



# Social Housing (Regulation) Act 2023

## CHAPTER 36

### SOCIAL HOUSING (REGULATION) ACT 2023

#### *The Regulator of Social Housing*

- 1 Fundamental objectives
- 2 Advisory panel
- 3 Collection of information
- 4 Power to charge fees
- 5 Relationship between regulator and housing ombudsman

#### *Registration of providers of social housing*

- 6 Meaning of “English body”
- 7 Registration criteria
- 8 Designation
- 9 De-registration

#### *Duties of registered providers*

- 10 Appointment of health and safety lead by registered provider
- 11 Electrical safety standards

#### *Registered providers: insolvency, restructuring etc*

- 12 Moratorium on disposal of land
- 13 Limited liability partnerships
- 14 Insolvency of registered providers
- 15 Notification requirements: expansion to profit-making organisations
- 16 Conversion of company into registered society: continuation of registration
- 17 Restructuring of registered societies
- 18 Receipt of transfers of engagements from a registered society

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- 19 Notification of constitutional changes
- 20 Notification of change of control

#### *Standards*

- 21 Standards relating to competence and conduct
- 22 Standards relating to information and transparency
- 23 Code of practice: standards relating to consumer matters
- 24 Direction by Secretary of State
- 25 Secretary of State's duty to give direction about providing information to tenants
- 26 Failure to meet standards: exercise of intervention powers
- 27 Performance monitoring

#### *Monitoring and enforcement*

- 28 Surveys
- 29 Inspection plan
- 30 Action after inspection
- 31 Performance improvement plans
- 32 Emergency remedial action
- 33 Extension of powers to charities who have not received public assistance
- 34 Notification of Charity Commission of exercise of enforcement powers
- 35 Exercise of powers: land with a Crown or Duchy interest
- 36 Regulatory and enforcement powers: further amendments

#### *Social housing*

- 37 Leaving the social housing stock: end of lease

#### *Meaning of "subsidiary"*

- 38 Meaning of "subsidiary"

#### *Appeals*

- 39 Appeals

#### *Housing ombudsman*

- 40 Housing ombudsman scheme
- 41 Power of housing ombudsman to issue guidance to scheme members

#### *Social housing leases: remedying hazards*

- 42 Social housing leases: remedying hazards

#### *General*

- 43 Minor and consequential amendments
- 44 Power to make consequential provision
- 45 Extent
- 46 Commencement
- 47 Short title

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## Schedules

### Schedule 1 — Limited liability partnerships

#### Part 1 — AMENDMENTS OF THE HOUSING AND PLANNING ACT 2016

- 1 Introductory
- 2 Extension of housing administration regime
- 3 In section 100 (powers of court: meaning of “relevant officer”),...
- 4 Restrictions on insolvency procedures
- 5 In section 104 (winding-up orders), after subsection (1)(a) insert—
- 6 In section 105 (voluntary winding up), in subsection (1), after...
- 7 In section 106 (ordinary administration orders)— (a) in subsection (1),...
- 8 In section 107 (administrator appointments by creditors)—
- 9 Interpretation

#### Part 2 — AMENDMENTS OF THE HOUSING AND REGENERATION ACT 2008

- 10 Introductory
- 11 Notice of registration or de-registration
- 12 Accounts
- 13 (1) Section 130 (exempt companies: accountant’s report) is amended as...
- 14 In section 131 (exempt companies: reporting accountant)—
- 15 (1) Section 132 (application of Companies Act) is amended as...
- 16 In section 133 (exempt companies: extraordinary audit)—
- 17 In section 141 (offences), in subsection (6), omit the words...
- 18 Moratorium on disposal of land
- 19 Arrangements and reconstructions
- 20 Meaning of “officer”

### Schedule 2 — Amendments to restrictions on insolvency procedures

- 1 The Housing and Planning Act 2016 is amended as follows...
- 2 In section 104 (winding-up orders), after subsection (2) insert—
- 3 In section 105 (voluntary winding up), after subsection (4) insert—...
- 4 In section 106 (ordinary administration orders), after subsection (3) insert—...
- 5 In section 107 (appointment of administrator)— (a) in the heading,...
- 6 In section 108 (enforcement of security)— (a) in subsection (1),...

### Schedule 3 — Regulatory and enforcement powers

- 1 The Housing and Regeneration Act 2008 is amended as follows....
- 2 In section 201 (inspections) omit subsections (2) and (2A).
- 3 In section 206 (inquiry)— (a) for subsection (1) substitute—
- 4 In section 226 (overview of provisions on penalties) omit “private”....
- 5 In section 227 (grounds for imposition of penalty), in subsection...
- 6 In section 229 (amount of penalty)— (a) in subsection (2),...
- 7 In section 249 (management transfer), in subsection (1)—
- 8 In section 251 (appointment of manager of a private registered...
- 9 In section 252 (supplementary provisions about appointment of manager)—
- 10 In section 252A (appointment of advisers to local authorities), in...
- 11 In section 253 (transfer of land by private registered provider),...
- 12 In section 255 (amalgamation), in subsection (1)—
- 13 In section 256 (restrictions on dealings during inquiry)—

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- 14 In section 257 (restrictions on dealings following inquiry), in subsection...
- 15 In section 259 (suspension of officer etc during inquiry)—
- 16 In section 260 (removal or suspension of officer etc following...
- 17 In section 266 (removal of officers)— (a) in subsection (1),...
- 18 In section 269 (appointment of new officers)—
- 19 In section 269A (local authorities: censure during or following inquiry) —...
- 20 In section 269B (response to censure notice), in subsection (2)(c),...

#### Schedule 4 — Appeals

- 1 The Housing and Regeneration Act 2008 is amended as follows....
- 2 In section 115 (profit-making and non-profit organisations), in subsection (9),...
- 3 In section 116 (voluntary registration), after subsection (2) insert—
- 4 (1) Section 118 (compulsory de-registration) is amended as follows.
- 5 (1) Section 121 (registration decisions: appeals) is amended as follows....
- 6 In section 223 (enforcement notice: appeal)— (a) the existing text...
- 7 In section 235 (penalty notice: appeals)— (a) the existing text...
- 8 In section 245 (compensation notice: appeals)— (a) the existing text...
- 9 In section 247 (management tender), in subsection (2), after “may”...
- 10 In section 248 (management tender: procedure and appeals), after subsection...
- 11 In section 249 (management transfer), in subsection (2), after “may”...
- 12 In section 250 (management transfer: procedure and appeals), after subsection...
- 13 In section 251 (appointment of manager), in subsection (2), after...
- 14 In section 252 (appointment of manager: procedure and appeals), after...
- 15 In section 259 (suspension of officer etc during inquiry), after...
- 16 In section 260 (removal or suspension of officer etc following...
- 17 In section 267 (removal of officers: supplemental), after subsection (1)...
- 18 In section 268 (removal or suspension of officer etc: appeals)—...

#### Schedule 5 — Minor and consequential amendments

##### Part 1 — HOUSING AND REGENERATION ACT 2008

- 1 The Housing and Regeneration Act 2008 is amended as set...
- 2 In section 60 (structural overview) omit subsection (4).
- 3 In section 74A (leaving the social housing stock: private providers),...
- 4 In section 79 (English bodies), omit subsections (2) to (5)....
- 5 In section 92K (fundamental objectives), in subsections (2)(a) and (3) (d),...
- 6 In section 96 (evidence), in paragraph (d), for “an ombudsman...
- 7 In section 112 (eligibility for voluntary registration)—
- 8 Omit section 113.
- 9 In section 114 (registration of local authorities)—
- 10 In section 114A (local authorities: duty to notify), in subsection...
- 11 In section 122 (payments to members etc), in subsection (6),...
- 12 In section 135 (charity accounts), in subsection (1), omit “non-profit”...
- 13 In section 153 (moratorium: process for proposals)—
- 14 Before section 169A (but after the heading before that section)...
- 15 In section 169D (directions about notifications)— (a) for “169C”, in...
- 16 In section 192 (overview of Chapter 6)—

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- 17 In section 193 (standards relating to consumer matters)—
  - 18 In section 194 (standards relating to economic matters), omit subsection...
  - 19 In section 197 (direction by Secretary of State), in subsection...
  - 20 In section 198 (supplemental provisions about standards), after subsection (5)...
  - 21 In section 203(3) (inspector’s powers), for “107(3) to (7)” substitute...
  - 22 In section 208(4) (inquirer’s powers), for “107(3) to (7)” substitute...
  - 23 In section 215 (guidance about use of intervention powers) omit—...
  - 24 In section 216 (consultation), in paragraph (b), at the end...
  - 25 In section 217 (accreditation)— (a) in subsection (4)(b), after “193”...
  - 26 In section 218 (exercise of enforcement powers)—
  - 27 In section 220 (grounds for giving enforcement notice)—
  - 28 In section 227 (grounds for imposition of a penalty), omit...
  - 29 In section 237 (grounds for award of compensation), omit subsection...
  - 30 In section 239 (housing ombudsman compensation), in subsection (1), for...
  - 31 In section 242 (warning before giving compensation notice), in subsection...
  - 32 In section 247 (grounds for requiring management tender), in subsection...
  - 33 In section 251 (grounds for appointing manager), in subsection (1),...
  - 34 In section 256 (restrictions on dealings during an inquiry), in...
  - 35 In section 258 (restrictions on dealings: supplemental), in subsection (3),...
  - 36 In the heading immediately before section 259, omit “non-profit”.
  - 37 In section 259 (suspension during inquiry), in subsection (2), for...
  - 38 In section 264 (offence of acting as an officer while...
  - 39 In section 269 (appointment of new officers), in subsection (1)(c),...
  - 40 In section 269A (local authorities: censure during or following inquiry),...
  - 41 Omit section 274 (definition of charities that have “received public...
  - 42 In section 275 (general), for the definition of “local authority”...
  - 43 In section 276 (index of defined terms)—
  - 44 After section 276A (inserted by section 35) insert— Data protection...
  - 45 In section 278A (power to nominate bodies for consultation purposes),...
  - 46 In section 320 (orders and regulations), in subsection (7)(a), for...
- Part 2 — OTHER ACTS
- 47 In Schedule 17 to the Localism Act 2011 (regulation of...
  - 48 Omit section 30 of the Welfare Reform and Work Act...
  - 49 (1) Section 2 of the Leasehold Reform (Ground Rent) Act...

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