



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 7

ENFORCEMENT POWERS

Management etc.

252 Section 251: supplemental

- (1) Before acting under section 251(2) the regulator must give the registered provider a notice—
 - (a) specifying grounds on which action might be taken under that section,
 - (b) warning the provider that the regulator is considering action under that section, and
 - (c) explaining the effect of this section.
- (2) The notice must specify a period during which the registered provider may make representations to the regulator.
- (3) The period must—
 - (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered provider receives the notice.
- (4) The regulator must send a copy of a notice under subsection (1) to—
 - ^{F1}(a)
 - ^{F2}(za) the HCA,]
 - ^{F3}(aa) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London), and]

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- (b) any other persons it thinks appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under subsection (1) must—
- (a) refer to section 125 (voluntary undertaking), and
 - (b) indicate whether or to what extent the regulator would accept a voluntary undertaking instead of, or in mitigation of, action under section 251(2).
- (6) Notice under subsection (1) may be combined with notice under one or more of sections 230, 242, 248 and 250.
- [^{F4}(6A) The regulator must notify the HCA of an appointment or requirement under section 251(2).]
- [^{F5}(7)]
- [^{F6}(7A) The regulator must notify the Greater London Authority of an appointment or requirement under section 251(2) in respect of a registered provider who owns land in Greater London.]
- (8) The regulator may require a manager to report to the regulator on the affairs specified in the appointment or requirement under section 251(3).
- (9) A [^{F7}private registered provider] may appeal to the High Court against an appointment or requirement under section 251(2).
- [^{F8}(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which—
- (a) the regulator notifies the registered provider of an appointment made under section 251(2)(a) (in the case of an appeal against an appointment), or
 - (b) the regulator notifies the registered provider of the imposition of a requirement on the provider under section 251(2)(b) (in the case of an appeal against a requirement).]

Textual Amendments

- F1** S. 252(4)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 52\(2\)](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F2** S. 252(4)(za) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 35\(a\)](#) (with Pt. 4)
- F3** S. 252(4)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 64\(2\)](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F4** S. 252(6A) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 35\(b\)](#) (with Pt. 4)
- F5** S. 252(7) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 52\(3\)](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F6** S. 252(7A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 64\(3\)](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F7** Words in s. 252(9) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 69](#)
- F8** S. 252(10) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 4 para. 14](#); [S.I. 2023/1001](#), reg. 2(x)

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Commencement Information

II S. 252 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

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