



Social Housing (Regulation) Act 2023

2023 CHAPTER 36

Monitoring and enforcement

PROSPECTIVE

28 Surveys

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 199 (survey)—
 - (a) in subsection (3)—
 - (i) for “subsection (2)” substitute “this section and in sections 199A to 200,”, and
 - (ii) for “of this section” substitute “of the section concerned”;
 - (b) omit subsections (4) to (6);
 - (c) after subsection (8) insert—

“(9) Arrangements for a person other than a member of the regulator’s staff to carry out a survey may include provision about payments.”
- (3) After section 199 insert—

“199A Survey: power to enter without warrant

- (1) An authorised person may enter premises at any reasonable time, or times, to carry out a survey under section 199.
- (2) The power in subsection (1) may only be exercised if an authorised person has given at least 48 hours’ notice of the first exercise of the power—
 - (a) to the registered provider, and
 - (b) if the premises are occupied, to the occupier (or any one of the occupiers).
- (3) The requirement to give notice may be waived—

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Housing (Regulation) Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) in the case of notice required by [subsection \(2\)\(a\)](#), by the registered provider, and
 - (b) in the case of notice required by [subsection \(2\)\(b\)](#), by the occupier (or any one of the occupiers) of the premises.
- (4) Notice under [subsection \(2\)](#) may state that, if entry to the premises were to be refused, an authorised person would propose to apply for a warrant under section [199B](#).
- (5) Notice required by [subsection \(2\)\(b\)](#) may be given by fixing it to some conspicuous part of the premises.
- (6) An authorised person who under this section has entered, or who is seeking to enter, premises in order to carry out a survey must produce a copy of the authorisation mentioned in section [199\(3\)](#) on request by an occupier.
- (7) An authorised person entering premises to carry out a survey may—
- (a) be accompanied by such other persons, and
 - (b) take onto the premises such equipment or materials,
- as the authorised person thinks necessary for the purposes of carrying out the survey.
- (8) Equipment or materials taken onto premises by virtue of [subsection \(7\)](#) may be left in a place on the premises until the survey has been carried out provided that—
- (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.
- (9) Where the premises include common parts of a building, references in [subsection \(8\)](#) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.
- (10) In this section, “common parts”, in relation to a building, includes the structure and exterior of that building and any common facilities provided (whether or not in the building) for persons who occupy the building.

199B Survey: power to enter with warrant

- (1) This section applies where a justice of the peace is satisfied, on sworn information in writing by an authorised person, that entry to premises specified in the information is reasonably required to carry out a survey under section [199](#).
- (2) The justice may issue a warrant authorising the authorised person who is named in it to enter the premises to carry out the survey where the justice is satisfied that—
- (a) entry to the premises has been sought under section [199A](#) but has been refused,

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- (b) the premises are unoccupied or that the occupier is temporarily absent, or
 - (c) there are reasonable grounds to believe that the authorised person will not be able to obtain entry to the premises without a warrant.
 - (3) A warrant under this section authorises the authorised person to enter the premises at any reasonable time, or times, using reasonable force if necessary.
 - (4) A warrant under this section authorises an authorised person entering premises to take onto the premises such equipment or materials as the authorised person thinks necessary for the purposes of carrying out the survey.
 - (5) Equipment or materials taken onto premises by virtue of subsection (4) may be left in a place on the premises until the survey has been carried out provided that—
 - (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.
 - (6) Where the premises include common parts of a building (as defined in section 199A), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.
 - (7) A warrant under this section may authorise persons (“accompanying persons”) to accompany the authorised person.
 - (8) Accompanying persons—
 - (a) have the same powers as the authorised person in respect of execution of the warrant, but
 - (b) must exercise those powers only in the company, and under the supervision, of the authorised person.
 - (9) An authorised person who has entered, or who is seeking to enter, premises under a warrant under this section must produce on request by any person—
 - (a) a copy of the warrant;
 - (b) a copy of the authorisation mentioned in section 199(3).
 - (10) A warrant under this section continues in force until the survey is carried out.
 - (11) If the premises are unoccupied or the occupier is temporarily absent, the authorised person who has entered the premises under a warrant under this section must leave the premises as effectively secured against trespassers as the authorised person found them.”
- (4) In section 200 (survey: supplemental)—
- (a) omit subsection (1);
 - (b) omit subsection (3);
 - (c) for subsection (4) substitute—
 - “(4) A registered provider, or an officer of a registered provider, commits an offence if the provider or officer obstructs an authorised person—

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- (a) in exercising a power under section [199A](#), or
 - (b) in exercising a power under section 199, where the authorised person has entered the premises to carry out the survey under the power in section [199A](#).”;
- (d) after subsection (4) insert—
- “(4A) A person commits an offence if the person obstructs an authorised person—
- (a) in exercising a power conferred by a warrant under section [199B](#), or
 - (b) in exercising a power under section 199, where the authorised person has entered the premises to carry out a survey under a warrant under section [199B](#).”

Commencement Information

- II** S. 28 not in force at Royal Assent, see [s. 46\(3\)](#)

Status:

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Changes and effects yet to be applied to :

- s. 28 coming into force by [S.I. 2024/437 reg. 2\(o\)](#)