

## SCHEDULES

### SCHEDULE 1

#### Amendment of Part 2 of the Act

##### *Chapter 7 (enforcement)*

74. After section 269 insert—

##### *“Censure of local authority employees*

#### **269A Local authorities: censure during or following inquiry**

- (1) The regulator may give a censure notice to a local authority if—
  - (a) an inquiry under section 206 is in progress in respect of the authority, and
  - (b) either of the following cases applies.
- (2) Case 1 applies if the regulator has reasonable grounds for believing—
  - (a) that the affairs of the authority have been mismanaged, and
  - (b) that the interests of tenants of the authority, or its assets, require protection.
- (3) Case 2 applies if as a result of an inquirer’s interim report under section 207 the regulator is satisfied that the affairs of the authority have been mismanaged.
- (4) The regulator may also give a censure notice to a local authority if, as a result of an inquiry under section 206, the regulator is satisfied that the affairs of the authority have been mismanaged.
- (5) A censure notice is a notice identifying an employee or agent of the authority who the regulator thinks has contributed to the failure or mismanagement.
- (6) The notice must include the regulator’s reasons.
- (7) The regulator shall send a copy of the notice to the employee or agent concerned.
- (8) No more than one employee or agent may be identified in a censure notice (but this does not prevent several notices being given in respect of the same failure or mismanagement).
- (9) Members of local authorities may not be identified in censure notices.

#### **269B Response to censure notice**

- (1) A local authority to whom a censure notice is given under section 269A must respond to the regulator in writing within 28 days of receipt of the notice.
- (2) The response must—
  - (a) explain what action (if any) the authority has taken or proposes to take in relation to the employee or agent,
  - (b) explain why the authority does not think the employee or agent has contributed to the failure or mismanagement, or

**Changes to legislation:** There are currently no known outstanding effects for the The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010, Paragraph 74. (See end of Document for details)

(c) explain why the authority does not think its affairs have been mismanaged.”

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**Commencement Information**

**II** Sch. 1 para. 74 in force at 1.4.2010, see [art. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010, Paragraph 74.