



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 3

REGISTRATION

Procedure

116 [^{F1}Entry in the register: voluntary registration]

- (1) The regulator shall register anyone who—
 - (a) is eligible for registration [^{F2}under section 112(1)], and
 - (b) applies to be registered.
- (2) The regulator may make provision about—
 - (a) the form of an application;
 - (b) the information to be contained in it or provided with it;
 - (c) the manner in which an application is to be submitted;
 - (d) the consequences of failure to comply with provision under paragraphs (a) to (c).
- (3) This section is subject to section 117 (fees).
- (4) Once entered [^{F3}in the register under this section] a body remains registered unless and until removed under section 118 or 119.
- (5) It shall be presumed for all purposes that a person entered in the register [^{F4}under this section] is eligible for registration while the registration lasts (irrespective of whether and why the person is later removed from the register).

Status: Point in time view as at 01/04/2012.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Procedure is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F5}(6) This section deals with voluntary registration; for the registration of local housing authorities and county councils, see section 114.]

Textual Amendments

- F1** Heading of s. 116 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. 15(6)**
- F2** Words in s. 116(1)(a) 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. 15(2)**
- F3** Words in s. 116(4) 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. 15(3)**
- F4** Words in s. 116(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. 15(4)**
- F5** S. 116(6) 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. 15(5)**

Commencement Information

- I1** S. 116(1) s. 116(3)-(5) in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)
- I2** S. 116(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

117 Fees

- [^{F6}(1) The regulator may charge—
- (a) a fee for initial registration, and
 - (b) an annual fee for continued registration.
- (2) Except in the case of a local authority, the regulator may make initial or continued registration conditional upon payment of the fee.]
- (3) The regulator shall—
- (a) prescribe the amount of a fee, and
 - (b) make provision about the periods during which and in respect of which annual fees are payable.
- (4) The regulator may set different fees, and make different provision, for different cases or circumstances.
- (5) Fees must be set in accordance with principles which the regulator prepares and publishes and which are designed to ensure that so far as is reasonably practicable—
- (a) fee income matches expenditure on the performance of [^{F7}the regulator's] functions,
 - (b) each fee is reasonable and proportionate to the costs to which it relates, and
 - (c) actual or potential registered providers can see the relationship between the amount of a fee and the costs to which it relates.
- (6) The principles—
- (a) shall provide for section 95(3) to be disregarded for the purpose of subsection (5)(a), and
 - (b) may provide for specified expenditure or potential expenditure under section 95 or otherwise to be disregarded for the purpose of subsection (5)(a).
- (7) Principles do not have effect until approved by the Secretary of State.

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- (8) In preparing (or revising) the principles the regulator shall consult persons appearing to the regulator to represent the interests of fee-payers.
- (9) The [^{F8}HCA's] accounts shall show—
- (a) fees received, and
 - (b) fees outstanding.
- [^{F9}(10) The functions of billing for and receiving the payment of fees under this section are exercisable by the HCA rather than by the HCA acting through its Regulation Committee.]

Textual Amendments

- F6** S. 117(1)(2) 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. 16**
- F7** Words in s. 117(5)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 37(2)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F8** Word in s. 117(9) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 37(3)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F9** S. 117(10) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 37(4)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

Commencement Information

- I3** S. 117 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**
- I4** S. 117 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with Sch.)

118 De-registration: compulsory

- (1) The regulator may remove from the register a [^{F10}private registered provider] which the regulator thinks—
- (a) is no longer eligible for registration,
 - (b) has ceased to carry out activities, or
 - (c) has ceased to exist.
- (2) Before removing a body under subsection (1)(a) or (b) the regulator must—
- (a) take all reasonable steps to give the body at least 14 days' notice, and
 - (b) consider any representations it makes in that period.
- (3) After removing a body under subsection (1)(a) or (b) the regulator must take all reasonable steps to notify the body.
- [^{F11}(4) The regulator shall remove a local authority from the register if the regulator becomes aware that the authority—
- (a) is no longer a provider of social housing, or
 - (b) no longer intends to become a provider of social housing (in the case of an authority which intended to become one but did not in fact do so).]

Textual Amendments

- F10** Words in s. 118(1) 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. 17(2)**

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F11 S. 118(4) 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. 17(3)**

Commencement Information

I5 S. 118 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

119 De-registration: voluntary

- (1) A [^{F12}private registered provider] may ask the regulator to remove it from the register.
- (2) The regulator may comply with a request—
 - (a) on the grounds that the registered provider no longer is or intends to be a provider of social housing in England,
 - (b) on the grounds that the registered provider is subject to regulation by another authority whose control is likely to be sufficient, or
 - (c) on the grounds that the registered provider meets any relevant criteria for de-registration set by the regulator.
- (3) Before deciding whether or not to comply, the regulator must consult such local authorities in whose area the registered provider acts as it thinks appropriate.
- (4) The regulator shall not comply with a request by a non-profit registered provider if it thinks that removal is sought with a view to enabling the registered provider to distribute assets to members.
- (5) In deciding whether or not to comply, the regulator must (in particular) have regard to—
 - (a) any conditions imposed in connection with disposal consents given to the registered provider under Chapter 5, and
 - (b) any conditions imposed in connection with financial assistance given to the registered provider under any enactment.
- (6) Having decided whether or not to remove the registered provider the regulator must notify—
 - (a) the provider, and
 - (b) any authority consulted.
- (7) The regulator shall publish criteria set for the purposes of subsection (2)(c).

Textual Amendments

F12 Words in [s. 119\(1\)](#) 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. 18**

Commencement Information

I6 S. 119(1) s. 119(3)-(6) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

I7 S. 119(2)(7) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**

I8 S. 119(2)(7) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with Sch.)

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120 Notice

- (1) As soon as is reasonably practicable after registering or de-registering a body the regulator shall notify—
 - (a) in the case of a registered charity, the Charity Commission,
 - (b) in the case of an industrial and provident society, the Financial Services Authority,^{F13} ...
 - (c) in the case of a registered company (whether or not also a registered charity), the registrar of companies for England and Wales^{F14}, and
 - (d) in the case of a local authority, the Secretary of State.]
- (2) [^{F15}Except in the case of a local authority,] a notice of registration shall specify whether the person registered is designated as a non-profit or profit-making organisation.
- (3) If the designation changes, the regulator shall notify any person notified of the registration.
- (4) A person to whom notice is given under this section must keep a record of it.

Textual Amendments

- F13** Word in s. 120(1)(b) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 19\(2\)\(a\)](#)
- F14** S. 120(1)(d) and word 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. 19\(2\)\(b\)](#)
- F15** Words in s. 120(2) 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. 19\(3\)](#)

Commencement Information

- I9** S. 120 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

121 Appeal

- (1) A body may appeal to the High Court against a decision of the regulator—
 - (a) to refuse to register it,
 - (b) to de-register it, or
 - (c) to refuse to de-register it.
- (2) The regulator shall not de-register a body while an appeal is pending.
- (3) The Secretary of State may by order provide for the First-tier Tribunal to have jurisdiction under this section instead of the High Court.

Commencement Information

- I10** S. 121 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

Status:

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