
DRAFT STATUTORY INSTRUMENTS

2010 No.

HOUSING, ENGLAND AND WALES

The Housing and Regeneration Act 2008
(Registration of Local Authorities) Order 2010

Made - - - - - ***
Coming into force in accordance with Article 1(2)
and (3)

THE HOUSING AND REGENERATION ACT 2008
(REGISTRATION OF LOCAL AUTHORITIES) ORDER 2010

1. Citation, commencement and extent
 2. Interpretation
 3. Requirement to register
 4. Removal of exception for persons controlled by local authorities
 5. Amendment of Part 2
 6. Amendment of other enactments
 7. Transitional provision
- Signature

SCHEDULES

SCHEDULE 1 — Amendment of Part 2 of the Act

Chapter 1 (introduction)

1. In section 60 (structural overview), in the Table in subsection...
2. (1) Section 75 (leaving the social housing stock: disposal with...
3. In section 76 (leaving the social housing stock: regulator's direction),...
4. In section 79 (English bodies), in subsection (1)(e)(i), after "1996...
5. In section 80 (provider of social housing), after subsection (2)...

Chapter 2 (the Social Housing Regulator)

6. In section 94 (studies), after subsection (2) insert—
7. In section 95 (financial assistance), in subsection (3), for "a...
8. In section 96 (evidence), in paragraph (d), at the beginning...

9. After section 106 insert— Cooperation with the Audit Commission (1) The regulator shall cooperate...
10. In section 107 (collection), in subsection (1), for paragraph (b)...

Chapter 3 (registration)

11. (1) Section 112 (eligibility for registration) is amended as follows....
12. The heading to section 113 becomes “Section 112: exceptions”.
13. After section 114 insert— Local authorities: duty to notify (1) A local authority in England which is not subject...
14. In section 115 (profit-making and non-profit organisations), after subsection (9)...
15. (1) Section 116 (entry) is amended as follows.
16. In section 117 (fees), for subsections (1) and (2) substitute—...
17. (1) Section 118 (de-registration: compulsory) is amended as follows.
18. In section 119 (de-registration: voluntary), in subsection (1), for “registered...”
19. (1) Section 120 (notice) is amended as follows.

Chapter 4 (registered providers)

20. In section 123 (disposal of property), at the end insert...
21. In section 126 (sustainable community strategies), for “registered provider” substitute...
22. In section 127 (directions)— (a) in subsection (1), for “registered...”
23. (1) Section 128 (submission to regulator) is amended as follows....
24. In section 141 (offences), for “registered provider”, in each place...
25. In section 142 (High Court), in subsection (1), for “registered...”
26. In section 143 (disclosure), in subsection (1)(a) and (b), for...
27. After the italic heading “Insolvency etc” and before section 144...
28. In section 144 (preparatory steps: notice), in the first entry...
29. In section 145 (moratorium)— (a) in subsections (1) and (2),...
30. In section 147 (further moratorium), in subsection (1)(a), for “registered...”
31. In section 158 (assistance by regulator), in subsections (1) and...
32. In section 159 (applications to court)— (a) in subsection (1),...
33. After the italic heading “Restructuring and dissolution” and before section...

Chapter 5 (disposal of property)

34. At the end of the main heading to Chapter 5...
35. In section 170 (overview), for “registered providers” substitute “private registered...”
36. In section 171 (power to dispose)— (a) in subsection (1),...
37. In section 172 (requirement of consent), in subsection (1), for...
38. In section 174 (procedure), in subsection (5)(b), for “registered providers”...
39. In section 175 (disposal without consent), in subsection (1), for...
40. In section 177 (separate accounting), in subsection (1), for “registered...”
41. In section 178 (use of proceeds), in subsection (1), for...
42. In section 179 (application of Housing Act 1996)—
43. In section 180 (right to acquire)— (a) in subsection (1)(a),...
44. In section 181 (interpretation: “publicly funded”)— (a) in subsection (3) (a),...
45. In section 182 (interpretation: “remained in the social rented sector”),...

46. In section 184 (right to acquire: supplemental), in subsection (2)(c),...
47. In section 186 (former registered providers), for “registered provider” substitute...
48. In section 187 (change of use, etc), in subsections (1)...
49. In section 188 (trustees), for “registered provider” substitute “private registered...”
50. In section 190 (consent to disposals under other legislation) for...

Chapter 6 (regulatory powers)

51. In section 194 (management), in subsection (1), for “registered providers”...
52. In section 201 (inspections), after subsection (7) insert—
53. In section 207 (inquiry: supplemental), for subsection (2) substitute—
54. In section 210 (extraordinary audit), in subsection (1), for “a...”
55. After that section insert— Extraordinary report: local authorities (1) Where an inquiry in respect of a local authority...

Chapter 7 (enforcement)

56. (1) Section 220 (grounds for giving notice) is amended as...
57. For section 222 substitute— Notifying HCA etc If the regulator gives an enforcement notice it must send...
58. In section 226 (overview), for “registered providers” substitute “private registered...”
59. (1) Section 227 (grounds for imposition) is amended as follows....
60. In section 236 (overview), for “registered provider” substitute “private registered...”
61. In section 237 (grounds for award), in subsection (1), for...
62. In section 242 (warning), in subsection (1), for “registered provider”...
63. In section 245 (appeal) for “registered provider” substitute “private registered...”
64. (1) Section 247 (management tender) is amended as follows.
65. (1) Section 248 (section 247: supplemental) is amended as follows....
66. (1) Section 250 (section 249: supplemental) is amended as follows....
67. After section 250 insert— Sections 247 and 249: local authorities...
68. In section 251 (appointment of manager)— (a) in subsection (1)(a)...
69. In section 252 (section 251: supplemental), in subsection (9), for...
70. After section 252 insert— Appointment of advisers to local authorities (1) This section applies...
71. In section 253 (transfer of land)— (a) in subsection (1)(a)...
72. In the italic heading above section 256, insert “by non-profit...”
73. In the italic heading above section 259, insert “of non-profit...”
74. After section 269 insert— Censure of local authority employees Local...

Chapter 8 (general)

75. In section 270 (officer), for “registered provider”, in each place...
76. In section 276 (index of defined terms), insert the following...

SCHEDULE 2 — Amendment of other enactments

1. Interpretation Act 1978
2. County Courts Act 1984
3. Housing Act 1985
4. In section 12 (provision of shops, recreation grounds etc), after...

5. In section 19 (appropriation of land), after subsection (3) insert—...
6. In section 21 (general powers of management), at the end...
7. In section 23 (byelaws), after subsection (3) insert—
8. In section 24 (rents), after subsection (4) insert—
9. (1) Section 27 (management agreements) is amended as follows.
10. (1) The amendments made by paragraph 9 do not affect...
11. In section 27AB (management agreements with tenant management organisations), in...
12. In section 32 (power to dispose of land held for...
13. In section 33 (covenants and conditions which may be imposed),...
14. In section 34A (requirements to co-operate in relation to certain...
15. In section 43 (consent required for certain disposals not within...
16. In section 56 (minor definitions)— (a) the existing provision becomes...
17. In section 171D (consent to certain disposals of housing obtained...
18. In section 427A (entitlement to subsidy in case of land...
19. In Schedule 3 (grounds for withholding consent to assignment by...
20. Local Government Act 1988
21. Housing Act 1988
22. Local Government and Housing Act 1989
23. Housing Act 1996
24. Audit Commission Act 1998
25. Finance Act 2003
26. Housing and Regeneration Act 2008

Explanatory Note