

**EXPLANATORY MEMORANDUM TO**  
**THE HOUSING AND PLANNING ACT 2016 (CONSEQUENTIAL PROVISIONS)**  
**(ENGLAND) REGULATIONS 2017**

**2017 No. 378**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 The Housing and Planning Act 2016 contains a package of deregulatory measures affecting the social housing sector. These measures include the repeal of the Social Housing Regulator's disposal consent powers for registered providers of social housing in England. Prior to commencement of the Act, registered providers of social housing in England had to obtain the consent of the Social Housing Regulator to sell or transfer housing stock or charge it for security. A consequential amendment is needed to remove the requirement on the Land Registry to enter a restriction on the registered titles of social housing properties in England that sales of such properties must have the consent of the Social Housing Regulator. This instrument also revokes the requirement for a registered provider in an application for registration to produce a certificate to prove to the Land Registry that it is a registered provider for social homes in England.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 Section 92 of, and Schedule 4 to, the Housing and Planning Act amend certain regulatory requirements in relation to social housing, and will come into force on 6th April 2017 by virtue of The Housing and Planning Act 2016 (Commencement No.4 and Transitional Provisions) Regulations 2017 (S.I. 2017/75) (c.8). This instrument makes consequential amendments to the Land Registration Rules 2003 (S.I. 2003/1417) as follows: regulation 2 revokes paragraph (1A) of rule 183A, which requires a private registered provider of social housing who applies for registration as the proprietor or a registered estate or registered charge to include a statement to that effect. Regulation 3 makes amendments to the relevant obligatory forms of restriction (namely forms W, X, Y and KK) set out in Schedule 4 to the Land Registration Rules 2003.

## **5. Extent and Territorial Application**

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England.

## **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 Currently when a social home property is sold to a registered provider the Land Registry is required to enter a restriction on the registered title to the effect that a subsequent transfer of property requires the consent of the Social Housing Regulator. These restrictions are enforced by the Land Registry Rules 2003, which set out the standard form of restrictions for inclusion on registered titles of properties. With the repeal of the Social Housing Regulator's disposal consent regime for registered providers in England, it is therefore necessary to remove this requirement for registered titles for social homes in England. The requirement for a registered provider to provide a certificate to the Land Registry was designed to assist the registrar in entering the appropriate consent restriction. As the Social Housing Regulator's consent is no longer required, the requirement to produce the certificate needs to be revoked for social homes in England.
- 7.2 These regulations amend the Land Registration Rules 2003 to this effect.

## **8. Consultation outcome**

- 8.1 No formal consultation has been carried out for these regulations, as they only affect the Land Registry.

## **9. Guidance**

- 9.1 Neither the Department for Communities and Local Government nor the Land Registry intend to produce guidance on these regulations.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is minimal. Currently the Office of National Statistics classify private registered providers of social housing as public bodies.
- 10.3 An impact assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

- 12.1 These Regulations do not regulate business, and no review clause has therefore been included.

### **13. Contact**

- 13.1 Sarah Blackman at the Department for Communities and Local Government. Telephone 0303 444 1765 or email: [sarah.blackman@communities.gsi.gov.uk](mailto:sarah.blackman@communities.gsi.gov.uk)