

Changes to legislation: Housing and Planning Act 2016, Cross Heading: Housing and Regeneration Act 2008 is up to date with all changes known to be in force on or before 27 July 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

SCHEDULES

SCHEDULE 4

REDUCING SOCIAL HOUSING REGULATION

PART 1

REMOVAL OF DISPOSAL CONSENT REQUIREMENTS

Housing and Regeneration Act 2008

7 The Housing and Regeneration Act 2008 is amended as follows.

Commencement Information

II Sch. 4 para. 7 in force at 6.4.2017 by S.I. 2017/75, reg. 4

8 In section 60 (structural overview), in subsection (4), in the final column of the entry relating to Chapter 5 of Part 2 of the Act—

(a) for paragraph (b) (Regulator's consent) substitute—

“(b) Notification of regulator”;

(b) omit paragraphs (c), (d) and (g).

Commencement Information

I2 Sch. 4 para. 8 in force at 6.4.2017 by S.I. 2017/75, reg. 4

9 After section 74 insert—

“74A Leaving the social housing stock: transfer by private providers

(1) A dwelling ceases to be social housing if a private registered provider of social housing owns the freehold or a leasehold interest and transfers it to a person who is not a registered provider of social housing.

(2) Subsection (1) does not apply if and for so long as the private registered provider has a right to have the interest transferred back to it.

(3) Subsection (1) does not apply where low cost home ownership accommodation is transferred to—

(a) the “buyer” under equity percentage arrangements (see section 70(5)), or

(b) the trustees under a shared ownership trust (see section 70(6)).

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- (4) See section 73 for circumstances when low cost home ownership accommodation ceases to be social housing.”

Commencement Information

I3 Sch. 4 para. 9 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 10 (1) Section 75 (leaving the social housing stock) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsections (2) and (3), for “Subsections 1 and (1A) do” substitute “ Subsection (1A) does ”.
- (4) In the heading, after “stock:” insert “ local authority ”.

Commencement Information

I4 Sch. 4 para. 10 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 11 In section 119 (de-registration: voluntary), in subsection (5), omit paragraph (a) and the “and” at the end of that paragraph.

Commencement Information

I5 Sch. 4 para. 11 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 12 In section 149 (moratorium: exempted disposals)—
- (a) omit subsection (6);
- (b) in subsection (7), for “6” substitute “ 5 ”;
- (c) in subsection (8), for “7” substitute “ 6 ”.

Commencement Information

I6 Sch. 4 para. 12 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 13 In section 171 (power to dispose), in subsection (3), omit “(which include provisions requiring the regulator's consent for certain disposals)”.

Commencement Information

I7 Sch. 4 para. 13 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 14 For the italic heading above section 172 substitute— “ Notification of regulator ”.

Commencement Information

I8 Sch. 4 para. 14 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 15 Omit sections 172 to 175 (disposal consents).

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Commencement Information

I9 Sch. 4 para. 15 in force at 6.4.2017 by S.I. 2017/75, reg. 4 (with reg. 6)

16 For section 176 substitute—

“176 Notification of disposal

- (1) If a private registered provider disposes of a dwelling that is social housing it must notify the regulator.
- (2) If a non-profit registered provider disposes of land other than a dwelling it must notify the regulator.
- (3) Subsection (1) continues to apply to any land of a private registered provider even if it has ceased to be a dwelling.
- (4) The regulator may give directions about—
 - (a) the period within which notifications under subsection (1) or (2) must be given;
 - (b) the content of those notifications.
- (5) The regulator may give directions dispensing with the notification requirement in subsection (1) or (2).
- (6) A direction under this section may be—
 - (a) general, or
 - (b) specific (whether as to particular registered providers, as to particular property, as to particular forms of disposal or in any other way).
- (7) A direction dispensing with a notification requirement—
 - (a) may be expressed by reference to a policy for disposals submitted by a registered provider;
 - (b) may include conditions.
- (8) The regulator must make arrangements for bringing a direction under this section to the attention of every registered provider to which it applies.”

Commencement Information

I10 Sch. 4 para. 16 in force at 6.4.2017 by S.I. 2017/75, reg. 4

17 Omit section 179 and the italic heading before it (application of provisions of the Housing Act 1996 that have a connection with disposal consents.)

Commencement Information

I11 Sch. 4 para. 17 in force at 6.4.2017 by S.I. 2017/75, reg. 4

18 In section 186 (former registered providers), for “to 175” substitute “ and 176 (apart from section 176(2)) ”.

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Commencement Information

I12 [Sch. 4 para. 18](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

19 Omit section 187 (change of use, etc).

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Commencement Information

I13 [Sch. 4 para. 19](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

20 Omit section 190 (consent to disposals under other legislation).

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Commencement Information

I14 [Sch. 4 para. 20](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

21 In section 278A (power to nominate for consultation purposes), for paragraph (b) substitute—
“(b) section 176;”.

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Commencement Information

I15 [Sch. 4 para. 21](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

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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\(8\)\(a\)\(ii\)](#)