



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 3

REGISTRATION

Eligibility

112 [^{F1}Eligibility for voluntary registration]

- (1) An English body is eligible for registration if—
 - (a) it satisfies the following conditions, and
 - (b) it does not fall within the exceptions in section 113.
- (2) Condition 1 is that the body—
 - (a) is a provider of social housing in England, or
 - (b) intends to become a provider of social housing in England.
- (3) Condition 2 is that the body satisfies any relevant criteria set by the regulator as to—
 - (a) its financial situation,
 - (b) its constitution, and
 - (c) other arrangements for its management.
- (4) Before setting criteria the regulator must consult—
 - ^{F2}(a)
 - ^{F3}(za) the HCA,]
 - ^{F4}(aa) the Greater London Authority,]
 - (b) one or more bodies appearing to it to represent the interests of [^{F5}private registered providers],

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- [^{F6}(ba) any body for the time being nominated under section 278A,]
- and
- (c) one or more [^{F7}other] bodies appearing to it to represent the interests of tenants.

[^{F8}(5) Section 114 deals with bodies falling within the exceptions in section 113.]

Textual Amendments

- F1** Heading of s. 112 substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 11(4)**
- F2** S. 112(4)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 36, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F3** S. 112(4)(za) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 21** (with Pt. 4)
- F4** S. 112(4)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 48**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F5** Words in s. 112(4)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 11(2)**
- F6** S. 112(4)(ba) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 26(3)(a)**, 148(1)(c)
- F7** Word in s. 112(4)(c) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 26(3)(b)**, 148(1)(c)
- F8** S. 112(5) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 11(3)**

Commencement Information

- I1** S. 112(1)(2) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)
- I2** S. 112(3)(4) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)** (with art. 3(3)(4))
- I3** S. 112(3)(4) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with Sch.)

113 [^{F9}Section 112: exceptions]

- (1) This section sets out the exceptions to section 112(1).
- (2) Exception 1 is a local housing authority.
- (3) Exception 2 is a county council.

^{F10}(4)

^{F11}(5)

^{F12}(6)

Textual Amendments

- F9** S. 113 heading substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 12**
- F10** S. 113(4) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), arts. 1(2), **4**
- F11** S. 113(5) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), arts. 1(2), **4**

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F12 S. 113(6) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), arts. 1(2), 4

Commencement Information

I4 S. 113(1)-(4) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

114 Registration of local authorities

- (1) The Secretary of State may by order—
 - (a) repeal section 113, or
 - (b) amend it so as to permit the registration of specified classes of local authority.
- (2) The Secretary of State may by order require the regulator to register—
 - (a) a specified local authority, or
 - (b) a specified class of local authority.
- (3) Registration under subsection (2)—
 - (a) takes effect in accordance with any provision of the order about timing or other procedural or incidental matters,
 - (b) does not require an application for registration, and
 - (c) may apply to a local authority whether or not it is eligible for registration by virtue of subsection (1).
- (4) If the Secretary of State thinks it necessary or desirable in connection with the registration of local authorities, the Secretary of State may by order—
 - (a) provide for a provision of this Part or any other enactment not to apply in relation to registered local authorities;
 - (b) provide for a provision of this Part or any other enactment to apply with specified modifications in relation to registered local authorities;
 - (c) amend a provision of this Part or any other enactment.
- (5) In this section—
 - (a) “local authority” means an authority or person to whom section 113 applies or has applied, and
 - (b) “registered local authorities” means authorities or persons who are registered, registrable or to be registered as a result of an order under subsection (1) or (2) above.
- (6) Before making an order under this section the Secretary of State shall consult—
 - (a) any authority or person likely to be affected by it, and
 - (b) such other persons as the Secretary of State thinks fit.

Commencement Information

I5 S. 114 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)

I6 S. 114 in force at 7.9.2009 for E. in so far as not already in force by [S.I. 2009/2096](#), [art. 2\(1\)](#)

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[^{F13}114A Local authorities: duty to notify

- (1) A local authority in England which is not subject to compulsory registration must notify the regulator as soon as it becomes subject to compulsory registration.
- (2) For these purposes, an authority is subject to compulsory registration if—
 - (a) it is a provider of social housing, or
 - (b) it intends to become a provider of social housing.]

Textual Amendments

F13 S. 114A inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 13**

115 Profit-making and non-profit organisations

- (1) Each entry in the register shall designate the body registered as either—
 - (a) a non-profit organisation, or
 - (b) a profit-making organisation.
- (2) A body is a non-profit organisation if it is a registered or non-registrable charity.
- (3) A body is also a non-profit organisation if it satisfies the following conditions.
- (4) Condition 1 is that the body—
 - (a) does not trade for profit, or
 - (b) is prohibited by its constitution from issuing capital with interest or dividend at a rate exceeding that prescribed under section 1(1)(b) of the Housing Associations Act 1985 (c. 69).
- (5) Condition 2 is that a purpose of the body is the provision or management of housing.
- (6) Condition 3 is that any other purposes of the body are connected with or incidental to the provision of housing.
- (7) The Secretary of State may make regulations providing that a specified purpose is to be, or not to be, treated as connected with or incidental to the provision of housing.
- (8) A body which is not a non-profit organisation under subsection (2) or (3) is a profit-making organisation.
- (9) If the regulator thinks that what was a profit-making organisation has become a non-profit organisation [^{F14}or vice versa], the regulator must change the registered designation accordingly.
- [^{F15}(10) Subsection (1) does not apply to the entry of a local authority in the register (and, accordingly, references to “profit-making” and “non-profit” in connection with a registered provider do not refer to a local authority).]

Textual Amendments

F14 Words in s. 115(9) inserted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 23**; S.I. 2017/75, reg. 4

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F15 S. 115(10) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 14**

Commencement Information

I7 S. 115 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

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