
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Social Housing (Regulation) Act 2023 (c. 36) (“the Act”).

The provisions being brought into force include provisions giving the Regulator of Social Housing (“the Regulator”) new powers including: to require a registered provider of social housing to prepare a performance improvement plan; and to arrange for an authorised person to take emergency remedial action in respect of premises to remedy specified failures in certain circumstances where there is an imminent risk of serious harm to the health or safety of the occupiers of those or other premises.

The provisions also bring into force requirements for the Regulator to make, and take appropriate steps to implement, a plan for carrying out inspections; the repeal of the serious detriment test; and various other changes to the regulatory regime in Part 2 of the Housing and Regeneration Act 2008 (c. 17) (“the 2008 Act”) which apply in relation to registered providers of social housing in England. The Regulations also bring into force amendments to provisions in the Housing and Planning Act 2016 (c. 22) which impose restrictions on insolvency procedures against private registered providers of social housing.

Regulation 3 is a saving provision relating to amendments made by section 4(1) to (6) of the Act which amends the Regulator’s powers to charge fees. The amendments will not apply to—

- (a) initial registration fees for an application made before 1st July 2024, or
- (b) annual fees payable for continued registration in respect of a period beginning before 1st July 2024.

Regulation 4 makes saving provision relating to the procedure by which the regulator makes proposals about the future ownership and management of the land of a private registered provider to which a housing moratorium applies, with a view to ensuring that the property will be properly managed by the provider. Where the procedure under section 153 of the 2008 Act for making proposals or amended proposals was begun before 1st April 2024 the amendments to that procedure made by section 12(2) and 3(b), (d), (e) and (h) of the Act will not apply.

Regulation 5 makes saving provision relating to amendments to various of the Regulator’s enforcement powers made by Schedules 3 and 5 of the Act.

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.