



Housing Act 1996

1996 CHAPTER 52

PART I

[^{F1}SOCIAL RENTED SECTOR [^{F1}REGULATED BY THE WELSH MINISTERS]]

[^{F1}CHAPTER 4A

ENFORCEMENT POWERS]

[^{F1}Compensation

Textual Amendments

- F1** S. 500 and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 64, 90(2); S.I. 2011/2475, arts. 1(2), 2(m), 3(g)

500 Grounds for award

- (1) The Welsh Ministers may require a registered social landlord to pay compensation if they are satisfied that—
 - (a) either of the following cases applies, and
 - (b) the award of compensation is appropriate (whether or not as part of a response including other action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard under section 33A.
- (3) Case 2 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.]

Status: Point in time view as at 02/12/2011.

Changes to legislation: Housing Act 1996, Cross Heading: Compensation is up to date with all changes known to be in force on or before 10 June 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)

[^{F2}50P Persons to whom compensation may be awarded

Compensation in respect of a failure may be awarded to one or more persons who have suffered as a result of the failure.]

Textual Amendments

F2 S. 50P inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 65, 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(n\)](#)

[^{F3}50Q Award

- (1) Compensation is awarded by the Welsh Ministers giving notice (a “compensation notice”) to—
 - (a) the registered social landlord, and
 - (b) the person to be compensated.
- (2) The notice must specify—
 - (a) the grounds on which the compensation is awarded,
 - (b) the amount of the compensation,
 - (c) the person to be compensated,
 - (d) a period within which it must be paid, and
 - (e) any interest or additional compensation which, by virtue of section 50U(2), is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the compensation award in a specified manner.
- (4) The notice must explain the effect of sections 50U(1) and (3) and 50V.]

Textual Amendments

F3 S. 50Q inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 66, 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(n\)](#)

[^{F4}50R Impact

- (1) This section applies when the Welsh Ministers are considering—
 - (a) whether to award compensation, or
 - (b) the amount of compensation to award.
- (2) The Welsh Ministers must take account of any information available to them about the financial situation of the registered social landlord.
- (3) The Welsh Ministers must consider the likely impact of the compensation on the registered social landlord's ability to provide services.
- (4) In particular, the Welsh Ministers must aim to avoid—
 - (a) jeopardising the financial viability of the registered social landlord,
 - (b) preventing the registered social landlord from honouring financial commitments, or

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- (c) preventing the registered social landlord from taking action to remedy the matters on the grounds of which the compensation might be awarded.]

Textual Amendments

F4 S. 50R inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 67, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(n)

[^{F5}50S Warning

- (1) Before giving a compensation notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a “pre-compensation warning”)—
 - (a) specifying grounds on which the Welsh Ministers think compensation could be awarded,
 - (b) warning the landlord that the Welsh Ministers are considering awarding compensation to a specified person,
 - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any compensation, and
 - (d) explaining the effect of sections 50T, 50U(1) and (3) and 50V.
- (2) Before giving a pre-compensation warning the Welsh Ministers must consult the Public Services Ombudsman for Wales.
- (3) The Welsh Ministers must send a copy of a pre-compensation warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-compensation warning is given).
- (4) A pre-compensation warning must—
 - (a) refer to section 6A, and
 - (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, awarding compensation.
- (5) A pre-compensation warning may be combined with notice under one or more of the following—
 - (a) section 50K,
 - (b) paragraphs 15C, 15E and 15G of Schedule 1.]

Textual Amendments

F5 S. 50S inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 68, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(n)

[^{F6}50T Representations

- (1) A pre-compensation warning must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (2) The period must—
 - (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the pre-compensation warning.

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- (3) Representations may address—
- (a) whether compensation should be awarded;
 - (b) the amount of any compensation that may be awarded.
- (4) After the end of the period specified under subsection (1) the Welsh Ministers must—
- (a) consider any representations made, and
 - (b) decide whether to award compensation.]

Textual Amendments

F6 S. 50T inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 69**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[^{F7}50U Enforcement

- (1) Compensation is to be treated as a debt owed to the person to whom it is awarded.
- (2) The Welsh Ministers may —
- (a) award interest on compensation not paid during the period specified under section 50Q(2)(d);
 - (b) award additional compensation where compensation is not paid during that period.
- (3) Interest and additional compensation are to be treated as compensation.]

Textual Amendments

F7 S. 50U inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 70**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[^{F8}50V Appeal

- A registered social landlord who is given a compensation notice may appeal to the High Court against—
- (a) the award of compensation,
 - (b) its amount, or
 - (c) both.]

Textual Amendments

F8 S. 50V inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 71**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

Status:

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