord” means a body—
- (a) which is registered as a social landlord under Part 1 of the Housing Act 1996, and
  - (b) which does not fall within paragraphs (a) to (c) of section 56(2) of that Act (Welsh bodies).
- (4) The Secretary of State may by order make further provision in respect of a function transferred under this section (which may, in particular, include provision for the function to cease to be exercisable).
- (5) Provision made under this section, including provision made by virtue of section 320(1)(d), may modify an enactment.
- (6) Provision under section 322(1) in connection with the coming into force of a provision of this Act may, in particular, include transitional provision having regard to the effect of provision made under this section.