Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 3

REGISTRATION

Eligibility

115 Profit-making and non-profit organisations

(1) Each entry in the register shall designate the body registered as either—

(a) a non-profit organisation, or

(b) a profit-making organisation.

[F1](2) . . . . . .

[[F2](3) A body is a non-profit organisation if—

(a) it is a registered or non-registrable charity and satisfies Conditions 1 and 2, or

(b) otherwise, it satisfies Conditions 1 to 3.**]**

(4) Condition 1 is that the body—

(a) does not trade for profit, [F3]...

[F4](b) . . . . . .

(5) Condition 2 is that a purpose of the body is the provision or management of housing.

(6) Condition 3 is that any other purposes of the body are connected with or incidental to the provision of housing.

Changes to legislation: *Housing and Regeneration Act 2008, Section 115 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) View outstanding changes*

[[F5](6A) The fact that a body is prohibited by its constitution from trading for profit does not, of itself, mean that it is a body which does not trade for profit for the purposes of subsection (4)(a).**]**

(7) The Secretary of State may make regulations providing that a specified purpose is to be, or not to be, treated as connected with or incidental to the provision of housing.

(8) A body which is not a non-profit organisation under subsection [F6]... (3) is a profit-making organisation.

(9) If the regulator thinks that what was a profit-making organisation has become a non-profit organisation **[**[F7]or vice versa**]**, the regulator must change the registered designation accordingly **[**[F8]and notify the body it has done so.**]**

[[F9](10) Subsection (1) does not apply to the entry of a local authority in the register (and, accordingly, references to "profit-making" and "non-profit" in connection with a registered provider do not refer to a local authority).**]**

Textual Amendments

F1 S. 115(2) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 8(a)**, 46(3); S.I. 2024/437, reg. 2(c)

F2 S. 115(3) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 8(b)**, 46(3); S.I. 2024/437, reg. 2(c)

F3 Word in s. 115(4)(a) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 8(c)(i)**, 46(3); S.I. 2024/437, reg. 2(c)

F4 S. 115(4)(b) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 8(c)(ii)**, 46(3); S.I. 2024/437, reg. 2(c)

F5 S. 115(6A) inserted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 8(d)**, 46(3); S.I. 2024/437, reg. 2(c)

F6 Words in s. 115(8) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 8(e)**, 46(3); S.I. 2024/437, reg. 2(c)

F7 Words in s. 115(9) inserted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 23**; S.I. 2017/75, reg. 4

F8 Words in s. 115(9) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 4 para. 2**; S.I. 2023/1001, reg. 2(x)

F9 S. 115(10) 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. 14**

Commencement Information

I1 S. 115 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Changes to legislation:
Housing and Regeneration Act 2008, Section 115 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.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)