



# 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.

<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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<i>Chapter</i>	<i>Sections</i>	<i>Topic</i>	<i>Contents</i>
2	81 to 109	The Social Housing Regulator	(c) Other key concepts (a) Constitution (b) Proceedings (c) Powers (d) Money (e) Relationship with other bodies (f) Information
3	110 to 121	Registration	(a) Introduction (b) Eligibility (c) Procedure
4	122 to 169	Registered providers	(a) General provisions (b) Accounts (c) Insolvency etc. (d) Restructuring and dissolution
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
7	218 to 269	Enforcement powers	(a) General (b) Enforcement notice (c) Penalty (d) Compensation (e) Management (f) Restrictions on dealings (g) Suspension and removal of officers
8	270 to 278	General	(a) Interpretation

<i>Chapter</i>	<i>Sections</i>	<i>Topic</i>	<i>Contents</i>
			(b) Miscellaneous

## 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

<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.