



# Welfare Reform and Work Act 2016

## 2016 CHAPTER 7

### *Social housing rents*

#### **27 Provision about excepted cases**

- (1) The Secretary of State may by regulations make provision about the maximum amount of rent payable to a registered provider in respect of a relevant year, or a part of a relevant year, by a tenant of social housing in relation to whom—
  - (a) section 23 does not apply because of an exception in regulations under section 24;
  - (b) a provision about levels of rent in Part 1 of Schedule 2 does not apply because of an exception in regulations under paragraph 5 of that Schedule.
- (2) The Secretary of State may by regulations make provision about the maximum amount of rent payable to a registered provider by a tenant of social housing—
  - (a) in respect of the part of the relevant year after an exception in regulations under section 24 ceases to apply;
  - (b) in respect of the part of the relevant year after an exception in regulations under paragraph 5 of Schedule 2 ceases to apply;
  - (c) in respect of the following relevant year (if any).
- (3) Regulations under subsection (1) or (2) may, in particular, require registered providers to secure that the maximum amount of rent payable in respect of a relevant year, or part of a relevant year, is an amount determined as specified in the regulations.
- (4) Regulations made by virtue of subsection (3) may, in particular, provide for section 23 or Part 1 of Schedule 2 to have effect with modifications.
- (5) The modifications that may be made by virtue of subsection (4) include (but are not limited to) modifications that—
  - (a) provide for the maximum amount of rent to be increased from year to year by no more than a percentage specified in the regulations;
  - (b) provide for the maximum amount of rent to be determined by disregarding the effect of a temporary reduction or waiver of rent;

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*Status: This is the original version (as it was originally enacted).*

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- (c) provide for the maximum amount of rent to be determined by reference to a different period;
  - (d) provide for section 23(1) or paragraph 1(4)(c) or (5)(c) or 3(5) of Schedule 2 to have effect as if it referred to a different percentage;
  - (e) provide for paragraph 1, 2 or 3 of Schedule 2 to have effect as if the social rent rate were uplifted by a percentage specified in the regulations;
  - (f) provide for paragraph 3(2) or (3) of Schedule 2 to have effect as if paragraph 3(2)(a)(ii) or (4)(a)(ii) referred to a different percentage;
  - (g) provide for the maximum amount of rent to be determined by reference to what would have been the amount if an exception in regulations under section 24 or paragraph 5(5) of Schedule 2 (including an exception making such provision as is described in section 24(7) or paragraph 5(7)) had not applied.
- (6) Regulations made by virtue of subsection (5)(d) may not provide for a higher percentage to have effect.
- (7) Regulations made by virtue of subsection (5)(e) may, in particular, make provision in relation to cases where an exception in regulations under paragraph 5(5) of Schedule 2 making provision about social housing which satisfies conditions prescribed by the regulations as to design, facilities, use or the provision of support to tenants applies.
- (8) Regulations under subsection (1) may not provide for a maximum amount of rent payable by a tenant of social housing in respect of a relevant year, or a part of a relevant year, which is less than the amount that would be payable by the tenant in respect of that period if the rent was payable at the social rent rate in that period, in a case where an exception in regulations under paragraph 5(5) of Schedule 2 applies.
- (9) Regulations under subsection (1) or (2) may make provision about disapplying or modifying a requirement in the regulations as it relates to a registered provider.
- (10) Regulations made by virtue of subsection (9) may, in particular, enable the Secretary of State or the regulator to issue a direction that disappplies or modifies a requirement as it relates to a registered provider.
- (11) Regulations made by virtue of subsection (10) may provide for a direction to specify—
- (a) the period during which it has effect;
  - (b) the social housing in relation to which it has effect.
- (12) Regulations made by virtue of subsection (10) may—
- (a) provide for conditions to be satisfied before a direction is issued;
  - (b) provide for the regulator to obtain the consent of the Secretary of State before issuing a direction.
- (13) Regulations under this section must be made by statutory instrument.
- (14) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.