



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2 **E+W**

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 8 **E+W**

#### GENERAL

#### *Interpretation*

#### 270 **Officer** **E+W**

The Table gives the meaning of “officer” in relation to registered providers.

<i>[<sup>F1</sup>private registered provider]</i>	<i>Meaning of “officer”</i>
Registered charity which is not a registered company	Trustee, secretary or treasurer
<i>[<sup>F2</sup>Registered society]</i>	“Officer” within the meaning given by <i>[<sup>F3</sup>section 149 of the Co-operative and Community Benefit Societies Act 2014]</i> (including a person co-opted to serve on the society's committee)
Registered company	“Officer” within the meaning given by section 1173 of the Companies Act 2006

#### Textual Amendments

- F1** Words in s. 270 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. 75](#)

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- F2** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 123](#) (with [Sch. 5](#))
- F3** Words in s. 270 substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 134](#) (with [Sch. 5](#))

#### Commencement Information

- I1** S. 270 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 271 Subsidiary and associate E+W

- (1) A company is a “subsidiary” of a person if any of the following conditions is satisfied.
- (2) Condition 1 is that the person—
  - (a) is a member of the company, and
  - (b) has power, independent of any other person, to appoint or remove all or a majority of the board of directors.
- (3) Condition 2 is that the person holds more than half in nominal value of the company's equity share capital.
- (4) Condition 3 is that the company is a subsidiary, within the meaning of the Companies Act 2006 (c. 46) or [<sup>F4</sup>Part 7 of the Co-operative and Community Benefit Societies Act 2014], of a company which is a subsidiary of the person by virtue of Condition 1 or 2.
- (5) In relation to a company which is [<sup>F5</sup>a registered society] a reference to the board of directors is a reference to the committee of management.
- (6) “Associate” of a provider means—
  - (a) a body of which the provider is a subsidiary, and
  - (b) any other subsidiary of that body.

#### Textual Amendments

- F4** Words in s. 271(4) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 135](#) (with [Sch. 5](#))
- F5** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 122](#) (with [Sch. 5](#))

#### Commencement Information

- I2** S. 271 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 272 Family E+W

- (1) For the purposes of this Part one person is a member of the family of another if—
  - (a) they are, or live together as if they were, spouses or civil partners, or
  - (b) one is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other.
- (2) For those purposes—
  - (a) a relationship by marriage or civil partnership shall be treated as a relationship by blood (and, in particular, P's stepchild shall be treated as P's child), and
  - (b) a relationship by half-blood shall be treated as a relationship by whole blood.

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#### Commencement Information

**I3** S. 272 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### 273 Disposal **E+W**

- (1) In this Part a reference to disposing of property is a reference to—
  - (a) selling it,
  - (b) leasing it,
  - (c) mortgaging it,
  - (d) making it subject to a charge, and
  - (e) disposing of it, or of any interest in it, in any other way.
- (2) Granting an option to require a disposal shall be treated as making a disposal.

#### Commencement Information

**I4** S. 273 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### 274 Charities that have “received public assistance” **E+W**

- (1) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied.
- (2) Condition 1 is that the charity has received financial assistance from the HCA under section 19.
- (3) Condition 2 is that the charity has received financial assistance under section 24 of the Local Government Act 1988 (c. 9) (assistance for privately let housing accommodation).
- (4) Condition 3 is that the charity has had housing transferred to it pursuant to—
  - (a) a large scale disposal, within the meaning of section 34 of the Housing Act 1985 (c. 68), for which consent was required under section 32 or 43 of that Act, or
  - (b) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).
- (5) Condition 4 is that the charity has received a grant or loan under—
  - (a) section 18 of the Housing Act 1996 (c. 52) (social housing grants),
  - (b) section 22 of that Act (assistance from local authorities),
  - (c) section 58 of the Housing Associations Act 1985 (c. 69) (grants or loans by local authorities),
  - (d) section 50 of the Housing Act 1988 (c. 50), section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
  - (e) section 51 of the Housing Act 1988 (c. 50) or section 54 or 55 of the Housing Associations Act 1985 (c. 69) (revenue deficit grant or hostel deficit grant),
  - (f) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),

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- (g) section 31 of the Housing Act 1974 (c. 44) (management grants), or
- (h) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).

#### Commencement Information

**I5** S. 274 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 275 General **E+W**

In this Part, except where the context requires otherwise—

“action” includes inaction, proposed action and decision,

“assured agricultural occupancy” has the same meaning as in Part 1 of the Housing Act 1988,

“assured tenancy” has the same meaning as in that Part,

“the Charity Commission” means the Charity Commission for England and Wales,

“committee”, in relation to [<sup>F6</sup>a registered society], means the committee of management or other directing body of the society (including any person co-opted to serve on the committee, whether a member of the society or not),

“consent” means written consent,

“constitution” includes rules,

“conveyance” includes grant, assignment and any other instrument,

“district valuer” has the meaning given by section 622 of the Housing Act 1985 (c. 68),

“dwelling”—

(a) means a house, flat or other building or part of a building occupied or intended to be occupied as a separate dwelling, and

(b) includes any garden, yard, outhouse or other appurtenance belonging to, or usually enjoyed with, the dwelling,

“the HCA” means the Homes and Communities Agency,

<sup>F7</sup> ...

“local authority” has the same meaning as in the Housing Associations Act 1985,

“local housing authority” has the same meaning as in the Housing Act 1985,

“maintenance” includes repair,

“mismanagement”, in relation to the affairs of a registered provider, means—

(a) managed in contravention of a provision of this Part or of anything done under this Part, or

(b) otherwise conducted improperly or inappropriately,

“non-registrable charity” means a charity which is not required to be registered, in accordance with [<sup>F8</sup>section 30 of the Charities Act 2011,]

“notice” means written notice (and to “notify” means to give written notice),

[<sup>F9</sup>“preferential creditor”, “preferential debt”, “ordinary preferential debt” and “secondary preferential debt”] have the same meaning as in the Insolvency Act 1986 (c. 45),

“price” includes premium,

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“registered charity” means a charity registered under [<sup>F10</sup>the Charities Act 2011,]

“registered company” means a company within the meaning of the Companies Act 2006 (c. 46),

[<sup>F11</sup>“registered society” has the same meaning as in the Co-operative and Community Benefit Societies Act 2014,]

“rent” includes payments under a licence to occupy accommodation,

“representations” means written representations,

“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985 (c. 68),

“secured creditor” means a creditor who holds a mortgage or charge (including a floating charge) over—

(a) land held by a registered provider, or

(b) a present or future interest of a registered provider in rents or other receipts from land,

“tenant” in relation to social housing includes other occupiers, and

“working day” means a day other than—

(a) a Saturday or Sunday,

(b) Christmas Day or Good Friday, or

(c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).

#### Textual Amendments

- F6** Words in Act substituted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), Sch. 4 para. 122 (with [Sch. 5](#))
- F7** Words in s. 275 omitted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by virtue of [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 136\(a\)](#) (with [Sch. 5](#))
- F8** Words in s. 275 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 135\(a\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))
- F9** Words in s. 275 substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), [30\(3\)](#) (with [art. 3](#))
- F10** Words in s. 275 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 135\(b\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))
- F11** Words in s. 275 inserted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 136\(b\)](#) (with [Sch. 5](#))

#### Commencement Information

- I6** S. 275 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)
- I7** S. 275 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 276 Index of defined terms **E+W**

The Table lists expressions defined in this Part.

*Expression*

*Section*

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#### Textual Amendments

**F12** S. 276 entry repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 53\(2\)](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

**F13** S. 276 entries 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. 76](#)

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- F14** Words in s. 276 inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 53(6)**; S.I. 2012/57, art. 4(1)(t)(iii) (with arts. 6, 7, 9-11)
- F15** Words in Act substituted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by Co-operative and Community Benefit Societies Act 2014 (c. 14), **Sch. 4 para. 123** (with Sch. 5)
- F16** Words in s. 276 substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 53(3)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F17** Words in s. 276 omitted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by virtue of Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 137(a)** (with Sch. 5)
- F18** Words in s. 276 inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **30(4)** (with art. 3)
- F19** Words in s. 276 inserted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 137(b)** (with Sch. 5)
- F20** Words in s. 276 substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 53(4)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F21** Words in s. 276 substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 53(5)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

#### Commencement Information

- I8** S. 276 in force at 8.9.2008 for specified purposes by S.I. 2008/2358, **art. 3(1)**
- I9** S. 276 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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