

# Social Housing (Regulation) Bill [HL]

---

[AS AMENDED ON REPORT]

## CONTENTS

### *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
- 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 Standards relating to energy demand
- 25 Direction by Secretary of State
- 26 Failure to meet standards: exercise of intervention powers

## 27 Performance monitoring

*Monitoring and enforcement*

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

*Social housing*

- 36 Leaving the social housing stock: end of lease

*Meaning of “subsidiary”*

- 37 Meaning of “subsidiary”

*Appeals*

- 38 Appeals

*Housing ombudsman scheme*

- 39 Housing ombudsman scheme

*General*

- 40 Minor and consequential amendments
- 41 Power to make consequential provision
- 42 Extent
- 43 Commencement
- 44 Short title

- 
- Schedule 1 – Limited liability partnerships
    - Part 1 – Amendments of the Housing and Planning Act 2016
    - Part 2 – Amendments of the Housing and Regeneration Act 2008
  - Schedule 2 – Amendments to restrictions on insolvency procedures
  - Schedule 3 – Regulatory and enforcement powers
  - Schedule 4 – Appeals
  - Schedule 5 – Minor and consequential amendments
    - Part 1 – Housing and Regeneration Act 2008
    - Part 2 – Other Acts

## [AS AMENDED ON REPORT]

A

**B I L L**

TO

Make provision about the regulation of social housing; about the terms of approved schemes for the investigation of housing complaints; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*The Regulator of Social Housing***1 Fundamental objectives**

In section 92K of the Housing and Regeneration Act 2008 (fundamental objectives), in subsection (3)–

- (a) in paragraph (a), after “well-managed” insert “, safe, energy efficient”; 5
- (b) in paragraph (c), omit the final “and”;
- (c) after paragraph (c) insert–
  - “(ca) to ensure that registered providers act in a transparent manner in relation to their tenants of social housing, and”. 10

**2 Advisory panel**

After section 96 of the Housing and Regeneration Act 2008 insert–

**“96A Advisory panel**

- (1) The regulator must establish a panel of persons called “the Advisory Panel”. 15
- (2) The Panel may provide information and advice to the regulator about, or on matters connected with, the regulator’s functions (whether or not it is requested to do so by the regulator).
- (3) The reference in subsection (2) to matters connected with the regulator’s functions includes anything which could have a significant impact on registered providers or the provision of social housing. 20
- (4) The regulator must appoint the following persons to the Panel–

- (a) persons appearing to the regulator to represent the interests of—
    - (i) registered providers;
    - (ii) secured creditors of registered providers;
    - (iii) tenants of social housing; 5
    - (iv) local housing authorities,
  - (b) the Greater London Authority,
  - (c) the HCA, and
  - (d) the Secretary of State.
- (5) The regulator may appoint such other persons to the Panel as it thinks fit to appoint. 10
  - (6) The regulator may make payments to persons who are members of the Panel in respect of any expenses they incur in connection with their appointment to the Panel.
  - (7) The regulator must make arrangements requiring any person who is a member of the Panel to declare any financial or other personal interest relevant to the regulator’s functions.” 15

### 3 Collection of information

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 107 (collection)— 20
  - (a) for subsection (1) substitute—
    - “(1) The regulator, or a person authorised under subsection (4A), may for a purpose connected with the regulator’s functions require a person to provide documents or information which the regulator or person authorised (as the case may be) has reason to believe is or may be in the person’s possession.”; 25
  - (b) omit subsection (2);
  - (c) before subsection (3), insert—
    - “(2A) A requirement under subsection (1) may also require the person to provide an explanation of any document or information required under that subsection.”; 30
  - (d) in subsection (3)—
    - (i) in the opening words, after “requirement” insert “under subsection (1)”; 35
    - (ii) in paragraph (a), for “document or information” substitute “document, information or an explanation”;
  - (e) in subsection (4), for “documents or information” substitute “documents, information or explanations”;
  - (f) after subsection (4) insert—
    - “(4A) The regulator may in writing authorise a person to exercise any of its powers under this section. 40

- (4B) An authorisation—
- (a) must specify the extent to which the person is authorised to exercise the powers, and
  - (b) may provide that the person is to be authorised for a particular period.”; 5
  - (g) in subsection (5), after “requirement” insert “under subsection (1)”;
  - (h) in subsection (6), for “to which a requirement relates” substitute “required under subsection (1)”;
  - (i) after subsection (6) insert—
    - “(6A) Knowingly or recklessly providing the regulator, or a person authorised under subsection (4A), with a document, information or an explanation which is false or misleading in purported compliance with a requirement under subsection (1) is an offence.”; 10
  - (j) in subsection (7), after “requirement” insert “under subsection (1)”. 15
- (3) In section 108 (section 107: supplemental)—
- (a) in subsection (1), after “requirement” insert “under section 107(1)”;
  - (b) for subsection (2) substitute—
    - “(2) A requirement under section 107(1) does not require a banker to breach a duty of confidentiality owed to a person who is not— 20
    - (a) a registered provider,
    - (b) a subsidiary of a registered provider,
    - (c) an associate of a registered provider, or
    - (d) a person who is certified in writing by the regulator as being— 25
    - (i) a person who has applied to be entered in the register of providers of social housing, or
    - (ii) a local authority which the regulator thinks may be, or may become, a provider of social housing.”; 30
  - (c) in subsection (3), omit the words from “not” to the end;
  - (d) in subsection (4)—
    - (i) in the words before paragraph (a), after “107(6)” insert “or (6A)”;
    - (ii) in paragraph (a) omit the words from “not” to the end;
  - (e) in subsection (5), for “or (6)” substitute “, (6) or (6A)”. 35

#### 4 Power to charge fees

- (1) Section 117 of the Housing and Regeneration Act 2008 (fees) is amended as follows. 40
- (2) In subsection (1)(a), after “fee” insert “for dealing with an application”.

- (3) After subsection (1) insert –  
 “(1A) The regulator may make dealing with an application for initial registration conditional upon the payment of the fee.”
- (4) In subsection (2) omit “initial or”.
- (5) After subsection (4) insert – 5  
 “(4A) The amount of a fee payable under this section may be calculated by reference to costs incurred, or likely to be incurred, by the regulator in the performance of any of its functions, including costs unconnected with the fee-payer and costs unconnected with registration or regulation under this Part.” 10
- (6) In subsection (5) –  
 (a) in paragraph (a), for “expenditure on” substitute “the costs incurred in”;  
 (b) omit paragraph (b) (but not the “and” following it);  
 (c) in paragraph (c), for “to which it relates” substitute “incurred, or likely to be incurred, in the performance of the regulator’s functions”. 15

## 5 Relationship between regulator and housing ombudsman

- (1) The Housing and Regeneration Act 2008 is amended as set out in subsections (2) to (5).
- (2) After section 100G insert – 20  
*“Relationship with housing ombudsman*

### 100H Relationship with housing ombudsman

- (1) The regulator and a housing ombudsman must each take such steps as it considers appropriate to co-operate in the exercise of their respective functions. 25
- (2) The regulator and a housing ombudsman must prepare and maintain a memorandum describing how they intend to comply with subsection (1).
- (3) The regulator and a housing ombudsman must ensure that the memorandum between them as currently in force is published in the way appearing to them to be best calculated to bring it to the attention of the public.” 30
- (3) In section 196 (consultation), in subsection (1), after paragraph (ea) insert –  
 “(eb) any housing ombudsman,”.
- (4) In section 197 (direction by Secretary of State), in subsection (4), after paragraph (aa) insert – 35  
 “(ab) any housing ombudsman,”.

- (5) In section 275 (general interpretation), after the entry relating to the HCA insert—

““housing ombudsman” means a housing ombudsman appointed in accordance with a scheme approved under Schedule 2 to the Housing Act 1996,”.

5

- (6) In Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints), in paragraph 3 (approval of scheme etc), in sub-paragraph (1), for the words from “shall be made” to the end substitute—

“(a) may only be made after the applicant has consulted the Regulator of Social Housing,

10

(b) shall be made in such manner as the Secretary of State may determine, and

(c) shall be accompanied by such information as the Secretary of State may require.”

*Registration of providers of social housing*

15

## 6 Meaning of “English body”

In section 79 of the Housing and Regeneration Act 2008 (English bodies), in subsection (1)—

(a) after paragraph (c) insert “and

(f) a limited liability partnership which has its registered office in England.”;

20

(b) omit paragraphs (d) and (e).

## 7 Registration criteria

In section 112 of the Housing and Regeneration Act 2008 (eligibility for voluntary registration), in subsection (3)—

25

(a) in the opening words omit “as to”;

(b) in paragraph (a), at the beginning insert “as to”;

(c) in paragraph (b)—

(i) at the beginning insert “as to”;

(ii) omit “and”;

30

(d) in paragraph (c)—

(i) at the beginning insert “as to”;

(ii) at the end insert “, and

(d) to secure that the body would meet, on registration, standards set by the regulator under sections 193, 194, 194A and 194B.”

35

## 8 Designation

Section 115 of the Housing and Regeneration Act 2008 (profit-making and non-profit organisations) is amended as follows—

- (a) omit subsection (2);
- (b) for subsection (3) substitute— 5
  - “(3) A body is a non-profit organisation if—
    - (a) it is a registered or non-registrable charity and satisfies Conditions 1 and 2, or
    - (b) otherwise, it satisfies Conditions 1 to 3.”;
- (c) in subsection (4)— 10
  - (i) in paragraph (a), omit “or”;
  - (ii) omit paragraph (b);
- (d) after subsection (6) insert—
  - “(6A) The fact that a body is prohibited by its constitution from trading for profit does not, of itself, mean that it is a body which does not trade for profit for the purposes of subsection (4)(a).”;15
- (e) in subsection (8) omit “(2) or”.

## 9 De-registration

In section 118 of the Housing and Regeneration Act 2008 (compulsory de-registration), in subsection (1), after paragraph (a) insert— 20

“(aa) has failed to meet a standard under section 193, 194 or 194B,”.

### *Duties of registered providers*

## 10 Appointment of health and safety lead by registered provider

- (1) The Housing and Regeneration Act 2008 is amended as follows. 25
- (2) Before section 127 (and the heading immediately before it) insert—
  - “*Health and safety lead for registered provider*”

### **126A Designation of health and safety lead**

- (1) A registered provider must designate an individual to carry out the functions in section 126B. 30
- (2) The individual designated under subsection (1) is referred to in this Part as the “health and safety lead” for the registered provider.
- (3) The health and safety lead must be—
  - (a) in the case of a private registered provider—
    - (i) if the provider has at least 15 employees, an employee of the provider; 35
    - (ii) otherwise, an employee or officer of the provider;



- (b) in the case of a local authority which operates executive arrangements and has a leader and cabinet executive (England)—
    - (i) the executive leader,
    - (ii) another member of the executive, or
    - (iii) an employee of the authority;
  - (c) in the case of a local authority which operates executive arrangements and has a mayor and cabinet executive—
    - (i) a member of the executive other than the elected mayor, or
    - (ii) an employee of the authority;
  - (d) in the case of the Common Council of the City of London, an employee of the Common Council;
  - (e) in the case of any other local authority—
    - (i) the chairman or vice-chairman of the authority (if holding a paid office), or
    - (ii) an employee of the authority.
- (4) In this section and section 126B, the following terms have the same meanings as in Part 1A of the Local Government Act 2000 (and see the provisions of that Act mentioned)—
- “elected mayor” (section 9H(1));
  - “executive” (section 9C);
  - “executive arrangements” (section 9B(4));
  - “executive leader” (section 9C(3)(a));
  - “leader and cabinet executive (England)” (section 9C(3));
  - “mayor and cabinet executive” (section 9C(2)).
- (5) For the purposes of subsection (3)(e)(i)—
- (a) the references to the chairman and vice-chairman of an authority are to those persons elected under section 3 or 5 of the Local Government Act 1972 (or in relation to a London borough council are to be read in accordance with section 270(4) of that Act);
  - (b) a chairman or vice-chairman holds a “paid office” if the council pays the person an allowance.
- (6) The Secretary of State may by regulations amend this section to alter who may be the health and safety lead for a registered provider.

### **126B Functions of the health and safety lead**

- (1) The functions of the health and safety lead for a registered provider are to—
- (a) monitor the provider’s compliance with health and safety requirements;
  - (b) assess risks of failure to comply with health and safety requirements;

- (c) notify the responsible body of the provider of—
- (i) risks assessed under paragraph (b) of material failures by the provider to comply with health and safety requirements;
  - (ii) material failures by the provider to comply with health and safety requirements; 5
- (d) provide advice to the responsible body as to how the provider should address risks and failures notified to the responsible body under paragraph (c) for the purpose of ensuring that the provider complies with health and safety requirements. 10
- (2) In this Part, “health and safety requirement”, in relation to a registered provider, means a statutory requirement, so far as it—
- (a) relates to the health or safety of tenants of social housing, and
  - (b) applies to the provider by virtue of being the provider of that social housing (including where it is expressed as applying to a landlord or employer or in some other way). 15
- (3) In this section, “statutory requirement” means a requirement imposed by or by virtue of legislation and includes—
- (a) an obligation under a covenant implied by or under legislation (such as a covenant under section 9A of the Landlord and Tenant Act 1985 (fitness for human habitation of dwellings in England)); 20
  - (b) a requirement imposed—
    - (i) by a notice given under legislation, or 25
    - (ii) by or as a result of other action (such as enforcement action mentioned in section 5(2) or 7(2) of the Housing Act 2004 (housing conditions: category 1 and 2 hazards)) taken under legislation.
- (4) In subsection (3), “legislation” means any provision of or made under— 30
- (a) an Act of Parliament, or
  - (b) a Measure or Act of Senedd Cymru.
- (5) For the purposes of this section, the “responsible body” of a registered provider— 35
- (a) in the case of a local authority which operates executive arrangements, is the executive;
  - (b) in the case of any other local authority, is the councillors;
  - (c) in the case of a private registered provider, has the meaning given by the following table—

<i>Private registered provider</i>	<i>Meaning of “responsible body”</i>
Registered charity which is not a registered company	Its charity trustees within the meaning given by section 177 of the Charities Act 2011

40

<i>Private registered provider</i>	<i>Meaning of “responsible body”</i>
Registered society	Its committee within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014
Registered company	Its directors within the meaning given by section 250 of the Companies Act 2006
Limited liability partnership	Its members

5

10

(See section 126A(4) for the meanings of terms used in paragraph (a).)

### **126C Duties of registered provider in relation to health and safety lead**

- (1) A registered provider must—
- (a) ensure that the health and safety lead—
    - (i) has sufficient authority (including, in particular, authority to obtain information) within the provider’s organisation, and
    - (ii) can devote sufficient time to the functions of the health and safety lead,
 to perform the role of health and safety lead effectively;
  - (b) provide the health and safety lead with the resources needed to carry out those functions.
- (2) A registered provider must, in accordance with requirements published by the regulator—
- (a) notify the regulator of the name and contact details of the health and safety lead, and
  - (b) publish that information.

### **126D Health and safety lead: general**

- (1) Nothing in sections 126A to 126C affects—
- (a) the responsibility of a registered provider for compliance with health and safety requirements, or
  - (b) the liability of the registered provider or of any director, member or other officer or person for a failure to comply with health and safety requirements.
- (2) The health and safety lead is not, by virtue of those sections—
- (a) responsible for the registered provider’s compliance with health and safety requirements, or
  - (b) liable for a failure by the registered provider to comply with health and safety requirements,

(but this does not affect any responsibility or liability which the individual designated under section 126A has otherwise than as health and safety lead).

- (3) A registered provider may nominate an individual to carry out the functions of the health and safety lead if the health and safety lead is unable to act due to absence or illness.” 5
- (3) In section 220 (grounds for giving enforcement notice), at the appropriate place insert—
- “(11B) Case 12 is where—
- (a) the registered provider— 10
- (i) does not have a health and safety lead designated under section 126A, or
- (ii) has failed to meet a requirement under section 126C, or
- (b) the functions of the health and safety lead are not being carried out.” 15
- (4) In section 227 (grounds for imposition of penalty), at the appropriate place insert—
- “(7B) Case 8 is where—
- (a) the registered provider— 20
- (i) does not have a health and safety lead designated under section 126A, or
- (ii) has failed to meet a requirement under section 126C, or
- (b) the functions of the health and safety lead are not being carried out.” 25
- (5) In section 247(1) (management tender), before paragraph (b) insert—
- “(ab) a registered provider—
- (i) does not have a health and safety lead designated under section 126A, or 30
- (ii) has failed to meet a requirement under section 126C(1),
- (ac) the functions of the health and safety lead are not being carried out,”.
- (6) In section 251(1) (appointment of manager of private registered provider), before paragraph (b) insert— 35
- “(ab) a private registered provider—
- (i) does not have a health and safety lead designated under section 126A, or
- (ii) has failed to meet a requirement under section 126C(1),
- (ac) the functions of the health and safety lead are not being carried out.”. 40
- (7) In section 252A(2) (appointment of advisers to local authorities)—

- (a) in paragraph (a), omit the final “or” ;
- (b) after paragraph (b) insert—
  - “(c) that the authority—
    - (i) does not have a health and safety lead designated under section 126A, or 5
    - (ii) has failed to meet a requirement under section 126C(1),
  - (d) that the functions of the health and safety lead are not being carried out”.
- (8) In section 320 (orders and regulations), in subsection (3)(d), for “or 72” 10  
substitute “, 72 or 126A”.

## 11 Electrical safety standards

- (1) Section 122 of the Housing and Planning Act 2016 (electrical safety standards for properties let by private landlords) is amended as follows.
- (2) In the heading, for “properties let by private landlords” substitute “residential 15  
properties let by landlords”.
- (3) In subsection (1)—
  - (a) omit “private”;
  - (b) after “England” insert “to whom this section applies”.
- (4) After subsection (1) insert— 20  
“(1A) This section applies to a landlord who is—
  - (a) a private landlord, or
  - (b) a registered provider of social housing.”

*Registered providers: insolvency, restructuring etc*

## 12 Moratorium on disposal of land

25

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) For section 145 substitute—

### “145 Moratorium

- (1) A moratorium on the disposal of land by a private registered provider begins with the day after the day on which any of the events 30  
mentioned in subsection (2) occur in relation to the provider.
- (2) The events are—
  - (a) a petition is presented under section 124 of the Insolvency Act 1986, by a person other than the Secretary of State, for the winding up of the provider; 35
  - (b) an application is made by the provider under section 105(3) of the Housing and Planning Act 2016 for permission to pass a resolution for voluntary winding up;

- (c) an application is made in accordance with paragraph 12 of Schedule B1 to the Insolvency Act 1986, by a person other than the Secretary of State, for an administration order in respect of the provider;
- (d) the appointment of an administrator of the provider under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986; 5
- (e) notice of intention to enforce a security over property of the provider is given under section 108(2)(a) of the Housing and Planning Act 2016 or the requirement to give such notice is waived under section 108(2)(b) of that Act.” 10
- (3) In section 146 (duration of moratorium) –
- (a) in the heading, for “Duration” substitute “Ending”;
- (b) omit subsection (1);
- (c) in subsection (2), in the words before paragraph (a), after “moratorium” insert “mentioned in section 145”; 15
- (d) in subsection (2A), in paragraph (a), for “day on which the notice mentioned in section 145 is given” substitute “relevant day”;
- (e) after subsection (2A) insert –
- “(2B) The “relevant day” is –
- (a) in the case of an event mentioned in section 145(2)(a), the day on which notice under section 104(2)(a) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 104(2)(b) of that Act; 20
- (b) in the case of an event mentioned in section 145(2)(b), the day on which notice under section 105(4)(a) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 105(4)(b) of that Act; 25
- (c) in the case of an event mentioned in section 145(2)(c), the day on which notice under section 106(3)(a)(i) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 106(3)(a)(ii) of that Act; 30
- (d) in the case of an event mentioned in section 145(2)(d), the day on which notice under section 107(4)(a)(i) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 107(4)(a)(ii) of that Act; 35
- (e) in the case of an event mentioned in section 145(2)(e), the day of that event.”; 40
- (f) in subsection (9), for “a notice mentioned in section 145 is given” substitute “an event mentioned in section 145(2) occurs”.

**13 Limited liability partnerships**

Schedule 1 amends Part 2 of the Housing and Regeneration Act 2008 and Chapter 5 of Part 4 of the Housing and Planning Act 2016 to make provision about limited liability partnerships.

**14 Insolvency of registered providers**

5

Schedule 2 contains amendments to provisions of the Housing and Planning Act 2016 about procedures to be followed on the insolvency of a registered provider.

**15 Notification requirements: expansion to profit-making organisations**

In the Housing and Regeneration Act 2008, in the following provisions omit “non-profit” – 10

- (a) section 160(1) (arrangements and reconstructions);
- (b) section 161(1) (conversion of registered company to registered society);
- (c) section 163(1) (restructuring of registered society);
- (d) section 165(1) (dissolution of registered society); 15
- (e) section 169A (change of rules of registered society);
- (f) section 169C (change of articles of registered company).

**16 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). 20

**17 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 –

**“163A Restructuring of registered societies: registration of successor bodies** 25

- (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); 30
  - (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; 35

- (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. 5
- (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 10
  - (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. 15
- (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. 20
- (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.”

## 18 Receipt of transfers of engagements from a registered society

- (1) The Housing and Regeneration Act 2008 is amended as follows. 25
- (2) After section 161 insert—
- “161A Company: receipt of transfer of engagements from registered society**
- (1) This section applies to a registered provider which is a registered company.
  - (2) The registered provider must notify the regulator if a registered society which is not a registered provider passes a resolution under section 112(1)(c) of the Co-operative and Community Benefit Societies Act 2014 transferring its engagements to the registered provider. 30
  - (3) The Financial Conduct Authority may register the resolution only if the registered society which passed it has confirmed to the Financial Conduct Authority that the regulator has been notified.” 35



(3) After section 163A (inserted by section 17) insert—

**“163B Registered society: receipt of transfer of engagements from another registered society**

- (1) This section applies to a registered provider which is a registered society. 5
- (2) The registered provider must notify the regulator if a registered society which is not a registered provider passes a resolution under section 110(1) of the Co-operative and Community Benefit Societies Act 2014 transferring its engagements to the registered provider.
- (3) The Financial Conduct Authority may register the resolution only if the registered society which passed it has confirmed to the Financial Conduct Authority that the regulator has been notified.” 10

**19 Notification of constitutional changes**

(1) The Housing and Regeneration Act 2008 is amended as follows.

- (2) In section 169A (registered societies: change of rules)— 15
- (a) in the heading, after “rules” insert “etc”;
- (b) after “society’s rules” insert “, name or registered office”.

(3) For section 169B substitute—

**“169B Charity: change to trusts etc**

- (1) The trustees of a registered charity that is a registered provider must notify the regulator of any change to— 20
- (a) the trusts of the charity;
- (b) the purposes of the charity (if not falling within paragraph (a));
- (c) the name of the charity entered in the register of charities;
- (d) any number allocated to the charity by the Charity Commission which appears in the register of charities; 25
- (e) any contact address for the charity which appears in the register of charities.
- (2) But the duty to notify the regulator of changes to the matters mentioned in paragraphs (a) to (c) does not apply to the trustees of a registered charity that is a registered company. 30
- (3) In this section—
- “the register of charities” means the register of charities kept under section 29 of the Charities Act 2011;
- “trusts”, in relation to a charity, has the same meaning as in the Charities Act 2011 (see section 353 of that Act).” 35

- (4) After section 169C insert—

**“169CA Limited liability partnership: change of name etc**

A registered provider that is a limited liability partnership must notify the regulator of any change to its name or registered office.”

**20 Notification of change of control**

5

- (1) The Housing and Regeneration Act 2008 is amended as follows.  
 (2) Before section 169D (and the heading immediately before it) insert—

*“Notification of change of control*

**169CB Application of rules about notification of change of control**

This group of sections does not apply to local authorities.

10

**169CC Change in board members**

- (1) A registered provider must notify the regulator if—
- (a) the board members of the registered provider change (whether as a result of an appointment or removal of a board member or for any other reason), and 15
  - (b) following that change, any of the circumstances described in subsection (2) arise.
- (2) The circumstances are that—
- (a) the number of board members of the provider has increased by more than 50% since the beginning of the relevant period; 20
  - (b) the number of board members of the provider has decreased by more than 50% since the beginning of the relevant period;
  - (c) more than 50% of the board members of the provider are persons who were not board members of the provider at the beginning of the relevant period. 25
- (3) For the purposes of this section, the “board members” of a registered provider are—
- (a) in the case of a registered charity which is not a registered company, its charity trustees within the meaning given by section 177 of the Charities Act 2011; 30
  - (b) in the case of a registered society, the members of its committee within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014;
  - (c) in the case of a registered company, its directors within the meaning given by section 250 of the Companies Act 2006; 35
  - (d) in the case of a limited liability partnership, its members.
- (4) For the purposes of this section, “the relevant period” is—

- (a) the period of 12 months ending with the day on which the change mentioned in subsection (1)(a) takes effect (“the 12 month period”), or
- (b) if the registered provider was not a registered provider throughout the 12 month period, the period –
  - (i) beginning with the day (or, if more than one, the latest day) in the 12 month period on which it became a registered provider, and
  - (ii) ending with the day on which the change mentioned in subsection (1)(a) takes effect.

### **169CD Change in subsidiary status**

A registered provider must notify the regulator each time –

- (a) it becomes a subsidiary of a person, or
- (b) it ceases to be a subsidiary of a person.”

### *Standards*

## **21 Standards relating to competence and conduct**

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

### **“194A 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.”

## **22 Standards relating to information and transparency**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) After section 194A (inserted by section 21) insert –

### **“194B Standards relating to information and transparency**

- (1) The regulator may set standards for registered providers in matters relating to the provision of information to their tenants of social housing and to the regulator.
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about –

- (a) the provision of information to their tenants of social housing concerning the accommodation, facilities or services provided in connection with social housing,
- (b) monitoring their compliance with standards under this section and sections 193, 194 and 194A and informing the regulator if they have failed, or there is a risk they will fail, to meet any of those standards, and 5
- (c) the publication of information about—
- (i) the remuneration of their executives, and
- (ii) their income, management costs and other expenditure. 10
- (3) For the purposes of subsection (2)(c), an “executive”, in relation to a registered provider, means an individual who is both—
- (a) an officer or employee of the registered provider, and
- (b) responsible for the management of the provider.”
- (3) In section 220 (grounds for giving enforcement notice), in subsection (2), for “193 or 194” substitute “193, 194 or 194B”. 15
- (4) In section 227 (grounds for imposition of penalty), in subsection (2), for “193 or 194” substitute “193, 194 or 194B”.
- (5) In section 237 (grounds for award of compensation), in subsection (2), for “193 or 194” substitute “193, 194 or 194B”. 20
- (6) In section 247 (management tender), in subsection (1)(a), for “193 or 194” substitute “193, 194 or 194B”.
- (7) In section 251 (appointment of manager), in subsection (1)(a), for “193 or 194” substitute “193, 194 or 194B”.
- 23 Code of practice: standards relating to consumer matters 25**
- In section 195 of the Housing and Regeneration Act 2008 (code of practice)—
- (a) in subsection (1)(a), omit “under section 194”;
- (b) in subsection (2), omit “under that section”.
- 24 Standards relating to energy demand**
- (1) In section 193 of the Housing and Regeneration Act 2008 (standards relating to consumer matters)— 30
- (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.” 35
- (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; 5
  - (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. 10
- (3) Before publishing their strategy, the Secretary of State must—
- (a) consult the Climate Change Committee and its sub-committee on adaptation; 15
  - (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.

## **25 Direction by Secretary of State** 20

In section 197 of the Housing and Regeneration Act 2008 (direction by Secretary of State), after subsection (2) insert—

- “(2A) The Secretary of State may direct the regulator—
- (a) to set a standard under section 194A,
  - (b) to set a standard under section 194B which relates, in the Secretary of State’s opinion, to the matters in section 194B(2)(a), 25
  - (c) about the content of standards described in paragraph (a) or (b), or
  - (d) to have regard to specified objectives when setting those standards.” 30

## **26 Failure to meet standards: exercise of intervention powers**

Omit sections 198A and 198B of the Housing and Regeneration Act 2008.

## **27 Performance monitoring**

- (1) The Housing and Regeneration Act 2008 is amended as follows.

- (2) Before section 199 (and the heading immediately before it) insert—

*“Performance information*

**198C Directions about performance information**

- (1) The regulator may give directions to registered providers requiring them to collect, process and publish information about their performance in relation to matters covered by standards under sections 193, 194, 194A and 194B. 5
- (2) Directions under subsection (1) may, in particular, specify or describe—
- (a) the information that must be collected,
  - (b) the period the information must cover, 10
  - (c) the method of collecting, processing and presenting information,
  - (d) the form in which information must be presented, and
  - (e) what information must be published and when and the manner of publication.
- (3) A direction— 15
- (a) may make provision that applies generally or only to specified cases, circumstances or registered providers, and
  - (b) may make different provision for different cases, circumstances or registered providers.
- (4) The regulator must make arrangements for bringing a direction to the attention of every registered provider to which it applies. 20
- (5) The regulator may request that a registered provider send to the regulator—
- (a) any information collected by the registered provider pursuant to directions under subsection (1); 25
  - (b) an analysis of that information;
  - (c) an explanation of how the information was collected, processed or published.”
- (3) In section 220 (grounds for giving enforcement notice), at the appropriate place insert— 30
- “(11C) Case 13 is where the registered provider has failed to comply with directions or a request under section 198C.”
- (4) In section 227 (grounds for imposition of penalty), at the appropriate place insert—
- “(7C) Case 9 is where the registered provider has failed to comply with directions or a request under section 198C.” 35

*Monitoring and enforcement***28 Surveys**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 199 (survey)–
  - (a) in subsection (3)– 5
    - (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 – 10

“(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 – 15

**“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 – 20
    - (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 – 25
    - (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. 30
  - (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. 35
  - (7) An authorised person entering premises to carry out a survey may – 40
    - (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 on the premises until the survey has been carried out provided that leaving the equipment or the materials on the premises— 5
- (a) does not significantly impair the ability of an occupier to use the premises, or
  - (b) is necessary for the purpose of carrying out the survey.

### **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. 10
- (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— 15
- (a) entry to the premises has been sought under section 199A but has been refused,
  - (b) the premises are unoccupied or that the occupier is temporarily absent, or 20
  - (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. 25
- (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. 30
- (5) Equipment or materials taken onto premises by virtue of subsection (4) may be left on the premises until the survey is carried out provided that leaving the equipment or the materials on the premises—
- (a) does not significantly impair the ability of an occupier to use the premises, or 35
  - (b) is necessary for the purposes of carrying out the survey.
- (6) A warrant under this section may authorise persons (“accompanying persons”) to accompany the authorised person.
- (7) Accompanying persons— 40
- (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.



- (8) 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). 5
- (9) A warrant under this section continues in force until the survey is carried out.
- (10) 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.” 10
- (4) In section 200 (survey: supplemental)—
- (a) omit subsection (1);
  - (b) omit subsection (3);
  - (c) for subsection (4) substitute— 15
    - “(4) A registered provider, or an officer of a registered provider, commits an offence if the provider or officer obstructs an authorised person—
    - (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.”; 20
  - (d) after subsection (4) insert—
    - “(4A) A person commits an offence if the person obstructs an authorised person— 25
    - (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.” 30

## 29 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— 35
- (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. 40

- (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, 5
  - (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.” 10

### 30 Performance improvement plans

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) After section 218 insert— 15
  - “*Performance improvement plans*

#### 218A Performance improvement plan notice

- (1) The regulator may give a registered provider a notice (a “performance improvement plan notice”) if the regulator is satisfied that—
  - (a) the registered provider has failed to meet a standard under section 193, 194, 194A or 194B, 20
  - (b) there is a risk that, if no action is taken by the regulator or the registered provider, the registered provider will fail to meet a standard under section 193, 194, 194A or 194B,
  - (c) the registered provider has failed to comply with directions or a request under section 198C, 25
  - (d) the interests of the tenants of social housing of the registered provider require protection, or
  - (e) the registered provider has given an undertaking under section 125 and failed to comply with it. 30
- (2) A performance improvement plan notice must—
  - (a) specify on which of the grounds mentioned in subsection (1) it is given,
  - (b) identify the issues which led the regulator to be satisfied of those grounds, 35
  - (c) require the registered provider to prepare and submit to the regulator a plan (a “performance improvement plan”) setting out the action the provider will take to address the issues identified,

- (d) specify the date by which the performance improvement plan must be submitted to the regulator,
  - (e) require the registered provider to publish a performance improvement plan if it is approved by the regulator and specify the manner of such publication, and 5
  - (f) explain the effect of subsections (3) and (4) and sections 218B to 218D.
- (3) The regulator may withdraw a performance improvement plan notice by notice to the registered provider.
- (4) If a registered provider fails to comply with a performance improvement plan notice the regulator must consider exercising another power under this Chapter or Chapter 6. 10

### **218B Performance improvement plans**

- (1) The regulator must—
- (a) approve a performance improvement plan submitted in accordance with section 218A(2)(c) and (d), or 15
  - (b) reject it, giving reasons for doing so.
- (2) A registered provider must implement in full a performance improvement plan that has been approved by the regulator.
- (3) If a performance improvement plan is rejected, the registered provider will be taken to have failed to comply with the performance improvement plan notice. 20
- (4) If a tenant of social housing of a registered provider makes a written request to the provider for a copy of the provider’s performance improvement plan which has been approved by the regulator, the registered provider must provide the tenant with a copy as soon as reasonably practicable. 25

### **218C Cancellation of performance improvement plan**

- (1) The regulator may, by notice to a registered provider, cancel a performance improvement plan which it has approved. 30
- (2) Notice under subsection (1) must specify the date (the “cancellation date”) on which the cancellation takes effect (which may be a date before the notice is given).
- (3) If a performance improvement plan is cancelled in accordance with subsection (1) the duties mentioned in subsection (4) cease to apply (or are treated as having ceased to apply) from the cancellation date. But this does not affect any action taken (or being taken) by the regulator in relation to a breach of such a duty before the cancellation date. 35
- (4) The duties are— 40

- (a) the duty to publish a performance improvement plan which has been approved (see section 218A(2)(e));
- (b) the duty in section 218B(2) (duty to implement a plan);
- (c) the duty in section 218B(4) (duty to provide copy of plan).

## 218D Appeals

5

- (1) A registered provider may appeal to the High Court against a decision of the regulator to give the provider a performance improvement plan notice.
- (2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the notice. 10
- (3) The requirement to prepare and submit a performance improvement plan is suspended during the appeal period.
- (4) The “appeal period” means—
  - (a) where an appeal is brought, the period beginning with the day on which the performance improvement plan notice is given and ending with the day on which the appeal is finally determined or withdrawn, and 15
  - (b) otherwise, the period during which an appeal could be brought.
- (5) But where a performance improvement plan has been approved under section 218B an appeal under this section does not suspend— 20
  - (a) the duty to publish a performance improvement plan which has been approved (see section 218A(2)(e));
  - (b) the duty in section 218B(2) (duty to implement a plan);
  - (c) the duty in section 218B(4) (duty to provide copy of plan).” 25
- (3) In section 220 (grounds for giving enforcement notice), before subsection (12) (but after the subsection (11C) inserted by section 27) insert—
  - “(11D) Case 14 is where the registered provider has failed to comply with a performance improvement plan notice.
  - (11E) Case 15 is where the registered provider has a performance improvement plan which has been approved by the regulator and has failed to implement it in full.” 30
- (4) In section 227 (grounds for imposition of a penalty), before subsection (8) (but after the subsection (7C) inserted by section 27) insert—
  - “(7D) Case 10 is where the registered provider has failed to comply with a performance improvement plan notice. 35
  - (7E) Case 11 is where the registered provider has failed to comply with the duty in section 218B(4) (duty to provide copy of performance improvement plan).”

- (5) In section 237 (grounds for award of compensation) at the end insert –
- “(5) Case 4 is where the registered provider has failed to comply with a performance improvement plan notice.
- (6) Case 5 is where the registered provider has failed to comply with the duty in section 218B(4) (duty to provide copy of performance improvement plan).” 5
- (6) In section 247 (management tender), in subsection (1), after paragraph (b) insert “, or
- (c) a registered provider has failed to comply with a performance improvement plan notice.” 10
- (7) In section 251 (appointment of manager), in subsection (1), after paragraph (b) insert “, or
- (c) a registered provider has failed to comply with a performance improvement plan notice.”
- (8) In section 252A (appointment of advisers to local authority), in subsection (2), at the end of paragraph (e) (inserted by paragraph 10 of Schedule 3) insert “, or 15
- (f) that the authority has failed to comply with a performance improvement plan notice.”
- 31 Emergency remedial action** 20
- After section 225 of the Housing and Regeneration Act 2008 insert –
- “Emergency remedial action*
- 225A Overview**
- This group of sections gives the regulator power to authorise persons to enter premises to take specified action to remedy specified failures on the part of registered providers. 25
- 225B Power to take emergency remedial action**
- (1) If the conditions in subsections (2) to (4) are met, the regulator may arrange for an authorised person to take emergency remedial action in respect of premises. 30
- (2) Condition 1 is that a survey of the condition of the premises has been carried out under section 199.
- (3) Condition 2 is that the regulator is satisfied that –
- (a) the registered provider has failed to maintain the premises in accordance with standards under section 193, and 35
- (b) that failure has caused an imminent risk of serious harm to the health or safety of the occupiers of those or other premises.

- (4) Condition 3 is that the registered provider has failed to comply with an enforcement notice requiring it to take action to address the failure mentioned in subsection (3)(a).
- (5) In this section and in sections 225C to 225G, “emergency remedial action”, in relation to premises, is carrying out such works to the premises as the authorised person considers immediately necessary to remove the imminent risk of serious harm mentioned in subsection (3)(b). 5
- (6) In this section and in sections 225C to 225G, “authorised person” means a member of the regulator’s staff, or another person, authorised in writing by the regulator for the purposes of the section concerned. 10
- (7) Arrangements for a person other than a member of the regulator’s staff to take emergency remedial action may include provision about payments.
- 225C Emergency remedial action: power to enter without warrant** 15
- (1) An authorised person may enter premises at any reasonable time, or times, to take emergency remedial action.
- (2) The power in subsection (1) may only be exercised if an authorised person has given a pre-entry notice to—
- (a) if the premises are occupied, the occupier (or any one of the occupiers), 20
  - (b) if the premises include common parts of a building 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, 25
  - (c) the registered provider whose failure to maintain the premises has caused the imminent risk of serious harm, and
  - (d) each person registered in the register kept under section 1 of the Land Registration Act 2002 as the proprietor of a registered estate (within the meaning of that Act) in the premises. 30
- (3) 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 premises on more than one occasion in order to take the emergency remedial action.
- (4) A “pre-entry notice” is a notice which— 35
- (a) identifies the premises to be entered;
  - (b) identifies the failure to maintain the premises which has caused the imminent risk of serious harm;
  - (c) states that a person authorised by the regulator intends to enter the premises; 40
  - (d) specifies the date (or the first date) that the authorised person proposes to enter the premises to take emergency remedial action;

- (e) specifies the power under this section as the power under which the authorised person intends to enter the premises;
  - (f) explains the effect of section 225H.
- (5) A pre-entry notice may state that, if entry to the premises were to be refused, an authorised person would propose to apply for a warrant under section 225E. 5
- (6) 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, 10
- except where the relevant person in respect of the notice consents.
- (7) In subsection (6), “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; 15
  - (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.
- (8) 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. 20

#### **225D Power under section 225C: supplementary**

- (1) A pre-entry notice required by section 225C(2)(a) or (b) may be given by fixing it to some conspicuous part of the premises. 25
- (2) A pre-entry notice required by section 225C(2)(d) may be given by sending it to an address supplied for the purpose of service of notice under the Land Registration Act 2002 (see paragraph 5 of Schedule 10 to that Act). 30
- (3) An authorised person who under section 225C has entered, or who is seeking to enter, premises to take emergency remedial action must produce a copy of the authorisation mentioned in 225B(6) on request by an occupier.
- (4) An authorised person entering premises to take emergency remedial action may— 35
- (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 taking the emergency remedial action. 40
- (5) Equipment or material taken onto premises by virtue of subsection (4)(b) may be left on the premises until the emergency remedial action

has been taken provided that leaving the equipment or the materials on the premises –

- (a) does not significantly impair the ability of an occupier to use the premises, or
- (b) is necessary for the purposes of taking the emergency remedial action.

5

## **225E Emergency remedial action: 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 take emergency remedial action under section 225B.

10

(2) The justice may issue a warrant authorising the authorised person who is named in it to enter the premises to take emergency remedial action where the justice is satisfied that –

- (a) entry to the premises has been sought under section 225C but has been refused,
- (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.

15

20

(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 taking the emergency remedial action.

25

(5) Equipment or materials taken onto premises by virtue of subsection (4) may be left on the premises until the emergency remedial action has been taken provided that leaving the equipment or the materials on the premises –

30

- (a) does not significantly impair the ability of an occupier to use the premises, or
- (b) is necessary for the purposes of taking the emergency remedial action.

35

(6) A warrant under this section may authorise persons (“accompanying persons”) to accompany the authorised person.

(7) 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.

40



- (8) 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 225B(6). 5
- (9) A warrant under this section continues in force until the emergency remedial action has been taken.
- (10) 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. 10

### 225F Offences

- (1) A registered provider, or an officer of a registered provider, commits an offence if the provider or officer obstructs an authorised person—
- (a) in exercising a power under section 225C or 225D, or 15
  - (b) in exercising a power under section 225B, where the authorised person has entered the premises to take emergency remedial action under the power in section 225C.
- (2) A person commits an offence if the person obstructs an authorised person— 20
- (a) in exercising a power conferred by a warrant under section 225E, or
  - (b) in exercising a power under section 225B, where the authorised person has entered the premises to take emergency remedial action under a warrant under section 225E. 25
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) Proceedings for an offence under this section may be brought only by or with the consent of—
- (a) the regulator, or 30
  - (b) the Director of Public Prosecutions.

### 225G Reclaiming expenses

- (1) Where the regulator makes arrangements under section 225B, the regulator may by notice require the registered provider concerned to pay to the regulator— 35
- (a) such relevant expenses as are specified in the notice;
  - (b) interest on those expenses (see subsection (4)).
- (2) “Relevant expenses” are—
- (a) expenses reasonably incurred by the regulator—
  - (i) in deciding whether to make arrangements under 40
  - section 225B;

- (ii) in making those arrangements;
    - (iii) in the authorised person taking emergency remedial action;
  - (b) any costs reasonably incurred by the regulator related to the action in paragraph (a)(iii). 5
- (3) Sums mentioned in subsection (1)(a) are payable at the end of the period of 28 days beginning with the day on which the notice is given.
- (4) Interest may be charged on any sums not paid by the end of the period mentioned in subsection (3) at such reasonable rate as the regulator may determine. 10

### 225H Appeals

- (1) A registered provider may appeal to the High Court against—
  - (a) a decision of the regulator to make arrangements under section 225B(1);
  - (b) a decision of the regulator to give a notice under section 225G(1). 15
- (2) An appeal under subsection (1)(a) must be brought within the period of 28 days beginning—
  - (a) with the day on which the registered provider is given the pre-entry notice under section 225C(2), or 20
  - (b) with the day on which the premises were first entered under a warrant obtained under section 225E on the grounds in subsection (2)(b) or (c) of that section.
- (3) An appeal under subsection (1)(b) must be brought within the period of 28 days beginning with the day on which the registered provider is given the notice under section 225G(1). 25
- (4) No question may be raised on an appeal under subsection (1)(b) which might have been raised on an appeal under subsection (1)(a).
- (5) Where an appeal under subsection (1)(b) is brought—
  - (a) the requirement to pay the sums described in section 225G(1)(a) is suspended during the period beginning with the day on which the notice under section 225G(1) is given and ending with the day on which the appeal is finally determined or withdrawn, and 30
  - (b) no interest is payable by virtue of section 225G(1)(b) in respect of that period.” 35

### 32 Extension of powers to charities who have not received public assistance

In the Housing and Regeneration Act 2008 omit—

- (a) section 209(1) (inquiries);
- (b) section 256(7) (orders restricting dealings during inquiry); 40
- (c) section 257(5) (orders restricting dealings following inquiry);

- (d) section 259(5) (orders suspending officers etc during inquiry);
- (e) section 260(4) (orders removing or suspending officers etc following inquiry);
- (f) section 267(2) (orders removing officers);
- (g) section 269(6)(a), including the final “and” (orders appointing new officers). 5

### 33 Notification of Charity Commission of exercise of enforcement powers

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 256 (restrictions on dealings during inquiry), after subsection (6) insert— 10
  - “(6A) If the registered provider is a registered charity, the regulator must notify the Charity Commission if it makes an order under this section.”
- (3) In section 257 (restrictions on dealings following inquiry), after subsection (4) insert—
  - “(4A) If the registered provider is a registered charity, the regulator must notify the Charity Commission if it makes an order under this section.” 15
- (4) In section 267 (supplemental provision about removal of officers), after subsection (1A) (inserted by paragraph 17 of Schedule 4) insert—
  - “(1B) The regulator must notify the Charity Commission if it makes an order removing an officer of a registered charity.” 20
- (5) In section 269 (appointment of new officers), in subsection (6)(b), for “consulted the Charity Commission” substitute “notified the Charity Commission of its intention to do so”.

### 34 Exercise of powers: land with a Crown or Duchy interest

Before section 277 of the Housing and Regeneration Act 2008 (but after the heading before that section) insert— 25

#### “276A Exercise of powers: land with a Crown or Duchy interest

- (1) The powers in Chapters 6 and 7 are exercisable in relation to premises which are on land in which there is a Crown interest or a Duchy interest. 30
- (2) A “Crown interest” means—
  - (a) an interest belonging to His Majesty in right of the Crown, or
  - (b) an interest belonging to a government department or held in trust for His Majesty for the purposes of a government department. 35
- (3) A “Duchy interest” means an interest belonging to His Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.”

**35 Regulatory and enforcement powers: further amendments**

Schedule 3 makes further amendments to the regulatory and enforcement powers of the Regulator of Social Housing.

*Social housing***36 Leaving the social housing stock: end of lease**

5

(1) In section 74 of the Housing and Regeneration Act 2008 (leaving the social housing stock: ending of lease) –

(a) in the heading, for “expired” substitute “ending of”;

(b) in subsection (1)(b), for “expires” substitute “determines (whether by effluxion of time or in any other way)”;

10

(c) for subsection (2) substitute –

“(2) But subsection (1) does not apply if, immediately before the leasehold interest determines, the lessor was –

(a) an associate or subsidiary of the provider, or

(b) a registered provider.”

15

(2) The amendments in subsection (1) apply in relation to leases granted on or after 10 June 2022.

*Meaning of “subsidiary”***37 Meaning of “subsidiary”**

(1) In section 271 of the Housing and Regeneration Act 2008 (meaning of subsidiary and associate), for subsections (1) to (5) substitute –

20

“(1) A person (“A”) is a subsidiary of another person (“B”) if –

(a) A is a subsidiary undertaking in relation to B for the purposes of the Companies Acts (see section 1162 of, and Schedule 7 to, the Companies Act 2006), or

25

(b) A would be a subsidiary undertaking in relation to B for those purposes if “undertaking” were defined for those purposes to mean any person.”

(2) For the purposes of section 74 of the Housing and Regeneration Act 2008, the amendment in subsection (1) applies in relation to leases granted on or after 10 June 2022.

30

*Appeals***38 Appeals**

Schedule 4 makes provision about appeals under the Housing and Regeneration Act 2008.

35

*Housing ombudsman scheme***39 Housing ombudsman scheme**

- (1) Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints) is amended as follows.
- (2) In paragraph 2, in sub-paragraph (1), after item 11 insert – 5
- “11A A power of the housing ombudsman to issue a code of practice about the procedures members of the scheme should have in place for considering complaints against them.
- 11B A duty of the housing ombudsman to consult – 10
- (a) the Regulator of Social Housing;
- (b) members of the scheme, and
- (c) individuals who may make complaints under the scheme, before issuing, revising or replacing any such code.
- 11C A duty of the housing ombudsman to monitor compliance with a code of practice described in item 11A that it has issued.” 15
- (3) In paragraph 2, in sub-paragraph (1), in item 15, for “expenses of the scheme” substitute “costs of the person administering the scheme and the scheme’s housing ombudsman”.
- (4) In paragraph 7, after sub-paragraph (2) insert –
- “(2A) Sub-paragraph (2B) applies where during an investigation of a complaint against a member of the scheme, a housing ombudsman identifies that the member’s policies or practices in relation to a matter may give rise to further complaints about that matter. 20
- (2B) The housing ombudsman may, in the ombudsman’s determination of the complaint, order the member to review their policy or practice on that matter.” 25
- (5) In paragraph 11 –
- (a) after sub-paragraph (1) insert –
- “(1ZA) The amount of a subscription payable by a member may be calculated by reference to costs incurred, or likely to be incurred, by the person administering the scheme and the scheme’s housing ombudsman in carrying out any of their functions, including costs unconnected with the member and costs unconnected with the operation of the scheme.”; 30
- (b) in sub-paragraph (1B), for “expenses”, in both places, substitute “costs”; 35
- (c) in sub-paragraph (1C) –
- (i) for “expenses”, in the first place it occurs, substitute “costs”;
- (ii) for “expenses of the scheme” substitute “costs”.

*General*

**40 Minor and consequential amendments**

Schedule 5 contains minor and consequential amendments.

**41 Power to make consequential provision**

- (1) The Secretary of State may by regulations make provision that is consequential on this Act. 5
- (2) Regulations under this section may amend, repeal or revoke provision made by or under an Act passed –
- (a) before this Act, or
- (b) later in the same session of Parliament as this Act. 10
- (3) Regulations under this section –
- (a) are to be made by statutory instrument;
- (b) may include different provision for different purposes.
- (4) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by an Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 15
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 20

**42 Extent**

- (1) This Act extends to England and Wales only, subject to subsections (2) and (3).
- (2) Section 41, this section and sections 43 and 44 extend to England and Wales, Scotland and Northern Ireland. 25
- (3) An amendment or repeal has the same extent as the provision amended or repealed.

**43 Commencement**

- (1) The following come into force on the day this Act is passed –
- (a) section 11; 30
- (b) sections 41 and 42;
- (c) this section;
- (d) section 44.
- (2) Section 39 comes into force at the end of the period of two months beginning with the day on which this Act is passed. 35

- 
- (3) The other provisions of this Act come into force on such day or days as the Secretary of State may by regulations appoint.
  - (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
  - (5) The power to make regulations under subsection (4) includes power to make different provision for different purposes. 5
  - (6) Regulations under this section are to be made by statutory instrument.

**44 Short title**

This Act may be cited as the Social Housing (Regulation) Act 2022.

## SCHEDULES

### SCHEDULE 1

Section 13

#### LIMITED LIABILITY PARTNERSHIPS

#### PART 1

#### AMENDMENTS OF THE HOUSING AND PLANNING ACT 2016

5

#### *Introductory*

- 1 The Housing and Planning Act 2016 is amended as set out in paragraphs 2 to 9.

#### *Extension of housing administration regime*

- 2 In section 95 (housing administration orders), in subsection (1), after paragraph (a)(i) insert –

“(ia) a limited liability partnership.”

- 3 In section 100 (powers of court: meaning of “relevant officer”), in subsection (7), after paragraph (a) insert –

“(aa) in relation to a limited liability partnership, means a member of the partnership.”

#### *Restrictions on insolvency procedures*

- 4 In section 102 (power to make regulations applying etc insolvency legislation), in subsections (2) and (3), after “relation to” insert “a limited liability partnership.”

- 5 In section 104 (winding-up orders), after subsection (1)(a) insert –

“(aa) a limited liability partnership.”

- 6 In section 105 (voluntary winding up), in subsection (1), after paragraph (a), insert –

“(aa) a limited liability partnership.”

- 7 In section 106 (ordinary administration orders) –

(a) in subsection (1), in paragraph (a), omit the final “or”;

(b) after that paragraph insert –

“(aa) a limited liability partnership, or”.

- 8 In section 107 (administrator appointments by creditors) –

(a) in subsection (1), in paragraph (a), omit the final “or”;

30



- (b) after that paragraph insert—  
“(aa) a limited liability partnership, or”.

*Interpretation*

- 9 In section 116 (interpretation of Chapter 5 of Part 2)—
- (a) in subsection (1), in the definition of “the court”, after “company”, in each place it occurs, insert “, limited liability partnership”; 5
- (b) in subsection (7), after paragraph (a) insert—
- “(aa) in relation to a limited liability partnership, are to that provision as it applies to limited liability partnerships otherwise than by virtue of regulations under section 102 (if at all),”.
- 10

**PART 2**

AMENDMENTS OF THE HOUSING AND REGENERATION ACT 2008

*Introductory*

- 10 The Housing and Regeneration Act 2008 is amended as set out in paragraphs 11 to 20. 15

*Notice of registration or de-registration*

- 11 In section 120 (notice), in subsection (1)(c), after “charity” insert “or a limited liability partnership”.

*Accounts*

- 12 (1) Section 129 (companies exempt from audit) is amended as follows. 20
- (2) In the heading, after “companies” insert “or limited liability partnerships”.
- (3) In subsection (1)(a), after “charity” insert “or is a limited liability partnership”.
- (4) In subsection (2)— 25
- (a) after “directors of the company” insert “or members of the limited liability partnership”;
- (b) for “company’s”, in both places, substitute “registered provider’s”;
- (c) for “which the company” substitute “which the registered provider”.
- (5) In subsection (3), for “has the same meaning as in” substitute “means accounts prepared in accordance with”. 30
- 13 (1) Section 130 (exempt companies: accountant’s report) is amended as follows.
- (2) In the heading, after “companies” insert “or limited liability partnerships”.
- (3) In subsection (2), for “company’s” substitute “registered provider’s”.

- (4) In subsection (3)(b), for “company” substitute “registered provider”.
- (5) For subsection (6) substitute—
- “(6) In this section and sections 131 and 132—
- “firm” means any entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association; 5
- “body corporate” includes a body incorporated outside the United Kingdom.”
- 14 In section 131 (exempt companies: reporting accountant)— 10
- (a) in the heading, after “companies” insert “or limited liability partnerships”;
- (b) in subsection (1), for “company”, in both places, substitute “registered provider”.
- 15 (1) Section 132 (application of Companies Act) is amended as follows. 15
- (2) In subsection (1)—
- (a) for “company” substitute “registered provider”;
- (b) for “company’s” substitute “registered provider’s”.
- (3) In subsection (2)(e)—
- (a) for “454(4)(b)” substitute “454”; 20
- (b) for the words from “provision” to the end substitute “section (revised accounts and reports),”.
- 16 In section 133 (exempt companies: extraordinary audit)—
- (a) in the heading, after “companies” insert “or limited liability partnerships”; 25
- (b) in subsections (1), (2) and (4), for “company”, in each place, substitute “registered provider”.
- 17 In section 141 (offences), in subsection (6), omit the words from “not” to the end.
- Moratorium on disposal of land* 30
- 18 In section 154 (implementation of regulator’s proposals), in subsection (2), after paragraph (aa) insert—
- “(ab) in the case of a limited liability partnership, its members,”.
- Arrangements and reconstructions*
- 19 In section 160 (arrangements and reconstructions)— 35
- (a) in the heading, after “company” insert “and limited liability partnership”;
- (b) in subsection (1), after “company” insert “or a limited liability partnership”.

Meaning of “officer”

- 20 In section 270 (meaning of “officer” of a private registered provider), in the Table, after the entry relating to “Registered company” insert –

“Limited liability partnership	A member of the limited liability partnership”.
--------------------------------	---

5

SCHEDULE 2

Section 14

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 –

“(2A) A notice under subsection (2) must – 10

- (a) be given in writing, and signed, by the petitioner,
- (b) specify the date the petition was presented,
- (c) contain a copy of the petition, and
- (d) explain why the petition has been presented.

(2B) Subsection (2C) applies if a person gives a notice purporting to be a notice under subsection (2) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (2A). 15

(2C) The Regulator of Social Housing may, by notice in writing to the petitioner, treat the purported notice as notice given under subsection (2)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).” 20

- 3 In section 105 (voluntary winding up), after subsection (4) insert –

“(4A) A notice under subsection (4) must – 25

- (a) be given in writing, and signed, by the registered provider,
- (b) specify the date the application was made,
- (c) contain a copy of the application, and
- (d) explain why the application has been made.

(4B) Subsection (4C) applies if a person gives a notice purporting to be a notice under subsection (4) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (4A). 30

(4C) The Regulator of Social Housing may, by notice in writing to the registered provider, treat the purported notice as notice given under subsection (4)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).” 35

- 4 In section 106 (ordinary administration orders), after subsection (3) insert—
- “(3A) A notice under subsection (3) must—
- (a) be given in writing, and signed, by the person who made the ordinary administration application,
  - (b) specify the date the application was made, 5
  - (c) contain a copy of the application, and
  - (d) explain why the application has been made.
- (3B) Subsection (3C) applies if a person gives a notice purporting to be a notice under subsection (3) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (3A). 10
- (3C) The Regulator of Social Housing may, by notice in writing to the person who made the ordinary administration application, treat the purported notice as notice given under subsection (3)(a)(i) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).” 15
- 5 In section 107 (appointment of administrator)—
- (a) in the heading, after “creditors” insert “etc”;
  - (b) in subsection (4)(a)(i) omit the words from “, accompanied” to “1986”; 20
  - (c) after subsection (4) insert—
- “(4A) A notice under subsection (4) must—
- (a) be given in writing, and signed, by the person making the appointment,
  - (b) specify the date the appointment was made, 25
  - (c) contain copies of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the Insolvency Act 1986, and
  - (d) explain the reason for the appointment. 30
- (4B) Subsection (4C) applies if a person gives a notice purporting to be a notice under subsection (4) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (4A).
- (4C) The Regulator of Social Housing may, by notice in writing to the person making the appointment, treat the purported notice as notice given under subsection (4)(a)(i) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).” 35
- (d) in subsection (5) omit “(and a copy of the accompanying documents)”. 40
- 6 In section 108 (enforcement of security)—

- (a) in subsection (1), omit the words from “that” to the end;
- (b) after subsection (2) insert –
  - “(2A) A notice under subsection (2) must –
    - (a) be given in writing, and signed, by the person intending to enforce the security, and 5
    - (b) explain why the person intends to enforce the security.
  - (2B) Subsection (2C) applies if a person gives a notice purporting to be a notice under subsection (2) but which does not meet the requirement of paragraph (b) of subsection (2A). 10
  - (2C) The Regulator of Social Housing may, by notice in writing to the person intending to enforce the security, treat the purported notice as notice given under subsection (2)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”; 15
- (c) omit subsection (3);
- (d) before subsection (4) insert –
  - “(3A) In the case of a registered provider that is a charity registered under the Charities Act 2011 which is not a body corporate, the reference to the property of the registered provider is to the property held on the trusts of the charity (and for this purpose “trusts” has the same meaning as in the Charities Act 2011, see section 353 of that Act).” 20

### SCHEDULE 3

Section 35

#### REGULATORY AND ENFORCEMENT POWERS 25

- 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 –
    - “(1) The regulator may hold an inquiry into the affairs of a registered provider if the regulator suspects that – 30
      - (a) the affairs of the registered provider may have been mismanaged,
      - (b) the registered provider has failed to meet a standard under section 193, 194 or 194B, or 35
      - (c) there is a risk that, if no action is taken by the regulator or the registered provider, the registered provider will fail to meet a standard under section 193, 194 or 194B.”;

- (b) in subsection (4)(a), for “, employees or consultants” substitute “or employees”;
- (c) omit subsection (5).
- 4 In section 226 (overview of provisions on penalties) omit “private”.
- 5 In section 227 (grounds for imposition of penalty), in subsection (1), omit “private”. 5
- 6 In section 229 (amount of penalty) –
- (a) in subsection (2), after “penalty” insert “that may be”;
- (b) in that subsection, for “may not exceed £5,000” substitute “is unlimited”; 10
- (c) omit subsection (3).
- 7 In section 249 (management transfer), in subsection (1) –
- (a) in paragraph (a), omit “or”;
- (b) at the end of paragraph (b) insert “, or
- (c) the registered provider has failed to meet a standard under section 193, 194 or 194B.” 15
- 8 In section 251 (appointment of manager of a private registered provider), in subsection (2), in both places, omit “an individual as”.
- 9 In section 252 (supplementary provisions about appointment of manager) –
- (a) for subsection (2) substitute – 20
- “(2) The registered provider may make representations to the regulator about the notice within the period of 5 days beginning with the day on which the provider receives the notice.”;
- (b) after subsection (2) insert – 25
- “(2A) Unless the registered provider consents, the regulator may not take action under section 251(2) before the expiry of the period within which the provider may make representations.”;
- (c) omit subsection (3). 30
- 10 In section 252A (appointment of advisers to local authorities), in subsection (2) –
- (a) in the words before paragraph (a), for “thinks” substitute “is satisfied”;
- (b) at the end of paragraph (d) (inserted by section 10) insert – 35
- “(e) that the authority has failed to meet a standard under section 193, 194 or 194B,”.
- 11 In section 253 (transfer of land by private registered provider), in subsection (1) –
- (a) in paragraph (a), omit “or”; 40

- (b) at the end of paragraph (b) insert “, or
  - (c) the registered provider has failed to meet a standard under section 193, 194 or 194B.”
- 12 In section 255 (amalgamation), in subsection (1) –
  - (a) in paragraph (a), omit “or”; 5
  - (b) at the end of paragraph (b) insert “, or
  - (c) the registered provider has failed to meet a standard under section 193, 194 or 194B.”
- 13 In section 256 (restrictions on dealings during inquiry) –
  - (a) in subsection (1)(a), for “non-profit” substitute “private”; 10
  - (b) in subsection (3), for the words from “that” to the end substitute “that –
    - (a) the affairs of the registered provider have been mismanaged, or
    - (b) the registered provider has failed to meet a standard under section 194.” 15
- 14 In section 257 (restrictions on dealings following inquiry), in subsection (1), for the words from “that” to the end substitute “that –
  - (a) the affairs of a private registered provider have been mismanaged, or 20
  - (b) a private registered provider has failed to meet a standard under section 194.”
- 15 In section 259 (suspension of officer etc during inquiry) –
  - (a) in subsection (1)(a), for “non-profit” substitute “private”;
  - (b) in subsection (1)(b), for “either” substitute “any”; 25
  - (c) in subsection (3), for the words from “that” to the end substitute “that –
    - (a) the affairs of the registered provider have been mismanaged, or
    - (b) the registered provider has failed to meet a standard under section 193, 194 or 194B.”; 30
  - (d) after subsection (3) insert –
    - “(3A) Case 3 applies if the regulator is satisfied that an officer, employee or agent of the registered provider is obstructing, or failing to co-operate with, the inquiry.”; 35
  - (e) for subsection (4) substitute –
    - “(4) The regulator may by order –
      - (a) where Case 1 or Case 2 applies, suspend any officer, employee or agent of the registered provider who it thinks has contributed to the mismanagement or failure, or 40

- (b) where Case 3 applies, suspend the officer, employee or agent who it thinks is obstructing, or failing to co-operate with, the inquiry.”
- 16 In section 260 (removal or suspension of officer etc following inquiry) –
- (a) in subsection (1), for the words from “that” to the end substitute “that – 5
- (a) the affairs of a private registered provider have been mismanaged, or
- (b) a private registered provider has failed to meet a standard under section 193, 194 or 194B.”; 10
- (b) in subsection (2), for the words from “who” to the end substitute “who –
- (a) it thinks has contributed to the mismanagement or failure, or
- (b) it thinks obstructed, or failed to co-operate with, the inquiry under section 206.” 15
- 17 In section 266 (removal of officers) –
- (a) in subsection (1), for “non-profit” substitute “private”;
- (b) after subsection (8) insert –
- “(9) Case 8 applies to a person who is obstructing the regulator, or failing to co-operate with the regulator, in the performance of the regulator’s functions under this Part.” 20
- 18 In section 269 (appointment of new officers) –
- (a) in subsection (1), for “non-profit” substitute “private”;
- (b) in subsection (1)(b), omit “or”; 25
- (c) after subsection (1)(b) insert –
- “(ba) in the case of a registered provider which is a registered charity, registered society or registered company, if none of the officers is a board member,
- (bb) if the regulator is satisfied that the registered provider has failed to meet a standard under section 193, 194 or 194B, or”; 30
- (d) after subsection (1) insert –
- “(1A) In subsection (1)(ba), “board member” means –
- (a) in the case of a registered charity which is not a registered company, a charity trustee within the meaning given by section 177 of the Charities Act 2011; 35
- (b) in the case of a registered society, a member of its committee within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014; 40



- (c) in the case of a registered company, a director within the meaning given by section 250 of the Companies Act 2006.”;
- (e) in subsection (4)(a)–
- (i) leave out “on expiry”; 5
- (ii) after “appointment” insert “(on any number of occasions)”.
- 19 In section 269A (local authorities: censure during or following inquiry)–
- (a) in subsection (3), for the words from “that” to the end substitute “that–
- (a) the affairs of the authority have been mismanaged, 10  
or
- (b) the authority has failed to meet a standard under section 193, 194 or 194B.”;
- (b) in subsection (4), for the words from “that” to the end substitute “that– 15
- (a) the affairs of the authority have been mismanaged,  
or
- (b) the authority has failed to meet a standard under section 193, 194 or 194B.”
- 20 In section 269B (response to censure notice), in subsection (2)(c), after “mismanaged” insert “or it has failed to meet the standard (as the case may be).” 20

#### SCHEDULE 4

Section 38

#### APPEALS

- 1 The Housing and Regeneration Act 2008 is amended as follows. 25
- 2 In section 115 (profit-making and non-profit organisations), in subsection (9), at the end insert “and notify the body it has done so.”
- 3 In section 116 (voluntary registration), after subsection (2) insert–
- “(2A) The regulator must notify a body of the outcome of its application.”
- 4 (1) Section 118 (compulsory de-registration) is amended as follows. 30
- (2) For subsection (2) substitute–
- “(2) Before acting under subsection (1)(a), (aa) or (b) the regulator must–
- (a) give the private registered provider a notice–
- (i) warning the provider that the regulator is considering action under the provision concerned, and 35
- (ii) specifying a period (which must be at least 14 days beginning with the day the provider receives the

- notice) within which the provider may make representations, and
- (b) consider any representations made during that period.”
- (3) For subsection (3) substitute –
- “(3) The regulator must notify a private registered provider of a decision to remove it from the register under subsection (1)(a), (aa) or (b).” 5
- 5 (1) Section 121 (registration decisions: appeals) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (b), after “it” insert “under section 118(1)”;  
 (b) in that paragraph, omit “or”; 10  
 (c) at the end of paragraph (c) insert –
- “(d) to designate it as a non-profit organisation or as a profit-making organisation (as the case may be), or  
 (e) to change its registered designation.”
- (3) After subsection (1) insert – 15
- “(1A) An appeal under this section must be brought within the period of 28 days beginning with the day on which the body is notified of the decision it is appealing.”
- (4) In subsection (2), for “while an appeal is pending” substitute “during the appeal period”. 20
- (5) After subsection (2) insert –
- “(2A) The “appeal period” means –
- (a) where an appeal is brought, the period beginning with the day on which notice of the decision appealed against is given and ending with the day on which the appeal is finally determined or withdrawn, and 25  
 (b) otherwise, the period during which an appeal could be brought.
- (2B) Subsections (1A) to (2A) do not apply to a decision of the regulator to de-register a body under section 118(1)(c).” 30
- 6 In section 223 (enforcement notice: appeal) –
- (a) the existing text becomes subsection (1);  
 (b) after that subsection insert –
- “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the enforcement notice.” 35
- 7 In section 235 (penalty notice: appeals) –
- (a) the existing text becomes subsection (1);

- (b) after that subsection insert—
- “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the penalty notice.
- (3) The requirement to pay the penalty is suspended during the appeal period. 5
- (4) Regulations under section 234(2) may not authorise the regulator to—
- (a) charge interest in respect of the appeal period, or
- (b) impose additional penalties during that period. 10
- (5) The “appeal period” means—
- (a) where an appeal is brought, the period beginning with the day on which the penalty notice is given and ending with the day on which the appeal is finally determined or withdrawn, and 15
- (b) otherwise, the period during which an appeal could be brought.”
- 8 In section 245 (compensation notice: appeals)—
- (a) the existing text becomes subsection (1);
- (b) after that subsection insert— 20
- “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the compensation notice.
- (3) The requirement to pay the compensation is suspended during the appeal period. 25
- (4) Regulations under section 244(2) may not authorise the regulator to—
- (a) award interest in respect of the appeal period, or
- (b) award additional compensation during that period.
- (5) The “appeal period” means— 30
- (a) where an appeal is brought, the period beginning with the day on which the compensation notice is given and ending with the day on which the appeal is finally determined or withdrawn, and
- (b) otherwise, the period during which an appeal could be brought.” 35
- 9 In section 247 (management tender), in subsection (2), after “may” insert “by notice”.

- 
- 10 In section 248 (management tender: procedure and appeals), after subsection (9) insert—
- “(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which the regulator notifies the registered provider of the imposition of a requirement on the provider under section 247(2).” 5
- 11 In section 249 (management transfer), in subsection (2), after “may” insert “by notice”.
- 12 In section 250 (management transfer: procedure and appeals), after subsection (9) insert— 10
- “(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which the regulator notifies the registered provider of the imposition of a requirement on the provider under section 249(2).”
- 13 In section 251 (appointment of manager), in subsection (2), after “may” insert “by notice to the registered provider”. 15
- 14 In section 252 (appointment of manager: procedure and appeals), after subsection (9) insert—
- “(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which— 20
- (a) the regulator notifies the registered provider of an appointment made under section 251(2)(a) (in the case of an appeal against an appointment), or
- (b) the regulator notifies the registered provider of the imposition of a requirement on the provider under section 251(2)(b) (in the case of an appeal against a requirement).” 25
- 15 In section 259 (suspension of officer etc during inquiry), after subsection (7) insert—
- “(7A) If the regulator makes an order, the regulator must— 30
- (a) take all reasonable steps to notify the person suspended, and
- (b) notify the registered provider.”
- 16 In section 260 (removal or suspension of officer etc following inquiry), after subsection (5) insert—
- “(5A) If the regulator makes an order, the regulator must— 35
- (a) take all reasonable steps to notify the person removed or suspended, and
- (b) notify the registered provider.”
- 17 In section 267 (removal of officers: supplemental), after subsection (1) insert—
- “(1A) If the regulator makes an order, the regulator must— 40
- (a) take all reasonable steps to notify the person removed, and

- (b) notify the registered provider.”
- 18 In section 268 (removal or suspension of officer etc: appeals)–
- (a) the existing text becomes subsection (1);
  - (b) after that subsection insert–
    - “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider concerned is notified of the removal or suspension.”

## SCHEDULE 5

Section 40

### MINOR AND CONSEQUENTIAL AMENDMENTS

10

#### PART 1

##### HOUSING AND REGENERATION ACT 2008

- 1 The Housing and Regeneration Act 2008 is amended as set out in paragraphs 2 to 45.
- 2 In section 60 (structural overview) omit subsection (4). 15
- 3 In section 74A (leaving the social housing stock: private providers), in subsection (1), in both places, omit “of social housing”.
- 4 In section 79 (English bodies), omit subsections (2) to (5).
- 5 In section 92K (fundamental objectives), in subsections (2)(a) and (3)(d), omit “of social housing”. 20
- 6 In section 96 (evidence), in paragraph (d), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”.
- 7 In section 112 (eligibility for voluntary registration)–
- (a) for subsection (1) substitute–
    - “(1) A body is eligible for registration if–
      - (a) it is an English body, and
      - (b) it satisfies the following conditions.”;
  - (b) omit subsection (5). 25
- 8 Omit section 113.
- 9 In section 114 (registration of local authorities)– 30
- (a) omit subsection (1);
  - (b) in subsection (2), after “require” insert “or permit”;
  - (c) in subsection (3)–
    - (i) at the end of paragraph (a) insert “and”;
    - (ii) in paragraph (b), omit “and”; 35

- 
- (iii) omit paragraph (c);
- (d) in subsection (5)–
- (i) omit paragraph (a);
- (ii) in paragraph (b), omit “(1) or”.
- 10 In section 114A (local authorities: duty to notify), in subsection (1) omit “in England”. 5
- 11 In section 122 (payments to members etc), in subsection (6), for “registered company or registered society” substitute “registered provider”.
- 12 In section 135 (charity accounts), in subsection (1), omit “non-profit”.
- 13 In section 153 (moratorium: process for proposals)– 10
- (a) in subsection (2)(a) omit “and its officers”;
- (b) in subsection (6)(a) omit “and its officers”.
- 14 Before section 169A (but after the heading before that section) insert–
- “169ZA Application of rules about notification of constitutional changes**
- This group of sections does not apply to local authorities.” 15
- 15 In section 169D (directions about notifications)–
- (a) for “169C”, in both places, substitute “169CD”;
- (b) in subsection (1)(a), omit “private”.
- 16 In section 192 (overview of Chapter 6)–
- (a) in paragraph (a), for “to 198B” substitute “to 198”; 20
- (b) in paragraph (b), for “to 210” substitute “to 210A”;
- (c) in paragraph (d) omit “about the submission of information and opinions relating to registered providers and”.
- 17 In section 193 (standards relating to consumer matters)–
- (a) in subsection (1), after “extent” insert “, safety, energy efficiency”; 25
- (b) in subsection (2), after paragraph (h) insert–
- “(ha) policies and procedures in connection with behaviour which amounts to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act),”; 30
- (c) omit subsection (3).
- 18 In section 194 (standards relating to economic matters), omit subsection (3).
- 19 In section 197 (direction by Secretary of State), in subsection (2)(a), after “quality” insert “, safety or energy efficiency”. 35

- 20 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.” 5
- 21 In section 203(3) (inspector’s powers), for “107(3) to (7)” substitute “107(2A) to (4) and (5) to (7)”.
- 22 In section 208(4) (inquirer’s powers), for “107(3) to (7)” substitute “107(2A) to (4) and (5) to (7)”.
- 23 In section 215 (guidance about use of intervention powers) omit— 10
- (a) subsection (1)(a) (including the final “and”);
- (b) subsection (2);
- (c) subsection (2A).
- 24 In section 216 (consultation), in paragraph (b), at the end insert “of social housing”. 15
- 25 In section 217 (accreditation)—
- (a) in subsection (4)(b), after “193” insert “or 194A”;
- (b) in subsection (6), after “193” insert “or 194A”.
- 26 In section 218 (exercise of enforcement powers)—
- (a) in subsection (1), for “Subsection (2)” substitute “This section”; 20
- (b) in subsection (2), after paragraph (d) insert—
- “(e) whether the failure or other problem is serious or trivial.”;
- (c) omit subsections (3) and (4).
- 27 In section 220 (grounds for giving enforcement notice)— 25
- (a) in subsection (2) omit “applicable to it”;
- (b) in subsection (11), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”;
- (c) omit subsection (11A).
- 28 In section 227 (grounds for imposition of a penalty), omit subsection (7A). 30
- 29 In section 237 (grounds for award of compensation), omit subsection (4).
- 30 In section 239 (housing ombudsman compensation), in subsection (1), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”.
- 31 In section 242 (warning before giving compensation notice), in subsection (2), for “person appointed by virtue of section 124 as the ombudsman” substitute “housing ombudsman”. 35
- 32 In section 247 (grounds for requiring management tender), in subsection (1)—
- (a) in paragraph (a), omit “applicable to it”; 40

- (b) omit paragraph (aa) (including the final “or”).
- 33 In section 251 (grounds for appointing manager), in subsection (1), omit paragraph (aa) (including the final “or”).
- 34 In section 256 (restrictions on dealings during an inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”. 5
- 35 In section 258 (restrictions on dealings: supplemental), in subsection (3), omit the words from “not” to the end.
- 36 In the heading immediately before section 259, omit “non-profit”.
- 37 In section 259 (suspension during inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”. 10
- 38 In section 264 (offence of acting as an officer while disqualified), in subsection (2)(a), omit “not exceeding the statutory maximum”.
- 39 In section 269 (appointment of new officers), in subsection (1)(c), for “thinks” substitute “is satisfied”.
- 40 In section 269A (local authorities: censure during or following inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”. 15
- 41 Omit section 274 (definition of charities that have “received public assistance”).
- 42 In section 275 (general), for the definition of “local authority” substitute – 20
- “local authority” means –
- (a) the council of a county in England,
- (b) a district council,
- (c) a London borough council,
- (d) the Common Council of the City of London, or 25
- (e) the Council of the Isles of Scilly;”.
- 43 In section 276 (index of defined terms) –
- (a) after the entry for “The HCA” insert –
- |                               |                  |
|-------------------------------|------------------|
| “health and safety lead       | section 126A(2)  |
| health and safety requirement | section 126B(2); |
- 30
- (b) after the entry relating to “penalty notice” insert –
- |                                     |                |
|-------------------------------------|----------------|
| “Performance improvement plan       | Section 218A   |
| Performance improvement plan notice | Section 218A”; |
- (c) omit the entry relating to “received public assistance (charities)”.
- 44 In section 278A (power to nominate bodies for consultation purposes), in subsection (1), omit paragraph (b). 35



- 45 In section 320 (orders and regulations), in subsection (7)(a), for “, 122 and 229” substitute “and 122”.

## PART 2

### OTHER ACTS

- 46 In Schedule 17 to the Localism Act 2011 (regulation of social housing) omit – 5
- (a) paragraph 6;
  - (b) paragraph 15(4);
  - (c) paragraph 17.
- 47 Omit section 30 of the Welfare Reform and Work Act 2016. 10
- 48 (1) Section 2 of the Leasehold Reform (Ground Rent) Act 2022 (excepted leases) is amended as follows.
- (2) In subsection (7)(a) omit “within the meaning of section 79 of the Housing and Regeneration Act 2008”.
- (3) After subsection (7) insert – 15
- “(7A) A “community land trust” means a body corporate which satisfies the conditions in subsection (7B); and in those conditions “local community” means the individuals who live or work, or want to live or work, in a particular area.
- (7B) The conditions are – 20
- (a) that the body is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order – 25
    - (i) to provide a benefit to the local community, and
    - (ii) to ensure that the assets are not sold or developed except in a manner which the trust’s members think benefits the local community, and
  - (b) that the body is established under arrangements which are expressly designed to ensure that – 30
    - (i) any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members);
    - (ii) individuals who live or work in the particular area have the opportunity to become members of the trust (whether or not others can also become members), and 35
    - (iii) the members of the trust control it.”

# Social Housing (Regulation) Bill [HL]

---

---

[AS AMENDED ON REPORT]

A

## B I L L

TO

Make provision about the regulation of social housing; about the terms of approved schemes for the investigation of housing complaints; and for connected purposes.

*Baroness Scott of Bybrook*

---

Ordered to be Printed, 18th October 2022.

---

© Parliamentary copyright House of Lords 2022

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at [www.parliament.uk/site-information/copyright](http://www.parliament.uk/site-information/copyright)*

PUBLISHED BY THE AUTHORITY OF THE HOUSE OF LORDS