



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 8

GENERAL

Interpretation

270 **Officer**

The Table gives the meaning of “officer” in relation to registered providers.

<i>Registered provider</i>	<i>Meaning of “officer”</i>
Registered charity which is not a registered company	Trustee, secretary or treasurer
Industrial and provident society	“Officer” within the meaning given by section 74 of the Industrial and Provident Societies Act 1965 (including a person co-opted to serve on the society’s committee)
Registered company	“Officer” within the meaning given by section 1173 of the Companies Act 2006

271 **Subsidiary and associate**

- (1) A company is a “subsidiary” of a person if any of the following conditions is satisfied.
- (2) Condition 1 is that the person—

Status: This is the original version (as it was originally enacted).

- (a) is a member of the company, and
 - (b) has power, independent of any other person, to appoint or remove all or a majority of the board of directors.
- (3) Condition 2 is that the person holds more than half in nominal value of the company's equity share capital.
- (4) Condition 3 is that the company is a subsidiary, within the meaning of the Companies Act 2006 (c. 46) or the Friendly and Industrial and Provident Societies Act 1968 (c. 55), of a company which is a subsidiary of the person by virtue of Condition 1 or 2.
- (5) In relation to a company which is an industrial and provident society a reference to the board of directors is a reference to the committee of management.
- (6) “Associate” of a provider means—
- (a) a body of which the provider is a subsidiary, and
 - (b) any other subsidiary of that body.

272 Family

- (1) For the purposes of this Part one person is a member of the family of another if—
- (a) they are, or live together as if they were, spouses or civil partners, or
 - (b) one is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other.
- (2) For those purposes—
- (a) a relationship by marriage or civil partnership shall be treated as a relationship by blood (and, in particular, P's stepchild shall be treated as P's child), and
 - (b) a relationship by half-blood shall be treated as a relationship by whole blood.

273 Disposal

- (1) In this Part a reference to disposing of property is a reference to—
- (a) selling it,
 - (b) leasing it,
 - (c) mortgaging it,
 - (d) making it subject to a charge, and
 - (e) disposing of it, or of any interest in it, in any other way.
- (2) Granting an option to require a disposal shall be treated as making a disposal.

274 Charities that have “received public assistance”

- (1) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied.
- (2) Condition 1 is that the charity has received financial assistance from the HCA under section 19.
- (3) Condition 2 is that the charity has received financial assistance under section 24 of the Local Government Act 1988 (c. 9) (assistance for privately let housing accommodation).

Status: This is the original version (as it was originally enacted).

- (4) Condition 3 is that the charity has had housing transferred to it pursuant to—
- (a) a large scale disposal, within the meaning of section 34 of the Housing Act 1985 (c. 68), for which consent was required under section 32 or 43 of that Act, or
 - (b) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).
- (5) Condition 4 is that the charity has received a grant or loan under—
- (a) section 18 of the Housing Act 1996 (c. 52) (social housing grants),
 - (b) section 22 of that Act (assistance from local authorities),
 - (c) section 58 of the Housing Associations Act 1985 (c. 69) (grants or loans by local authorities),
 - (d) section 50 of the Housing Act 1988 (c. 50), section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
 - (e) section 51 of the Housing Act 1988 (c. 50) or section 54 or 55 of the Housing Associations Act 1985 (c. 69) (revenue deficit grant or hostel deficit grant),
 - (f) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),
 - (g) section 31 of the Housing Act 1974 (c. 44) (management grants), or
 - (h) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).

275 General

In this Part, except where the context requires otherwise—

“action” includes inaction, proposed action and decision,

“assured agricultural occupancy” has the same meaning as in Part 1 of the Housing Act 1988,

“assured tenancy” has the same meaning as in that Part,

“the Charity Commission” means the Charity Commission for England and Wales,

“committee”, in relation to an industrial and provident society, means the committee of management or other directing body of the society (including any person co-opted to serve on the committee, whether a member of the society or not),

“consent” means written consent,

“constitution” includes rules,

“conveyance” includes grant, assignment and any other instrument,

“district valuer” has the meaning given by section 622 of the Housing Act 1985 (c. 68),

“dwelling”—

- (a) means a house, flat or other building or part of a building occupied or intended to be occupied as a separate dwelling, and
- (b) includes any garden, yard, outhouse or other appurtenance belonging to, or usually enjoyed with, the dwelling,

“the HCA” means the Homes and Communities Agency,

Status: This is the original version (as it was originally enacted).

“industrial and provident society” means a society registered under the Industrial and Provident Societies Act 1965 (c. 12),

“local authority” has the same meaning as in the Housing Associations Act 1985,

“local housing authority” has the same meaning as in the Housing Act 1985,

“maintenance” includes repair,

“mismanagement”, in relation to the affairs of a registered provider, means—

- (a) managed in contravention of a provision of this Part or of anything done under this Part, or
- (b) otherwise conducted improperly or inappropriately,

“non-registrable charity” means a charity which is not required to be registered, in accordance with section 3A of the Charities Act 1993 (c. 10),

“notice” means written notice (and to “notify” means to give written notice),

“preferential creditor” and “preferential debt” have the same meaning as in the Insolvency Act 1986 (c. 45),

“price” includes premium,

“registered charity” means a charity registered under the Charities Act 1993 (c. 10),

“registered company” means a company within the meaning of the Companies Act 2006 (c. 46),

“rent” includes payments under a licence to occupy accommodation,

“representations” means written representations,

“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985 (c. 68),

“secured creditor” means a creditor who holds a mortgage or charge (including a floating charge) over—

- (a) land held by a registered provider, or
- (b) a present or future interest of a registered provider in rents or other receipts from land,

“tenant” in relation to social housing includes other occupiers, and

“working day” means a day other than—

- (a) a Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).

276 Index of defined terms

The Table lists expressions defined in this Part.

<i>Expression</i>	<i>Section</i>
Appointed member	Section 82
Associate	Section 271
Assured agricultural occupancy	Section 275
Assured tenancy	Section 275
Charity Commission	Section 275

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Section</i>
Committee (industrial and provident society)	Section 275
Compensation notice	Section 240
Consent	Section 275
Constitution	Section 275
Conveyance	Section 275
Disposal	Section 273
District valuer	Section 275
Dwelling	Section 275
Enforcement notice	Sections 219 to 225
Equity percentage arrangements	Section 70(5)
Family	Section 272
Financial year	Section 104
Fundamental objectives	Section 86
The HCA	Section 275
Industrial and provident society	Section 275
Local authority	Section 275
Local housing authority	Section 275
Low cost home ownership accommodation	Section 70
Low cost rental accommodation	Section 69
Maintenance	Section 275
Mismanagement	Section 275
Non-profit organisation	Section 115
Non-registrable charity	Section 275
Notice	Section 275
Officer	Section 270
Penalty notice	Section 228
Pre-compensation warning	Section 242
Pre-penalty warning	Section 230
Preferential creditor	Section 275
Preferential debt	Section 275
Price	Section 275
Profit-making organisation	Section 115
Provider (of social housing)	Section 80

Status: This is the original version (as it was originally enacted).

<i>Expression</i>	<i>Section</i>
Received public assistance (charities)	Section 274
Registered charity	Section 275
Registered company	Section 275
Registered provider (of social housing)	Section 80
The regulator	Section 81
The Regulator of Social Housing	Section 81
Rent	Section 275
Representations	Section 275
Secure tenancy	Section 275
Secured creditor	Section 275
Shared ownership arrangements	Section 70(4)
Shared ownership trust	Section 70(6)
Social housing	Section 68
Subsidiary	Section 271
Tenant	Section 275
Working day	Section 275

Miscellaneous

277 Consequential amendments

Schedule 9 (which contains amendments of enactments) has effect.

278 Transitional

- (1) The regulator shall include in the register under section 111 on its establishment anyone—
 - (a) who was registered under section 1 of the Housing Act 1996 (c. 52) (register of social landlords) immediately before section 61 came into force, and
 - (b) in relation to whom the Relevant Authority was the Housing Corporation (in accordance with section 56 of that Act).
- (2) A person registered under this section shall be designated as a non-profit organisation.