
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Social Housing (Regulation) Act 2023 (c. 36) (“the Act”).

Regulation 2 brings the provisions of the Act which are listed into force on 20th September 2023. The provisions being brought into force include provisions giving the Regulator of Social Housing new powers to set standards and making various other changes to the regulatory regime in Part 2 of the Housing and Regeneration Act 2008 (c. 17) (“Part 2 HRA 2008”) which apply in relation to registered providers of social housing in England; provision implying a term requiring such providers to comply with prescribed requirements about the remedying of hazards; and changes to the special housing administration regime in the Housing and Planning Act 2016 (c. 22) that have UK-wide extent.

Sections 25 (Secretary of State’s duty to give direction about providing information to tenants), 40 (housing ombudsman scheme) and 41 (power of housing ombudsman to issue guidance to scheme members) also come into force on that date by virtue of section 46(2) of the Act. Sections 11 (electrical safety standards) and 44 to 47 (minor and consequential amendments, power to make consequential provision, extent, commencement and short title) came into force on Royal Assent on 20th July 2023 (see section 46(1)).

The changes to Part 2 HRA 2008 these Regulations bring into force include various repeals made by Schedule 5 to the Act of provisions allowing the Regulator to exercise enforcement powers on the ground of a failure to comply with requirements in or under the Welfare Reform and Work Act 2016 (c. 7). Regulation 3 makes saving provision so that the repeals of those grounds are of no effect in relation to a failure to comply which occurred before 20th September 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/46714/documents/1906> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.