

**Changes to legislation:** Housing and Planning Act 2016, PART 1 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 Act 1985 (c. 68)*

- 1 (1) Section 171D of the Housing Act 1985 (consent to certain disposals of housing obtained subject to the preserved right to buy) is amended as follows.
- (2) After subsection (2) insert—
- “(2ZA) Subsection (2) does not apply to a disposal of land by a private registered provider of social housing.”
- (3) In subsection (2A)—
- (a) omit paragraph (a);
  - (b) in paragraph (b), for “any other” substitute “a”.

###### Commencement Information

**I1** Sch. 4 para. 1 in force at 6.4.2017 by S.I. 2017/75, reg. 4

###### *Housing Act 1988 (c. 50)*

- 2 The Housing Act 1988 is amended as follows.

###### Commencement Information

**I2** Sch. 4 para. 2 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 3 (1) Section 81 (consent to certain disposals of housing obtained from housing action trusts) is amended as follows.
- (2) In subsection (1), for “section 79(2)(za) or (a)” substitute “section 79(2)(a)”.
- (3) In subsection (3A)—
- (a) omit paragraph (a);
  - (b) in paragraph (b), for “any other” substitute “a”.
- (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

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#### Commencement Information

**I3** [Sch. 4 para. 3](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

- 4 (1) Section 133 (consent to certain disposals of housing obtained from local authorities) is amended as follows.
- (2) In subsection (1ZA)—
- (a) omit paragraph (a);
  - (b) in paragraph (b), for “any other” substitute “ a ”.
- (3) For subsection (1B) substitute—
- “(1B) This section does not apply if the original disposal was made to a private registered provider of social housing.”
- (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

#### Commencement Information

**I4** [Sch. 4 para. 4](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

#### *Local Government and Housing Act 1989 (c. 42)*

- 5 (1) Section 173 of the Local Government and Housing Act 1989 (consent to certain disposals of housing obtained from new town corporations) is amended as follows.
- (2) After subsection (1) insert—
- “(1ZA) Subsection (1) does not apply to a disposal of land by a private registered provider of social housing.”
- (3) In subsection (1A)—
- (a) omit paragraph (a);
  - (b) in paragraph (b), for “any other” substitute “ a ”.
- (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

#### Commencement Information

**I5** [Sch. 4 para. 5](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

#### *Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

- 6 In Schedule 10 to the Leasehold Reform, Housing and Urban Development Act 1993 (acquisition of Interests from Local Authorities etc), in paragraph 1(2)(b), for “sections 148 and 172” substitute “ section 148 ”.

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**Commencement Information**

**I6** Sch. 4 para. 6 in force at 6.4.2017 by S.I. 2017/75, reg. 4

*Housing and Regeneration Act 2008*

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

**Commencement Information**

**I7** 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**

**I8** 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)).
- (4) See section 73 for circumstances when low cost home ownership accommodation ceases to be social housing.”

**Commencement Information**

**I9** 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).

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(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**

**I10** 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**

**I11** 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**

**I12** 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**

**I13** 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**

**I14** 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).

**Commencement Information**

**I15** 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.

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- (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**

**I16** 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**

**I17** 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)) ”.

**Commencement Information**

**I18** 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).

**Commencement Information**

**I19** Sch. 4 para. 19 in force at 6.4.2017 by S.I. 2017/75, reg. 4

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

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**Commencement Information**

**I20**   [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**

**I21**   [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\(8\)\(a\)\(ii\)](#)