

# Social Housing (Regulation) Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

*The amendments have been marshalled in accordance with the Order of Consideration motion tabled for 17th October 2022, in anticipation of its agreement, as follows –*

Clauses 1 to 13	Clauses 31 to 33
Schedule 1	Schedule 4
Clause 14	Clauses 34 and 35
Schedule 2	Schedule 5
Clauses 15 to 30	Clauses 36 to 39
Schedule 3	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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**Clause 1**

BARONESS PINNOCK  
BARONESS SCOTT OF BYBROOK

**1** Clause 1, page 1, line 5, after “safe” insert “, energy efficient”

***Member's explanatory statement***

*This amendment would require the fundamental objectives to include reference to energy efficiency.*

BARONESS PINNOCK

**2** Clause 1, page 1, line 10, at end insert –

“(b) after subsection (3) insert –

“(3A) In undertaking its objective under subsection (3)(a) the regulator must report to the Secretary of State on the progress of the removal of unsafe cladding and the remediation of other fire safety defects in social housing, and may make recommendations to the Secretary of State on further action required.””

***Member's explanatory statement***

*This amendment would include in the regulator's objective to ensure the provision of safe social housing a requirement to report to the Government on the removal of cladding and the remediation of other fire safety work.*

**Clause 2**

BARONESS HAYMAN OF ULLOCK

3 Clause 2, page 2, line 17, at end insert –

“(8) The Panel must be chaired by a social housing tenant.

(9) The Chair is responsible for setting agendas.”

***Member's explanatory statement***

*This amendment means that the panel must be chaired by a tenant with responsibility for agenda setting.*

**Clause 7**

BARONESS SCOTT OF BYBROOK

4 Clause 7, page 5, line 36, after “194” insert “, 194ZA”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister's name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*

**Clause 15**

BARONESS SCOTT OF BYBROOK

5 Clause 15, page 13, line 18, leave out subsection (3)

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister's name to insert a new clause after clause 15.*

BARONESS SCOTT OF BYBROOK

6 Clause 15, page 13, line 24, leave out subsection (4)

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister's name to insert a new clause before clause 16.*

**After Clause 15**

BARONESS SCOTT OF BYBROOK

7 After Clause 15, insert the following new Clause –

**“Conversion of company into registered society: continuation of registration**

In section 161 of the Housing and Regeneration Act 2008 (company: conversion into registered society) omit subsections (4) to (7).”

***Member's explanatory statement***

*If a registered provider which is a company becomes a registered society the body's registration as registered provider continues. This amendment removes the provisions requiring the regulator to decide whether the registered society is eligible for registration as a registered provider.*

**Before Clause 16**

BARONESS SCOTT OF BYBROOK

8 Before Clause 16, insert the following new Clause –

**“Restructuring of registered societies**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 163 (registered society: restructuring) omit subsections (5) to (8).
- (3) After section 163 insert –

**“163ZA Restructuring of registered societies: registration of successor bodies**

- (1) This section applies where –
  - (a) a registered provider notifies the regulator of a resolution passed by the provider for the purposes of section 109 of the Co-operative and Community Benefit Societies Act 2014 (amalgamation of societies);
  - (b) a registered provider notifies the regulator of a resolution passed by the provider for the purposes of section 112(1)(b) of that Act (amalgamation of society and company);
  - (c) a registered provider notifies the regulator of a resolution passed by the provider for the purposes of section 110 of that Act (transfer of engagements between societies) and the society to which engagements are transferred is not a registered provider;
  - (d) a registered provider notifies the regulator of a resolution passed by the provider for the purposes of section 112(1)(c) of that Act (transfer of engagements between society and company) and the company to which engagements are transferred is not a registered provider.

- (2) When the resolution mentioned in subsection (1) (“the relevant resolution”) takes effect, the regulator must decide whether the successor body is eligible for registration under section 112.
- (3) “The successor body” means –
  - (a) if the relevant resolution is a resolution described in paragraph (a) or (b) of subsection (1), the body created by virtue of that resolution or by virtue of that resolution and other resolutions described in that paragraph, and
  - (b) if the relevant resolution is a resolution described in paragraph (c) or (d) of subsection (1), the body to which engagements are transferred by virtue of the resolution.
- (4) If the successor body is eligible for registration, the regulator must register it and notify it that it has done so.
- (5) If the successor body is not eligible for registration, the regulator must notify it of that fact.
- (6) Pending registration, or notification that it is not eligible for registration, the successor body is to be treated as if it were registered and designated as a non-profit organisation.””

***Member's explanatory statement***

*Where a restructuring of a registered provider which is a registered society results in the creation of a new body or in the transfer of the engagements to a body which is not a registered provider, these amendments provide that the regulator must decide whether or not to register the body and describe how the body should be treated pending that decision.*

**Clause 16**

BARONESS SCOTT OF BYBROOK

- 9 Clause 16, page 14, line 1, leave out “section 163” and insert “section 163ZA (inserted by section (*Restructuring of registered societies*))”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister’s name to insert a new clause before clause 16.*

**Before Clause 19**

BARONESS SCOTT OF BYBROOK

10 Before Clause 19, insert the following new Clause –

**“Standards relating to competence and conduct**

After section 194 of the Housing and Regeneration Act 2008 insert –

**“194ZA Standards relating to competence and conduct**

- (1) The regulator may set standards for registered providers in matters relating to the competence and conduct of individuals involved in the provision of services in connection with the management of social housing.
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about –
  - (a) the knowledge, skills and experience to be required of individuals involved in the provision of services in connection with the management of social housing, and
  - (b) the conduct to be expected of such individuals in their dealings with tenants.””

***Member's explanatory statement***

*This gives the regulator power to set a standard requiring registered providers to ensure that individuals who provide services in connection with the management of social housing have the knowledge, skills and experience to do so and to set out expectations as to how the individuals conduct themselves in relation to tenants. See also the amendment to Schedule 5, page 49, line 32 in the Minister's name.*

**Clause 19**

BARONESS SCOTT OF BYBROOK

11 Clause 19, page 16, line 18, leave out “section 194” and insert “section 194ZA (inserted by section (Standards relating to competence and conduct))”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister's name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*

BARONESS SCOTT OF BYBROOK

12 Clause 19, page 16, line 29, leave out “and 194” and insert “, 194 and 194ZA”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister's name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*

## BARONESS SCOTT OF BYBROOK

13 Clause 19, page 17, leave out lines 1 to 3

*Member's explanatory statement*

*This is consequential on the amendment to Schedule 5, page 49, line 32 in the Minister's name.*

**After Clause 20**

BARONESS HAYMAN  
LORD BOURNE OF ABERYSTWYTH  
LORD FOSTER OF BATH  
LORD WHITTY

14 After Clause 20, insert the following new Clause –

**“Standards relating to energy demand**

- (1) In section 193 of the Housing and Regeneration Act 2008 (standards relating to consumer matters) –
  - (a) in subsection (2), at the end insert –
    - “(k) energy demand.”;
  - (b) after subsection (2) insert –
    - “(2A) In setting standards relating to energy demand, the regulator shall have regard to the Government's strategy on reducing energy demand for social housing properties.”
- (2) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed, publish a strategy on reducing energy demand for social housing properties, to include but not limited to the following –
  - (a) achieving a low-carbon heat target, of 100% of installations of relevant heating appliances and connections to relevant heat networks in social housing properties being low-carbon from 2035;
  - (b) achieving an energy-efficiency target, of all social housing properties attaining a minimum EPC C rating by 2030;
  - (c) interim targets relating to the targets in paragraphs (a) and (b) at not less than three-yearly intervals;
  - (d) a programme to support registered social housing providers in engaging with each other, the regulator and a source of advice provided by the Government to encourage energy demand reduction.
- (3) Before publishing their strategy, the Secretary of State must –
  - (a) consult the Climate Change Committee and its sub-committee on adaptation;
  - (b) publicly consult on the most practical, cost-effective and affordable way of achieving the targets in subsection (2)(a) to (2)(c), and
  - (c) publish an assessment of the long-term impacts of the strategy on tenants of social housing and registered social housing landlords.”

**Clause 21**

BARONESS SCOTT OF BYBROOK

15 Clause 21, page 17, line 21, at end insert—

“(za) to set a standard under section 194ZA,”

***Member's explanatory statement***

*This enables the Secretary of State to direct the regulator to exercise the new power to set standards conferred by the new section 194ZA of the Housing and Regeneration Act 2008 (see the amendment to insert a new clause before clause 19 in the Minister's name).*

BARONESS SCOTT OF BYBROOK

16 Clause 21, page 17, line 24, after “paragraph” insert “(za) or”

***Member's explanatory statement***

*This is linked to the amendment to clause 21, page 17, line 21 in the Minister's name and enables the Secretary of State to direct the regulator about the content of the standards set under the new section 194ZA and to direct the regulator to have regard to specified objectives when setting them.*

**After Clause 22**

LORD BEST  
BARONESS HAYMAN OF ULLOCK  
BARONESS THORNHILL

17 After Clause 22, insert the following new Clause—

**“Inspections**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) For sections 201 (inspections) and 202 (inspections: supplemental) substitute—

**“201 Inspections**

- (1) It is the duty of the regulator to carry out inspections, at such intervals as may be prescribed, of—
  - (a) every registered provider's performance of its functions in relation to the provision of social housing, and
  - (b) the financial or other affairs of every registered provider.
- (2) Following each such inspection under subsection (1), the regulator must—
  - (a) assess the performance of the providers, and
  - (b) publish a report of its assessment.
- (3) Regulations may provide that this section does not apply to specified providers or categories of providers in prescribed circumstances.

- (4) The assessment of a registered provider's performance is to be by reference to such indicators of quality as the Secretary of State may devise or approve.
- (5) The Secretary of State may direct the regulator to devise indicators for the purposes of subsection (4) and submit them to the Secretary of State for approval.
- (6) The regulator must prepare a statement describing the method that it proposes to use in assessing and evaluating the performance of a registered provider under this section, and submit the statement to the Secretary of State for approval.
- (7) Regulations must provide that in conducting an inspection of a registered provider under this section, the regulator must have regard to any views expressed to him or her by certain persons or classes of person which must include tenants of the provider.

## 202 Special inspections and investigations

- (1) The regulator may at any time, where he or she considers it appropriate, conduct a special review or investigation, and must do so if the Secretary of State so requests.
- (2) A special inspection or investigation is an inspection (other than a periodic inspection) of or an investigation into –
  - (a) the exercise of its functions by a registered provider;
  - (b) the financial or other affairs of a registered provider;
  - (c) the standard of accommodation provided by a registered provider;
  - (d) other matters relating to the governance or performance of a registered provider.””

### Clause 23

BARONESS SCOTT OF BYBROOK

18 Clause 23, page 18, line 2, after “194” insert “, 194ZA”

#### *Member's explanatory statement*

*This amendment is consequential on the amendment in the Minister's name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*

### Clause 24

BARONESS SCOTT OF BYBROOK

19 Clause 24, page 19, line 9, leave out from “if” to end of line 14 and insert “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).”



**Member's explanatory statement**

*This provides for occupiers of premises to be given 48 hours' notice of the first exercise of the power to enter to carry out a survey (as opposed to 24 hours). This places occupiers in the same position as registered providers of the premises concerned.*

BARONESS SCOTT OF BYBROOK

- 20 Clause 24, page 19, line 20, leave out “(2)(a) or (b)” and insert “(2)”

**Member's explanatory statement**

*This amendment is consequential on the amendment to clause 24, page 19, line 9 in the Minister's name.*

BARONESS SCOTT OF BYBROOK

- 21 Clause 24, page 19, line 23, leave out “under” and substitute “required by”

**Member's explanatory statement**

*This amendment is consequential on the amendment to clause 24, page 19, line 9 in the Minister's name.*

**After Clause 24**

BARONESS SCOTT OF BYBROOK

- 22 After Clause 24, insert the following new Clause –

**“Inspection plan**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) After section 201 (inspections) insert –

**“201A Inspection plan**

- (1) The regulator must make a plan as regards –
  - (a) the descriptions of registered provider that should be subject to regular inspection under section 201,
  - (b) the intervals at which regular inspections should be carried out under that section, and
  - (c) the circumstances in which registered providers should be subject to inspections under that section other than regular inspections.
- (2) The plan may make different provision for different cases, circumstances or areas.
- (3) The regulator must take appropriate steps to implement the plan.
- (4) The regulator must –
  - (a) keep the plan under review,

- (b) when appropriate, revise or replace the plan, and
  - (c) publish the plan and any revised or replacement plan.”
- (3) In section 215 (use of intervention powers), after subsection (1) insert –
- “(1A) In determining whether the regulator has complied with subsection (1) in relation to its power to arrange for inspections under section 201(1), a plan published under section 201A may be taken into account.””

***Member's explanatory statement***

*This imposes a duty on the regulator to produce, publish and take appropriate steps to implement a plan relating to the carrying out of both regular and one-off inspections of registered providers of social housing. It requires the regulator to keep the plan under review and to update it as appropriate.*

BARONESS HAYMAN OF ULLOCK

23 After Clause 24, insert the following new Clause –

**“Persons engaged in the management of social housing to have relevant professional qualifications**

After section 217 of the Housing and Regeneration Act 2008 (accreditation), insert –

**“217A Professional qualifications and other requirements**

- (1) Regulations may provide that a person may not engage in the management of social housing or in specified work in relation to the provision of social housing unless he or she –
  - (a) has appropriate professional qualifications, or
  - (b) satisfies specified requirements.
- (2) Regulations specifying work for the purpose of subsection (1) may make provision by reference to –
  - (a) one or more specified activities, or
  - (b) the circumstances in which activities are carried out.
- (3) A requirement of regulations under this section may, in particular, relate to –
  - (a) the possession of a specified qualification or experience of a specified kind,
  - (b) participation in or completion of a specified programme or course of training, or
  - (c) compliance with a specified condition.
- (4) Regulations may make provision for any of the following matters (among others) –
  - (a) the establishment and continuance of a regulatory body,
  - (b) keeping a register of social housing practitioners,
  - (c) education and training before and after qualification,
  - (d) standards of conduct and performance,

- (e) discipline and fitness to practise,
- (f) removal or suspension from registration or the imposition of conditions on registration,
- (g) investigation and enforcement by or on behalf of the regulatory body, and appeals.””

***Member's explanatory statement***

*This amendment seeks to create a power for the Secretary of State to require managers of social housing to have appropriate qualifications and expertise.*

**Clause 25**

BARONESS SCOTT OF BYBROOK

- 24** Clause 25, page 21, line 32, after “194” insert “, 194ZA”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister’s name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*

BARONESS SCOTT OF BYBROOK

- 25** Clause 25, page 21, line 35, after “194” insert “, 194ZA”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister’s name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*

**Clause 26**

BARONESS SCOTT OF BYBROOK

- 26** Clause 26, page 25, line 29, leave out from “building” to end of line 31 and insert “and there are occupied dwellings in the building that have use of those common parts, the occupier (or any one of the occupiers) of each of those dwellings,”

***Member's explanatory statement***

*This is to make it clear that notice of entry to carry out works on common parts needs to be given under this provision in respect of dwellings which have use of the common parts only if the dwelling is occupied.*

BARONESS SCOTT OF BYBROOK

- 27** Clause 26, page 25, leave out lines 37 to 41

***Member's explanatory statement***

*This is consequential on the amendment to clause 26, page 26, line 18 in the Minister’s name.*

## BARONESS SCOTT OF BYBROOK

- 28 Clause 26, page 26, line 1, leave out from beginning to “premises” in line 2 and insert “A pre-entry notice required by subsection (2) need only be given once in respect of emergency remedial action in relation to premises, even if an authorised person enters the”

*Member's explanatory statement*

*This is to make it clear that the authorised person who gives the notice need not be the same authorised person who exercises the power to enter.*

## BARONESS SCOTT OF BYBROOK

- 29 Clause 26, page 26, line 18, at end insert –

“(6A) An authorised person may not enter premises in reliance on a pre-entry notice –  
 (a) before the date (or the first date) specified in the notice, or  
 (b) within 24 hours of giving the notice,  
 except where the relevant person in respect of the notice consents.

(6B) In subsection (6A), “the relevant person” in respect of the pre-entry notice means –  
 (a) in the case of a pre-entry notice required by subsection (2)(a) or (b), the occupier (or any one of the occupiers) of the premises or dwelling;  
 (b) in the case of a pre-entry notice required by subsection (2)(c) or (d), the person (or each person) to whom a pre-entry notice is required to be given.”

*Member's explanatory statement*

*This enables persons who are entitled to receive a pre-entry notice to consent to early entry to premises for emergency remedial action to be taken.*

## BARONESS SCOTT OF BYBROOK

- 30 Clause 26, page 29, line 20, after “notice” insert “under section 225C(2)”

*Member's explanatory statement*

*This is to aid the reader by pointing them to the provision under which a pre-entry notice is given.*

**After Clause 28**

## BARONESS HAYMAN OF ULLOCK

- 31 After Clause 28, insert the following new Clause –

**“Tenant Satisfaction Measures**

Within 30 days of this Act being passed, the Secretary of State must introduce a set of tenant satisfaction measures which landlords will be required to report on.”

**Schedule 5**

BARONESS SCOTT OF BYBROOK

32 Schedule 5, page 49, line 19, at end insert—

“(za) in paragraph (a), for “to 198B” substitute “to 198”;

***Member's explanatory statement***

*The amends section 192 of the Housing and Regeneration Act 2008 to reflect the repeal of section 198B by clause 22 of the Bill.*

BARONESS SCOTT OF BYBROOK

33 Schedule 5, page 49, line 25, after “safety” insert “, energy efficiency”

***Member's explanatory statement***

*This is to make it clear that the regulator’s power to set standards extends to setting standards for registered providers as to the energy efficiency of accommodation, facilities and services provided in connection with social housing.*

BARONESS SCOTT OF BYBROOK

34 Schedule 5, page 49, line 30, at end insert—

“(c) omit subsection (3).”

***Member's explanatory statement***

*This is consequential on the amendment to Schedule 5, page 49, line 32 in the Minister’s name.*

BARONESS SCOTT OF BYBROOK

35 Schedule 5, page 49, line 30, at end insert—

“17A In section 194 (standards relating to economic matters), omit subsection (3).”

***Member's explanatory statement***

*This is consequential on the amendment to Schedule 5, page 49, line 32 in the Minister’s name.*

BARONESS SCOTT OF BYBROOK

36 Schedule 5, page 49, line 32, leave out “or safety” and insert “, safety or energy efficiency”

***Member's explanatory statement***

*This is linked to the amendment to Schedule 5, page 49, line 25 in the Minister’s name and is to make it clear that the power of the Secretary of State to direct the regulator about the setting of standards extends to standards relating to the energy efficiency of accommodation.*

## BARONESS SCOTT OF BYBROOK

37 Schedule 5, page 49, line 32, at end insert –

“18A In section 198 (supplemental provisions about standards), after subsection (5) insert –

“(6) In setting standards the regulator must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.””

***Member's explanatory statement***

*This avoids repetition in the Housing and Regeneration Act 2008 by including in one place (section 198) provision which is currently included in sections 193, 194 and the new section inserted by clause 19 of the Bill. There are consequential amendments removing the provision from those sections.*

## BARONESS SCOTT OF BYBROOK

38 Schedule 5, page 50, line 1, at end insert –

“21A In section 216 (consultation), in paragraph (b), at the end insert “of social housing”.”

***Member's explanatory statement***

*This makes clear that the regulator’s duty to consult bodies appearing to represent the interests of tenants before giving guidance about the use of its intervention powers is a duty to consult bodies appearing to represent the interests of tenants of social housing.*

## BARONESS SCOTT OF BYBROOK

39 Schedule 5, page 50, line 1, at end insert –

“21B In section 217 (accreditation) –

- (a) in subsection (4)(b), after “193” insert “or 194ZA”;
- (b) in subsection (6), after “193” insert “or 194ZA”.”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the Minister’s name to insert a new clause before clause 19 inserting a new section 194ZA into the Housing and Regeneration Act 2008.*



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*14 October 2022*

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