

Changes to legislation: There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 5

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.

Commencement Information

- I1** Sch. 5 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
I2 [Sch. 5 para. 1](#) in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(y\)\(i\)](#)
I3 [Sch. 5 para. 1](#) in force at 1.4.2024 in so far as not already in force by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 2 In section 60 (structural overview) omit subsection (4).

Commencement Information

- I4** Sch. 5 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)
I5 [Sch. 5 para. 2](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 3 In section 74A (leaving the social housing stock: private providers), in subsection (1), in both places, omit “of social housing”.

Commencement Information

- I6** Sch. 5 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)
I7 [Sch. 5 para. 3](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 4 In section 79 (English bodies), omit subsections (2) to (5).

Commencement Information

- I8** Sch. 5 para. 4 not in force at Royal Assent, see [s. 46\(3\)](#)
I9 [Sch. 5 para. 4](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 5 In section 92K (fundamental objectives), in subsections (2)(a) and (3)(d), omit “of social housing”.

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- I10** Sch. 5 para. 5 not in force at Royal Assent, see **s. 46(3)**
I11 Sch. 5 para. 5 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 6 In section 96 (evidence), in paragraph (d), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”.

Commencement Information

- I12** Sch. 5 para. 6 not in force at Royal Assent, see **s. 46(3)**
I13 Sch. 5 para. 6 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 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).

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- I14** Sch. 5 para. 7 not in force at Royal Assent, see **s. 46(3)**
I15 Sch. 5 para. 7 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 8 Omit section 113.

Commencement Information

- I16** Sch. 5 para. 8 not in force at Royal Assent, see **s. 46(3)**
I17 Sch. 5 para. 8 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 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”.

Commencement Information

- I18** Sch. 5 para. 9 not in force at Royal Assent, see **s. 46(3)**
I19 Sch. 5 para. 9 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

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- 10 In section 114A (local authorities: duty to notify), in subsection (1) omit “in England”.

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- I20** Sch. 5 para. 10 not in force at Royal Assent, see [s. 46\(3\)](#)
I21 [Sch. 5 para. 10](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 11 In section 122 (payments to members etc), in subsection (6), for “registered company or registered society” substitute “registered provider”.

Commencement Information

- I22** Sch. 5 para. 11 not in force at Royal Assent, see [s. 46\(3\)](#)
I23 [Sch. 5 para. 11](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 12 In section 135 (charity accounts), in subsection (1), omit “non-profit”.

Commencement Information

- I24** Sch. 5 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)
I25 [Sch. 5 para. 12](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 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”.

Commencement Information

- I26** Sch. 5 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)
I27 [Sch. 5 para. 13](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 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.”

Commencement Information

- I28** Sch. 5 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)
I29 [Sch. 5 para. 14](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 15 In section 169D (directions about notifications)—
(a) for “169C”, in both places, substitute “169CD”;
(b) in subsection (1)(a), omit “private”.

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- I30** Sch. 5 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

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I31 Sch. 5 para. 15 in force at 1.4.2024 by S.I. 2024/437, reg. 2(z)

- 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”.

Commencement Information

- I32** Sch. 5 para. 16 not in force at Royal Assent, see s. 46(3)
I33 Sch. 5 para. 16(a) in force at 1.4.2024 by S.I. 2024/437, reg. 2(z)
I34 Sch. 5 para. 16(b)(c) in force at 20.9.2023 by S.I. 2023/1001, reg. 2(y)(iii)

- 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).

Commencement Information

- I35** Sch. 5 para. 17 not in force at Royal Assent, see s. 46(3)
I36 Sch. 5 para. 17 in force at 20.9.2023 by S.I. 2023/1001, reg. 2(y)(iv)

- 18 In section 194 (standards relating to economic matters), omit subsection (3).

Commencement Information

- I37** Sch. 5 para. 18 not in force at Royal Assent, see s. 46(3)
I38 Sch. 5 para. 18 in force at 20.9.2023 by S.I. 2023/1001, reg. 2(y)(iv)

- 19 In section 197 (direction by Secretary of State), in subsection (2)(a), after “quality” insert “, safety or energy efficiency”.

Commencement Information

- I39** Sch. 5 para. 19 not in force at Royal Assent, see s. 46(3)
I40 Sch. 5 para. 19 in force at 20.9.2023 by S.I. 2023/1001, reg. 2(y)(iv)

- 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.”

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- I41** Sch. 5 para. 20 not in force at Royal Assent, see [s. 46\(3\)](#)
I42 Sch. 5 para. 20 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(iv\)](#)

- 21 In section 203(3) (inspector’s powers), for “107(3) to (7)” substitute “107(2A) to (4) and (5) to (7)”.

Commencement Information

- I43** Sch. 5 para. 21 not in force at Royal Assent, see [s. 46\(3\)](#)
I44 Sch. 5 para. 21 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 22 In section 208(4) (inquirer’s powers), for “107(3) to (7)” substitute “107(2A) to (4) and (5) to (7)”.

Commencement Information

- I45** Sch. 5 para. 22 not in force at Royal Assent, see [s. 46\(3\)](#)
I46 Sch. 5 para. 22 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 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).

Commencement Information

- I47** Sch. 5 para. 23 not in force at Royal Assent, see [s. 46\(3\)](#)
I48 Sch. 5 para. 23(a)(b) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(v\)](#)
I49 Sch. 5 para. 23(c) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 24 In section 216 (consultation), in paragraph (b), at the end insert “of social housing”.

Commencement Information

- I50** Sch. 5 para. 24 not in force at Royal Assent, see [s. 46\(3\)](#)
I51 Sch. 5 para. 24 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(vi\)](#)

- 25 In section 217 (accreditation)—
(a) in subsection (4)(b), after “193” insert “or 194A”;
(b) in subsection (6), after “193” insert “or 194A”.

Commencement Information

- I52** Sch. 5 para. 25 not in force at Royal Assent, see [s. 46\(3\)](#)
I53 Sch. 5 para. 25 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(vii\)](#)

- 26 In section 218 (exercise of enforcement powers)—

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- (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).

Commencement Information

- I54** Sch. 5 para. 26 not in force at Royal Assent, see [s. 46\(3\)](#)
I55 [Sch. 5 para. 26](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#) (with [reg. 5\(3\)](#))

- 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).

Commencement Information

- I56** Sch. 5 para. 27 not in force at Royal Assent, see [s. 46\(3\)](#)
I57 [Sch. 5 para. 27](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#) (with [reg. 3](#))

- 28 In section 227 (grounds for imposition of a penalty), omit subsection (7A).

Commencement Information

- I58** Sch. 5 para. 28 not in force at Royal Assent, see [s. 46\(3\)](#)
I59 [Sch. 5 para. 28](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#) (with [reg. 3](#))

- 29 In section 237 (grounds for award of compensation), omit subsection (4).

Commencement Information

- I60** Sch. 5 para. 29 not in force at Royal Assent, see [s. 46\(3\)](#)
I61 [Sch. 5 para. 29](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#) (with [reg. 3](#))

- 30 In section 239 (housing ombudsman compensation), in subsection (1), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”.

Commencement Information

- I62** Sch. 5 para. 30 not in force at Royal Assent, see [s. 46\(3\)](#)
I63 [Sch. 5 para. 30](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#)

- 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”.

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- I64** Sch. 5 para. 31 not in force at Royal Assent, see [s. 46\(3\)](#)
I65 [Sch. 5 para. 31](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#)

- 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”).

Commencement Information

- I66** Sch. 5 para. 32 not in force at Royal Assent, see [s. 46\(3\)](#)
I67 [Sch. 5 para. 32](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#) (with [reg. 3](#))

- 33 In section 251 (grounds for appointing manager), in subsection (1), omit paragraph (aa) (including the final “or”).

Commencement Information

- I68** Sch. 5 para. 33 not in force at Royal Assent, see [s. 46\(3\)](#)
I69 [Sch. 5 para. 33](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(viii\)](#) (with [reg. 3](#))

- 34 In section 256 (restrictions on dealings during an inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”.

Commencement Information

- I70** Sch. 5 para. 34 not in force at Royal Assent, see [s. 46\(3\)](#)
I71 [Sch. 5 para. 34](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#) (with [reg. 5\(4\)](#))

- 35 In section 258 (restrictions on dealings: supplemental), in subsection (3), omit the words from “not” to the end.

Commencement Information

- I72** Sch. 5 para. 35 not in force at Royal Assent, see [s. 46\(3\)](#)
I73 [Sch. 5 para. 35](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ix\)](#)

- 36 In the heading immediately before section 259, omit “non-profit”.

Commencement Information

- I74** Sch. 5 para. 36 not in force at Royal Assent, see [s. 46\(3\)](#)
I75 [Sch. 5 para. 36](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 37 In section 259 (suspension during inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”.

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- I76** Sch. 5 para. 37 not in force at Royal Assent, see **s. 46(3)**
I77 Sch. 5 para. 37 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(5)**)

- 38 In section 264 (offence of acting as an officer while disqualified), in subsection (2) (a), omit “not exceeding the statutory maximum”.

Commencement Information

- I78** Sch. 5 para. 38 not in force at Royal Assent, see **s. 46(3)**
I79 Sch. 5 para. 38 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(x)**

- 39 In section 269 (appointment of new officers), in subsection (1)(c), for “thinks” substitute “is satisfied”.

Commencement Information

- I80** Sch. 5 para. 39 not in force at Royal Assent, see **s. 46(3)**
I81 Sch. 5 para. 39 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(6)**)

- 40 In section 269A (local authorities: censure during or following inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”.

Commencement Information

- I82** Sch. 5 para. 40 not in force at Royal Assent, see **s. 46(3)**
I83 Sch. 5 para. 40 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(7)**)

- 41 Omit section 274 (definition of charities that have “received public assistance”).

Commencement Information

- I84** Sch. 5 para. 41 not in force at Royal Assent, see **s. 46(3)**
I85 Sch. 5 para. 41 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xi)**

- 42 In section 275 (general), for the definition of “local authority” substitute—
 ““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;”.

Commencement Information

- I86** Sch. 5 para. 42 not in force at Royal Assent, see **s. 46(3)**
I87 Sch. 5 para. 42 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xii)**

Changes to legislation: There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Part 1. (See end of Document for details)

- 43 In section 276 (index of defined terms)—
(a) after the entry for “The HCA” insert—

“health and safety lead	section 126A(2)
health and safety requirement	section 126B(2)”;

- (b) after the entry relating to “penalty notice” insert—

“Performance improvement plan	Section 218A
Performance improvement plan notice	Section 218A”;

- (c) omit the entry relating to “received public assistance (charities)”.

Commencement Information

- I88** Sch. 5 para. 43 not in force at Royal Assent, see [s. 46\(3\)](#)
I89 Sch. 5 para. 43(a)(b) in force at 1.4.2024 by S.I. 2024/437, [reg. 2\(z\)](#)
I90 Sch. 5 para. 43(c) in force at 20.9.2023 by S.I. 2023/1001, [reg. 2\(y\)\(xiii\)](#)

- 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).”

Commencement Information

- I91** Sch. 5 para. 44 not in force at Royal Assent, see [s. 46\(3\)](#)
I92 Sch. 5 para. 44 in force at 20.9.2023 by S.I. 2023/1001, [reg. 2\(y\)\(xiv\)](#)

- 45 In section 278A (power to nominate bodies for consultation purposes), in subsection (1), omit paragraph (b).

Commencement Information

- I93** Sch. 5 para. 45 not in force at Royal Assent, see [s. 46\(3\)](#)
I94 Sch. 5 para. 45 in force at 20.9.2023 by S.I. 2023/1001, [reg. 2\(y\)\(xv\)](#)

- 46 In section 320 (orders and regulations), in subsection (7)(a), for “, 122 and 229” substitute “and 122”.

Changes to legislation: *There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Part 1. (See end of Document for details)*

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Commencement Information

- 195** Sch. 5 para. 46 not in force at Royal Assent, see [s. 46\(3\)](#)
196 Sch. 5 para. 46 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Part 1.