



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 2

#### THE SOCIAL HOUSING REGULATOR

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

- C1** Pt. 2 modified (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 69\(2\)](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)

##### *Constitution*

#### <sup>F1</sup>81 Establishment

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##### Textual Amendments

- F1** S. 81 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 14](#), [Sch. 25 Pt. 26](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

#### <sup>F2</sup>82 Membership

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*Status: Point in time view as at 01/04/2015.*

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**Textual Amendments**

**F2** S. 82 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 15, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

**F3 83 Tenure**

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**Textual Amendments**

**F3** S. 83 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 16, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

**F4 84 Chief executive**

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**Textual Amendments**

**F4** S. 84 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 17, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

**F5 85 Other staff**

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**Textual Amendments**

**F5** S. 85 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 18, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

*Proceedings*

**F6 86 Fundamental objectives**

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**Textual Amendments**

**F6** S. 86 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 19, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

**F7 87 Procedure**

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**Textual Amendments**

**F7** S. 87 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 20, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F<sup>8</sup>88 Conflict of interest**

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**Textual Amendments**

**F8** S. 88 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 21, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F<sup>9</sup>89 Committees**

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**Textual Amendments**

**F9** S. 89 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 22, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F<sup>10</sup>90 Delegation**

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**Textual Amendments**

**F10** S. 90 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 23, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F<sup>11</sup>91 Seal**

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**Textual Amendments**

**F11** S. 91 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 24, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F<sup>12</sup>92 Annual report**

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#### Textual Amendments

- F12** S. 92 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 25, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

### *[<sup>F13</sup>The regulator and the Regulation Committee*

#### Textual Amendments

- F13** Ss. 92A-92K and cross-heading inserted (15.1.2012 for the insertion of ss. 92B(1), 92C, 92D, 92E, 92F, 92G, 92H, 92I, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 26** (with Sch. 16 para. 69); [S.I. 2012/57](#), art. 4(1)(t)(ii) (with arts. 679-11); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

#### **92A Regulation functions of the HCA**

- (1) In this Part “ the regulator ” means the HCA.
- (2) In any other enactment or instrument “ the Regulator of Social Housing ” means the HCA.

#### **92B The Regulation Committee**

- (1) The HCA must establish a committee to be known as the Regulation Committee.
- (2) The functions conferred on the HCA as the regulator by virtue of this Part, or as the Regulator of Social Housing by virtue of any other enactment or instrument, are exercisable by the HCA acting through the Regulation Committee.
- (3) Those functions are not exercisable by the HCA in any other way.
- (4) Subsections (2) and (3) are subject to any express provision to the contrary in this Part or in the enactment or instrument in question.
- (5) References in this Part to the functions of the regulator are to the functions mentioned in subsection (2).
- (6) References in any enactment or instrument to the social housing functions of the HCA or the Regulator of Social Housing are to the functions mentioned in subsection (2).

#### **92C Membership of the Regulation Committee**

- (1) The Regulation Committee is to consist of—
  - (a) a person appointed by the Secretary of State to chair the Committee (“the chair”), and
  - (b) not less than four and not more than six other members appointed by the Secretary of State.
- (2) The chair of the Committee must not be a member of the HCA immediately prior to the chair's appointment as such, but becomes a member of the HCA on appointment.
- (3) One other member of the Committee may be a member of the HCA.

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- (4) The member within subsection (3) is referred to in this Part as the internal member.
- (5) The remaining members of the Committee must be neither a member nor a member of staff of the HCA.
- (6) A member within subsection (5) is referred to in this Part as an external member.
- (7) The Secretary of State must consult the chair before appointing the other members.
- (8) In appointing a person to be a member, the Secretary of State must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the exercise of the functions of the regulator.
- (9) In appointing a person to be a member, the Secretary of State must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person's functions as a member.
- (10) The Secretary of State may require any person whom the Secretary of State proposes to appoint as a member to provide such information as the Secretary of State considers necessary for the purposes of subsection (9).

## **92D Terms of appointment of members**

- (1) A member of the Regulation Committee holds office in accordance with the member's terms of appointment.
- (2) A member may resign by serving notice on the Secretary of State.
- (3) A person ceases to be the chair if the person—
  - (a) resigns that office by serving notice on the Secretary of State, or
  - (b) ceases to be a member of the Committee.
- (4) If a person ceases to be the chair, the person—
  - (a) ceases to be a member of the Committee, and
  - (b) ceases to be a member of the HCA.
- (5) A person ceases to be the internal member if the person ceases to be a member of the HCA.
- (6) A person who ceases to be a member or the chair is eligible for reappointment (subject to section 92C).
- (7) The Secretary of State may remove a member who—
  - (a) has been absent from meetings of the Committee without its permission for more than six months,
  - (b) has become bankrupt or has made an arrangement with the member's creditors,
  - (c) the Secretary of State thinks has failed to comply with the member's terms of appointment, or
  - (d) the Secretary of State thinks is otherwise unable, unfit or unsuitable to exercise the functions of that member.

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## **92E Remuneration etc of members**

- (1) The Secretary of State may require the HCA to pay to the chair such additional remuneration and allowances as the Secretary of State may decide.
- (2) The Secretary of State may require the HCA to pay to the external members of the Regulation Committee such remuneration and allowances as the Secretary of State may decide.
- (3) The Secretary of State may require the HCA to—
  - (a) pay such pensions, allowances or gratuities as the Secretary of State may decide to or in respect of any external member or former external member;
  - (b) pay such sums as the Secretary of State may decide towards provision for the payment of pensions, allowances or gratuities to or in respect of any external member or former external member.
- (4) Subsection (5) applies if—
  - (a) a person ceases to be an external member, and
  - (b) the Secretary of State considers that there are special circumstances that make it appropriate for the person to receive compensation.
- (5) The Secretary of State may require the HCA to pay the person such amount as the Secretary of State may decide.

## **92F Sub-committees of the Regulation Committee**

- (1) The Regulation Committee may establish one or more sub-committees.
- (2) A sub-committee may include persons who are not members of the Committee.
- (3) The Secretary of State may require the HCA to pay such remuneration and allowances as the Secretary of State may decide to any person who—
  - (a) is a member of a sub-committee, but
  - (b) is not a member of the Committee.
- (4) The HCA may dissolve a sub-committee.

## **92G Procedure of the Committee and its sub-committees**

- (1) The Regulation Committee may decide—
  - (a) its own procedure, and
  - (b) the procedure of any of its sub-committees.
- (2) Subject to subsection (1), a sub-committee may decide its own procedure.
- (3) The validity of proceedings of the Committee or of any of its sub-committees is not affected by—
  - (a) any vacancy in its membership,
  - (b) any defect in the appointment of a member, or
  - (c) any contravention of section 92H (members' interests).
- (4) In this section “ procedure ” includes quorum.

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## **92H Members' interests**

- (1) A member of the Regulation Committee who is directly or indirectly interested in any matter arising at a meeting of the Committee must disclose the nature of that interest to the meeting.
- (2) A member of a sub-committee of the Committee who is directly or indirectly interested in any matter arising at a meeting of the sub-committee must disclose the nature of that interest to the meeting.
- (3) In a case within subsection (1) or (2)—
  - (a) the member must not take part in any deliberation or decision about the matter if it is a contract or agreement of any description, but
  - (b) may otherwise take part in any deliberation or decision about the matter unless at least one-third of the other members at the meeting decide that the interests disclosed might prejudicially affect the member's consideration of the matter.

## **92I Exercise of functions**

- (1) The Regulation Committee may delegate any of the functions of the regulator to—
  - (a) any of its members,
  - (b) any of its sub-committees, or
  - (c) any member of staff of the HCA.
- (2) A sub-committee of the Committee may delegate any function conferred on it to any member of staff of the HCA.
- (3) A power of the HCA that is a function of the regulator—
  - (a) may be exercised separately or together with, or as part of, another such power;
  - (b) does not limit the scope of another such power.

## **92J Recommendations to HCA**

- (1) The Regulation Committee may make recommendations to the HCA about the exercise of the HCA's functions.
- (2) The HCA must publish, in such manner as it thinks fit—
  - (a) a recommendation received from the Regulation Committee under this section, and
  - (b) the HCA's response to it.
- (3) In this section the reference to the HCA's functions does not include the functions of the regulator.]

*[<sup>F13</sup>Fundamental objectives*

## **92K Fundamental objectives**

- (1) The regulator must perform its functions with a view to achieving (so far as is possible)
  - (a) the economic regulation objective, and

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- (b) the consumer regulation objective.
- (2) The economic regulation objective is—
  - (a) to ensure that registered providers of social housing are financially viable and properly managed, and perform their functions efficiently and economically,
  - (b) to support the provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing),
  - (c) to ensure that value for money is obtained from public investment in social housing,
  - (d) to ensure that an unreasonable burden is not imposed (directly or indirectly) on public funds, and
  - (e) to guard against the misuse of public funds.
- (3) The consumer regulation objective is—
  - (a) to support the provision of social housing that is well-managed and of appropriate quality,
  - (b) to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection,
  - (c) to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account, and
  - (d) to encourage registered providers of social housing to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.
- (4) The objectives are referred to in this Part as the regulator's fundamental objectives.
- (5) The regulator must exercise its functions in a way that—
  - (a) minimises interference, and
  - (b) (so far as is possible) is proportionate, consistent, transparent and accountable.]

### *Powers*

## **93 General**

- (1) The regulator may do anything it thinks necessary or expedient for the purpose of or in connection with the performance of a function [<sup>F14</sup>of the regulator].
- (2) In particular, the regulator may do anything it thinks appropriate for advancing its fundamental objectives.

#### **Textual Amendments**

**F14** Words in s. 93(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 27](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))

#### **Commencement Information**

**I1** S. 93 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)  
**I2** S. 93 in force at 1.4.2009 by [S.I. 2009/803](#), [art. 7\(a\)](#)



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## 94 Studies

- (1) The regulator may carry out or commission studies designed to improve the economy, effectiveness and efficiency of registered providers.
- (2) The regulator may publish a report on a study.
- [<sup>F15</sup>(3) Nothing in subsection (1) permits the regulator, in relation to local authorities, to carry out or commission studies about the performance of housing functions other than their functions as a provider of social housing.]

### Textual Amendments

**F15** S. 94(3) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 6](#)

### Commencement Information

**I3** S. 94 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 95 Financial assistance

- (1) The regulator may, where it thinks it advances a fundamental objective, give financial assistance to a person in connection with—
  - (a) undertaking research,
  - (b) preparing guidance,
  - (c) developing and publicising best practice, or
  - (d) facilitating the management of social housing by tenants.
- (2) Financial assistance under subsection (1) may be given—
  - (a) by way of grant,
  - (b) by way of loan,
  - (c) by defraying expenditure on behalf of a person, or
  - (d) in any other way except purchasing loan or share capital of a body corporate or giving a guarantee or indemnity.
- (3) The regulator may, where it thinks it advances a fundamental objective, give financial assistance to [<sup>F16</sup>a private registered provider] by—
  - (a) lending money to or in respect of the registered provider, or
  - (b) giving a guarantee or indemnity in respect of the registered provider.
- (4) Financial assistance may be given under subsection (3) only with the consent of the Secretary of State (given with the approval of the Treasury).
- (5) Financial assistance under subsection (1) or (3) may be given on conditions (which may include provision for repayment, with or without interest).

### Textual Amendments

**F16** Words in s. 95(3) 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. 1 para. 7](#)

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#### Commencement Information

- I4** S. 95(1)(2)(5) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)  
**I5** S. 95(1)(2)(5) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))  
**I6** S. 95(3)(4) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 96 Evidence

In considering whether to exercise a power under this Part the regulator may have regard to information or opinions from any source including, in particular, from—

- (a) tenants,
- (b) bodies representing tenants,
- (c) local housing authorities, or
- (d) [<sup>F17</sup>the Commission for Local Administration in England or] an ombudsman appointed by virtue of section 124.

#### Textual Amendments

- F17** Words in s. 96(d) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), [art. 1\(2\)](#), [Sch. 1 para. 8](#)

#### Commencement Information

- I7** S. 96 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)  
**I8** S. 96 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 97 Information, advice etc.

- (1) The regulator may for the purpose of advancing its fundamental objectives—
  - (a) publish ideas or information;
  - (b) undertake research in relation to social housing;
  - (c) provide guidance, advice, education or training.
- (2) The regulator may for that purpose—
  - (a) arrange for another person to do anything within subsection (1)(a) to (c);
  - (b) act jointly with, cooperate with or assist another person doing anything within subsection (1)(a) to (c).
- (3) The persons to whom advice may be given under subsection (1) include—
  - (a) unregistered housing associations (as defined by section 2B of the Housing Associations Act 1985 (c. 69)), and
  - (b) persons who may be forming a housing association (within the meaning of section 1(1) of that Act).

#### Commencement Information

- I9** S. 97 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)  
**I10** S. 97 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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## 98 Tenant involvement

- (1) The regulator shall—
- (a) promote awareness of the regulator's functions among tenants of social housing,
  - (b) where the regulator thinks it appropriate, consult them about the exercise of its functions (for example, by holding meetings), and
  - (c) where the regulator thinks it appropriate, involve them in the exercise of its functions (for example, by appointing them to committees or sub-committees).
- (2) The regulator shall from time to time publish a statement about how it proposes to comply with subsection (1).
- (3) Before publishing a statement the regulator must consult such persons as it thinks appropriate.

### Commencement Information

**I11** S. 98 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)

**I12** S. 98 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## Money

## <sup>F18</sup>99 Remuneration

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### Textual Amendments

**F18** S. 99 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 28](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), [art. 6\(i\)\(j\)](#) (with [arts. 911141517](#))

## 100 Charging

[<sup>F19</sup>(1)] The regulator may charge for giving advice, conducting research or providing other services.

[<sup>F20</sup>(2) The functions of billing for and receiving the payment of charges under this section are exercisable by the HCA rather than by the HCA acting through its Regulation Committee.]

### Textual Amendments

**F19** Words in s. 100 numbered as s. 100(1) (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 29\(a\)](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))

**F20** S. 100(2) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 29\(b\)](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))

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### Commencement Information

**I13** S. 100 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

## <sup>F21</sup> **101 Assistance by Secretary of State**

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### Textual Amendments

**F21** S. 101 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 30, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

## <sup>F22</sup> **102 Borrowing**

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### Textual Amendments

**F22** S. 102 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 31, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

## <sup>F23</sup> **103 Accounts**

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### Textual Amendments

**F23** S. 103 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 32, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

## <sup>F24</sup> **104 Financial year**

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### Textual Amendments

**F24** S. 104 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 33, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

### *Relationship with other bodies*

## <sup>F25</sup> **105 Cooperation with the HCA**

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#### Textual Amendments

**F25** S. 105 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 34, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

### <sup>F26</sup>106 Direction to the HCA

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#### Textual Amendments

**F26** S. 106 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 35, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

### <sup>F27</sup>106A Cooperation with the Audit Commission

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#### Textual Amendments

**F27** S. 106A omitted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 90](#); S.I. 2015/841, [art. 3\(x\)](#)

### *Information*

## 107 Collection

- (1) The regulator may for a purpose connected with its functions require a person to provide documents or information which it has reason to believe is or may be in the person's possession and which relates to—
  - (a) the financial or other affairs of a registered provider;
  - [<sup>F28</sup>(b) activities which are or may be carried out by—
    - (i) a person who is, or who has applied to become, a registered provider, or
    - (ii) a local authority in England which the regulator thinks may be, or may become, a provider of social housing.]
- (2) A requirement may be imposed on a person other than the body to which the document or information relates only if—
  - (a) the body has been required to provide the document or information but has failed to do so, or
  - (b) the regulator thinks that the body is unable to provide it.
- (3) A requirement may specify—
  - (a) the form and manner in which a document or information is to be provided (which may include the provision of a legible copy of information stored electronically);
  - (b) when and where it is to be provided.

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 2 is up to date with all changes known to be in force on or before 22 June 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)*

- (4) The regulator may copy or record documents or information provided.
- (5) Failure to comply with a requirement without reasonable excuse is an offence.
- (6) Intentionally altering, suppressing or destroying a document or information to which a requirement relates is an offence.
- (7) If a person fails to comply with a requirement the High Court may, on an application by the regulator, make an order for the purpose of remedying the failure.

#### Textual Amendments

**F28** S. 107(1)(b) 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. 1 para. 10**

#### Commencement Information

**I14** S. 107 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

### 108 Section 107: supplemental

- (1) A requirement does not require a person to disclose anything which the person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court.
- (2) A requirement does not require a banker to breach a duty of confidentiality owed to a person who is not—
  - (a) the registered provider to whose affairs or activities the documents or information relates,
  - (b) a subsidiary of the registered provider, or
  - (c) an associate of the registered provider.
- (3) A person guilty of an offence under section 107(5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person guilty of an offence under section 107(6) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to—
    - (i) imprisonment for a term not exceeding two years,
    - (ii) a fine, or
    - (iii) both.
- (5) Proceedings for an offence under section 107(5) or (6) may be brought only by or with the consent of—
  - (a) the regulator, or
  - (b) the Director of Public Prosecutions.
- (6) An order under section 107(7) may include provision about costs.

#### Commencement Information

**I15** S. 108 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

*Status: Point in time view as at 01/04/2015.*

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## 109 Disclosure

- (1) A public authority may disclose information to the regulator if the authority thinks that the disclosure is necessary for a purpose connected with the regulator's functions.
- (2) The regulator may disclose information to a public authority if the regulator thinks that the disclosure is necessary—
  - (a) for a purpose connected with the regulator's functions, or
  - (b) for a purpose connected with the authority's functions.
- (3) The regulator may disclose information to a person acting on its behalf for a purpose connected with the regulator's functions.
- (4) A disclosure may be subject to restrictions on further disclosure.
- (5) The power to disclose information under this section is subject to any express restriction on disclosure imposed by another enactment (ignoring any restriction which allows disclosure if authorised by an enactment).
- (6) Disclosure in contravention of a restriction under subsection (4) is an offence.
- (7) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) “Public authority” means a person having functions of a public nature (whether or not in the United Kingdom).

### Commencement Information

**I16** S. 109 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

**Status:**

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**Changes to legislation:**

Housing and Regeneration Act 2008, Chapter 2 is up to date with all changes known to be in force on or before 22 June 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.