



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 6

REGULATORY POWERS

Standards

197 Direction by Secretary of State

- (1) The Secretary of State may direct the regulator—
 - (a) to set a standard under section 193 [^{F1}or 194],
 - (b) about the content of standards under section 193 [^{F2}or 194], or
 - (c) to have regard to specified objectives when setting standards under section 193 or 194.
 - (2) The Secretary of State may give a direction under subsection (1)(a) or (b) only if it relates, in the Secretary of State's opinion, to—
 - (a) quality [^{F3}, safety or energy efficiency] of accommodation,
 - [^{F4}(aa) tenure,]
 - (b) rent, [^{F5}...
 - (c) involvement by tenants in the management by registered providers of accommodation [^{F6}, or
 - (d) methods of assisting tenants to exchange tenancies.]
- [^{F7}(2A) The Secretary of State may direct the regulator—
- (a) to set a standard under [section 194A](#),
 - (b) to set a standard under [section 194C](#) which relates, in the Secretary of State's opinion, to the matters in [section 194C\(2\)\(a\)](#),

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- (c) about the content of standards described in paragraph (a) or (b), or
 - (d) to have regard to specified objectives when setting those standards.]
- (3) In deciding whether to give a direction the Secretary of State shall, in particular, have regard to the regulator's fundamental objectives.
- (4) Before giving a direction the Secretary of State must consult—
- [^{F8}(za) the HCA,]
 - (a) the regulator,
 - [^{F9}(aa) the Greater London Authority,]
 - [^{F10}(ab) any housing ombudsman,]
 - ^{F11}(b)
 - ^{F12}(c)
 - (d) one or more bodies appearing to the Secretary of State to represent the interests of local housing authorities,
 - [^{F13}(da) any body for the time being nominated under section 278A,]
 - (e) one or more [^{F14}other] bodies appearing to the Secretary of State to represent the interests of tenants of social housing, and
 - (f) one or more bodies appearing to the Secretary of State to represent the interests of registered providers.
- (5) Before giving a direction about a standard which would apply to charities the Secretary of State must consult the Charity Commission.
- [^{F15}(5A) Before giving a direction to set a standard under section 194A which imposes a requirement described in subsection (4) of that section, the Secretary of State must consult one or more bodies appearing to the Secretary of State to represent the interests of services providers in relation to registered providers (as defined in section 194B(2)).]
- (6) A direction may disapply the requirement to consult under section 196 in relation to specified matters.
- (7) The regulator shall comply with any direction.
- (8) The Secretary of State shall publish—
- (a) each proposed direction that is the subject of a consultation,
 - (b) each response to a consultation, and
 - (c) each direction.

Textual Amendments

- F1** Words in s. 197(1)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 7](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F2** Words in s. 197(1)(b) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 7](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F3** Words in s. 197(2)(a) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 19](#); S.I. 2023/1001, reg. 2(y)(iv)
- F4** S. 197(2)(aa) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 152](#), 240(2); S.I. 2012/57, art. 4(1)(n) (with arts. 6, 7, 9-11)
- F5** Word in s. 197(2)(b) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 25](#); S.I. 2012/57, art. 4(1)(ee)(iv)

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- F6** S. 197(2)(d) and word inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 176(2)**, 240(2); S.I. 2012/57, art. 4(1)(s) (with arts. 6, 7,9-11)
- F7** S. 197(2A) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 24**, 46(3); S.I. 2023/1001, reg. 2(l)
- F8** S. 197(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. 26** (with Pt. 4)
- F9** S. 197(4)(aa) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 56**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F10** S. 197(4)(ab) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 5(4)**, 46(3); S.I. 2023/1001, reg. 2(d)
- F11** S. 197(4)(b) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 43, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F12** S. 197(4)(c) omitted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 93**; S.I. 2015/841, **art. 3(x)**
- F13** S. 197(4)(da) inserted (12.11.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 26(5)(a)**, 148(1)(c)
- F14** Word in s. 197(4)(e) inserted (12.11.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 26(5)(b)**, 148(1)(c)
- F15** S. 197(5A) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 21(3)**, 46(3); S.I. 2023/1001, reg. 2(i)

Commencement Information

- I1** S. 197 in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)** (with art. 3(3)(4))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)