



Housing Act 1996

1996 CHAPTER 52

PART I

[^{F1}SOCIAL RENTED SECTOR [^{F1}REGULATED BY THE WELSH MINISTERS]]

CHAPTER IV

GENERAL POWERS OF THE [^{F1}RELEVANT AUTHORITY]

Standards of performance

[^{F1}33A Standards of performance

- (1) The Welsh Ministers may set standards to be met by registered social landlords in connection with—
 - (a) their functions relating to the provision of housing, and
 - (b) matters relating to their governance and financial management.
- (2) In setting standards the Welsh Ministers must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.

[Standards set under subsection (1) may require registered social landlords to comply ^{F2}(2A) with rules specified in the standards.]
- (2B) The Welsh Ministers may—
 - (a) revise the standards by issuing further standards under this section;
 - (b) withdraw the standards by issuing further standards under this section or by notice.
- (2C) The Welsh Ministers must publish any standards or notice under this section.]
- (3) This section does not apply in relation to a registered social landlord's provision of housing in England.]

Changes to legislation: Housing Act 1996, Cross Heading: Standards of performance is up to date with all changes known to be in force on or before 30 October 2021. 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

Textual Amendments

- F1** S. 33A inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 35**, 90(2); S.I. 2011/2475, arts. 1(2), 2(a), 3(a)
- F2** S. 33A(2A)-(2C) inserted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(2)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

[^{F3}33B Guidance on standards of performance

- (1) The Welsh Ministers may issue guidance that—
- (a) relates to a matter addressed by a standard, and
 - (b) amplifies the standard.
- (2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.

- [^{F4}(3) The Welsh Ministers may—
- (a) revise the guidance by issuing further guidance under this section;
 - (b) withdraw the guidance by issuing further guidance under this section or by notice.]

- [^{F5}(4) The Welsh Ministers must publish any guidance or notice under this section.]]

Textual Amendments

- F3** S. 33B inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 36**, 90(2); S.I. 2011/2475, arts. 1(2), 2(b), 3(b)
- F4** S. 33B(3) substituted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(3)(a)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1
- F5** S. 33B(4) substituted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(3)(b)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

[^{F6}33C Consultation

Before setting [^{F7}, revising or withdrawing] standards under section 33A, or issuing, revising or withdrawing guidance under section 33B, the Welsh Ministers must consult

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants, and
- (c) one or more bodies appearing to them to represent the interests of local housing authorities.]

Textual Amendments

- F6** S. 33C inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 37**, 90(2); S.I. 2011/2475, arts. 1(2), 2(c)
- F7** Words in s. 33C inserted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(4)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

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34 Standards of performance [^{F8}– housing in England] .

The [^{F9}Relevant Authority] may, after consultation with persons or bodies appearing to it to be representative of registered social landlords, from time to time—

- (a) determine such standards of performance in connection with the provision of housing [^{F10}in England] as, in its opinion, ought to be achieved by such landlords, and
- (b) arrange for the publication, in such form and in such manner as it considers appropriate, of the standards so determined.

Textual Amendments

- F8** Words in s. 34 heading inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 4; S.I. 2011/2475, arts. 1\(2\), 3\(k\)](#)
- F9** Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140, Sch. 16 para. 82\(1\)\(2\)](#) (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244, art.5.](#)
- F10** Words in s. 34(a) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 5; S.I. 2011/2475, arts. 1\(2\), 3\(k\)](#)

Modifications etc. (not altering text)

- C1** S. 34 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)

35 Information as to levels of performance.

[^{F11}(A1) The Welsh Ministers shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with—

- (a) their functions relating to the provision of housing in Wales, and
- (b) matters relating to their governance and financial management.]

(1) The [^{F12}Relevant Authority] shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with the provision of housing [^{F13}in England] .

(2) On or before such date in each year as may be specified in a direction given by [^{F14}the Welsh Ministers], each registered social landlord shall provide [^{F14}the Welsh Ministers], as respects each standard determined under [^{F15}section 33A or 34], with such information as to the level of performance achieved by him as may be so specified.

(3) A registered social landlord who without reasonable excuse fails to do anything required of him by a direction under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Proceedings for such an offence may be brought only by or with the consent of [^{F14}the Welsh Ministers] or the Director of Public Prosecutions.

(4) The [^{F12}Relevant Authority] shall at least once in every year arrange for the publication, in such form and in such manner as it considers appropriate, of such of the information collected by or provided to it under this section as appears to it expedient to give to tenants or potential tenants of registered social landlords.

(5) In arranging for the publication of any such information [^{F14}the Welsh Ministers] shall have regard to the need for excluding, so far as that is practicable—

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- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the [^{F14}the Welsh Ministers], seriously and prejudicially affect the interests of that individual; and
- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of [^{F14}the Welsh Ministers], seriously and prejudicially affect the interests of that body.

Textual Amendments

- F11** S. 35(A1) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 38(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(c)
- F12** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F13** Words in s. 35(1) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 38(3)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(c)
- F14** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); S.I. 2010/862, **art. 2** (with [Sch.](#))
- F15** Words in s. 35(2) substituted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 38(4)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(c)

Commencement Information

- I1** S. 35 wholly in force 1.4.1998: s. 35 not in force at Royal Assent see s. 232(1)-(3); s. 35(1)(2)(3)(5) in force at 1.4.1997 and s. 35(4) in force at 1.4.1998 by [S.I. 1997/618](#), **arts. 2, 3**

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)