



Housing and Planning Act 2016

2016 CHAPTER 22

PART 4

SOCIAL HOUSING IN ENGLAND

CHAPTER 4

REDUCING REGULATION OF SOCIAL HOUSING ETC

92 Reducing social housing regulation

Schedule 4 contains amendments to reduce the regulation of social housing.

Commencement Information

II [S. 92](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#) (with [reg. 6](#))

93 Reducing local authority influence over private registered providers

- (1) The Secretary of State may by regulations make provision for the purpose of limiting or removing the ability of local authorities to exert influence over private registered providers through—
 - (a) appointing or removing officers of private registered providers;
 - (b) exercising or controlling voting rights.
- (2) The regulations may in particular—
 - (a) limit the number of officers that a local authority may appoint;
 - (b) prohibit a local authority from appointing officers;
 - (c) confer power on a private registered provider to remove officers appointed by a local authority;

Changes to legislation: Housing and Planning Act 2016, CHAPTER 4 is up to date with all changes known to be in force on or before 05 August 2023. 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

- (d) prohibit a local authority from doing things that would result in it obtaining voting rights in a private registered provider;
 - (e) require a local authority to take steps to reduce or get rid of any voting rights that it has in a private registered provider.
- (3) Regulations under this section may override or modify any contractual or other rights (whenever created) or anything in a private registered provider's constitution.
- (4) Regulations under this section may—
- (a) confer a power to amend the constitution of a private registered provider in consequence of provision made by the regulations;
 - (b) make provision about the procedure for exercising that power.
- (5) In this section—
- “appointing”, in relation to an officer, includes nominating or otherwise influencing the selection of the officer;
 - “constitution” includes rules;
 - “local authority” has the meaning given by section 106 of the Housing Associations Act 1985;
 - “officer”, in relation to a private registered provider, has the meaning given by section 270 of the Housing and Regeneration Act 2008;
 - “private registered provider” means a private registered provider of social housing.

Commencement Information

I2 [S. 93](#) in force at 3.2.2017 by [S.I. 2017/75](#), [reg. 3\(a\)](#)

94 Recovery of social housing assistance: successors in title

- (1) Section 33 of the Housing and Regeneration Act 2008 (recovery of social housing assistance: interest and successors in title) is amended as follows.
- (2) In subsection (6)(b), after “another person” insert “ (“the successor”) ”.
- (3) After subsection (6) insert—
- “(6A) But subsection (7) does not apply if—
- (a) the successor is a person other than a registered provider of social housing, and
 - (b) at any time since the social housing assistance was given—
 - (i) a person has enforced a security over the social housing, or
 - (ii) the social housing has been disposed of by a body while it is being wound up or is in administration (which, for this purpose, includes housing administration under Chapter 5 of Part 4 of the Housing and Planning Act 2016).”
- (4) In subsection (7) for “that other person” substitute “ the successor ”.

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Commencement Information

I3 [S. 94](#) in force at 3.2.2017 by [S.I. 2017/75](#), [reg. 3\(b\)](#)

Changes to legislation:

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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. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)