

SCHEDULES

SCHEDULE 5

Section 43

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

HOUSING AND REGENERATION ACT 2008

- 1 The Housing and Regeneration Act 2008 is amended as set out in paragraphs 2 to 46.
- 2 In section 60 (structural overview) omit subsection (4).
- 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”.
- 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).
- 8 Omit section 113.
- 9 In section 114 (registration of local authorities)—
 - (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”;
 - (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”.

Status: This is the original version (as it was originally enacted).

- 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)—
- (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 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”;
 - (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”;
 - (b) in subsection (2)(f), for “and informing tenants” substitute “tenants and providing them with information in connection with such consultation”;
 - (c) 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),”;
 - (d) 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”.
- 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.”
- 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—
- (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”.
- 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”;
 - (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)—
- (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).
- 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”.
- 32 In section 247 (grounds for requiring management tender), in subsection (1)—
- (a) in paragraph (a), omit “applicable to it”;
 - (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”.
- 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”.
- 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”.
- 41 Omit section 274 (definition of charities that have “received public assistance”).
- 42 In section 275 (general), for the definition of “local authority” substitute—

Status: This is the original version (as it was originally enacted).

- ““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
 - (e) the Council of the Isles of Scilly;”.
- 43 In section 276 (index of defined terms)—
- (a) after the entry for “The HCA” insert—
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|-------------------------------|--------------------|
| “health and safety lead | section 126A(2) |
| health and safety requirement | section 126B(2);”; |
- (b) after the entry relating to “penalty notice” insert—
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|-------------------------------------|-----------------|
| “Performance improvement plan | Section 218A |
| Performance improvement plan notice | Section 218A;”; |
- (c) omit the entry relating to “received public assistance (charities)”.
- 44 After section 276A (inserted by section 35) insert—
- “276B Data protection**
- (1) This section applies to a duty or power to process information where the duty or power is imposed or conferred by or by virtue of any provision of this Part.
 - (2) A duty or power to which this section applies does not operate to require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).
 - (3) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 45 In section 278A (power to nominate bodies for consultation purposes), in subsection (1), omit paragraph (b).
- 46 In section 320 (orders and regulations), in subsection (7)(a), for “, 122 and 229” substitute “and 122”.

PART 2

OTHER ACTS

- 47 In Schedule 17 to the Localism Act 2011 (regulation of social housing) omit—
- (a) paragraph 6;
 - (b) paragraph 15(4);
 - (c) paragraph 17.
- 48 Omit section 30 of the Welfare Reform and Work Act 2016.
- 49 (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—

“(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—

- (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—
 - (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—
 - (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
 - (iii) the members of the trust control it.”