



Welfare Reform and Work Act 2016

2016 CHAPTER 7

Social housing rents

33 Interpretation

(1) In sections 23 to 32, this section and Schedule 2—

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

“low cost home ownership accommodation” has the meaning given by section 70 of the Housing and Regeneration Act 2008;

“low cost rental accommodation” has the meaning given by section 69 of the Housing and Regeneration Act 2008;

“private registered provider” means a private registered provider of social housing (see section 80 of the Housing and Regeneration Act 2008);

“registered provider” means a registered provider of social housing (see section 80 of the Housing and Regeneration Act 2008);

“the regulator” means the Regulator of Social Housing;

“relevant year” has the meaning given by section 23;

“rent” includes payments under a licence to occupy;

“service charge” means an amount payable by the tenant of particular accommodation as part of, or in addition to, the rent, and which is payable, directly or indirectly, for services, repairs, maintenance, improvements or insurance or the landlord's costs of management;

“social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008 (see sections 68 and 72 of that Act);

“the social housing rents provisions” means sections 23 to 32, this section and Schedule 2;

“social rent rate” has the meaning given by Schedule 2;

“tenancy” includes a licence to occupy;

“tenant” includes a person who has a licence to occupy.

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 33. (See end of Document for details)

- (2) In the social housing rents provisions, a reference to the beginning of a tenancy is a reference to the day on which, under the terms of a lease or other agreement, the tenant is entitled to possession under the tenancy, subject to subsection (3).
- (3) For the purposes of the social housing rents provisions, a tenancy of particular social housing is to be regarded as having been assigned to the tenant under the following tenancy (and not as coming to an end) where—
- (a) that tenancy is followed by another tenancy of that social housing and at least one person is both a tenant under the first tenancy when it comes to an end and a tenant under the following tenancy when it begins,
 - (b) that tenancy gives rise to another person's statutory or assured tenancy of that social housing by virtue of Part 1 of Schedule 1 to the Rent Act 1977 (statutory tenants by succession), or
 - (c) that tenancy gives rise to another tenancy of that social housing by virtue of paragraph 13 of Schedule 1 to the Rent Act 1977 (change of statutory tenant by agreement and with consent of landlord),
- but a tenancy of particular social housing is to be regarded as coming to an end on being assigned by way of exchange (and the assignee is to be regarded as a tenant whose tenancy began at that time).
- (4) References to the tenant under a tenancy of particular social housing are to be read in accordance with subsection (3).
- (5) In determining the maximum amount of rent payable by a person who is a tenant of social housing for part of a relevant year, a fraction of a day during which the person is a tenant of that social housing is to be treated as a whole day during which the person is a tenant of that social housing.
- (6) Regulations made by the Secretary of State may specify cases in which a reference in the social housing rent provisions to an amount of rent payable to a registered provider includes, or does not include, a reference to—
- (a) an amount payable by way of service charge, or
 - (b) an amount payable by way of service charge that is of a description specified in the regulations.
- (7) Regulations under subsection (6) may, in particular, make provision by reference to—
- (a) guidance with respect to the principles upon which levels of rent should be determined issued by the Housing Corporation under section 36 of the Housing Act 1996;
 - (b) a standard set under section 193(1) of the Housing and Regeneration Act 2008 that includes provision under section 193(2)(c) (rules about levels of rent);
 - (c) a standard set under section 194(2A) of the Housing and Regeneration Act 2008 (the power of the regulator to set standards relating to levels of rent) that was published by the regulator before 8 July 2015;
 - (d) guidance relating to levels of rent issued by the regulator before 8 July 2015 (including guidance issued before 1 April 2012);
 - (e) guidance relating to levels of rent for social housing issued by the Secretary of State before 8 July 2015.
- (8) Regulations under this section must be made by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 33. (See end of Document for details)

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Commencement Information

- I1** S. 33 in force for specified purposes at Royal Assent, see. 36(5)
- I2** S. 33(1)(2)(3)(a)(4)-(9) in force at 1.4.2016 in so far as not already in force by S.I. 2016/394, **reg. 4**

Changes to legislation:

There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 33.