



Social Housing (Regulation) Act 2023

2023 CHAPTER 36

Social housing leases: remedying hazards

42 Social housing leases: remedying hazards

After section 10 of the Landlord and Tenant Act 1985 insert—

“Implied term as to remedying of hazards

10A Remedying of hazards occurring in dwellings let on relevant social housing leases

- (1) This section applies to a lease of a dwelling if—
 - (a) the dwelling is in England,
 - (b) the lease is a relevant social housing lease, and
 - (c) section 9A—
 - (i) applies to the lease (see section 9B), or
 - (ii) would apply to the lease if the provision in section 9B(3) did not exist.
- (2) There is implied in the lease a covenant by the lessor that the lessor will comply with all prescribed requirements that are applicable to that lease.
- (3) The Secretary of State must make regulations which require the lessor under a lease to which this section applies to take action, in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations.
- (4) Regulations under subsection (3) are enforceable against lessors only through actions for breach of the covenant that is implied by subsection (2).
- (5) In any proceedings for a breach of the covenant that is implied by subsection (2), it is a defence for the lessor to prove that the lessor used all reasonable endeavours to avoid that breach.

Changes to legislation: There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Section 42. (See end of Document for details)

- (6) For the purposes of this section a lease is a “relevant social housing lease” at any time when—
- (a) the lessor under the lease is a registered provider of social housing, and
 - (b) the dwelling leased under the lease—
 - (i) is social housing, but
 - (ii) is not low cost home ownership accommodation.
- (7) In this section and section 10B—
- “lease”, “lessor” and “lessee” have the same meanings as in section 9A (see section 9A(9));
- “low cost home ownership accommodation” has the meaning given in section 70 of the Housing and Regeneration Act 2008;
- “prescribed hazard” has the same meaning as in section 10 (see section 10(2) and (3));
- “prescribed requirement” means a requirement prescribed in regulations under subsection (3);
- “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).

10B Regulations section 10A: supplementary provision

- (1) Regulations under section 10A(3) may apply to—
- (a) leases granted before the day when [section 42](#) of the Social Housing (Regulation) Act 2023 came into force;
 - (b) prescribed hazards which began before that day;
 - (c) only some descriptions of prescribed hazards.
- (2) Regulations under section 10A(3) may—
- (a) specify a period that is not of a specific duration (for example a reasonable or appropriate period, including a period decided by the lessor or another person);
 - (b) specify two (or more) periods in relation to particular action.
- (3) Regulations under section 10A(3) may (in particular)—
- (a) require the lessor to take particular action, or action that is intended to produce a particular outcome, in relation to a prescribed hazard;
 - (b) require the lessor to take action in relation to a prescribed hazard that is not of itself intended to remedy the hazard, for example by requiring the lessor—
 - (i) to investigate whether or how a prescribed hazard is affecting the leased dwelling, or
 - (ii) to secure that the lessee and any other members of the lessee’s household are provided with alternative accommodation at no cost to them;
 - (c) require the lessor to take action in relation to a prescribed hazard only—
 - (i) in particular circumstances, or
 - (ii) if particular conditions are met;
 - (d) provide that the lessor is not required to take action in relation to a prescribed hazard—

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- (i) in particular circumstances, or
 - (ii) if particular conditions are met.
- (4) The Secretary of State may by regulations—
- (a) provide for section 10A not to apply to particular descriptions of leases;
 - (b) make provision, in relation to the covenant that is implied by section 10A(2), which corresponds to any provision made by section 9A(4) to (8).
- (5) A power to make regulations under section 10A or this section includes power to make—
- (a) incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (6) The power to make transitional or saving provision may (in particular) be used to make provision about situations where the covenant in section 10A(2)—
- (a) begins to be implied in a lease after its grant because it becomes a relevant social housing lease;
 - (b) ceases to be implied in a lease because it ceases to be a relevant social housing lease (including provision to save the lessor’s liability for any breach of the covenant occurring before it ceases to be implied).
- (7) Regulations under section 10A or this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under section 10A or this section may not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

Commencement Information

- I1** S. 42 not in force at Royal Assent, see [s. 46\(3\)](#)
- I2** [S. 42](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(f\)](#)

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