

Status: Point in time view as at 18/10/2011.

Changes to legislation: Housing Act 1996, Cross Heading: Enforcement notice is up to date with all changes known to be in force on or before 12 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)



Housing Act 1996

1996 CHAPTER 52

PART I

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

[^{F1}CHAPTER 4A

ENFORCEMENT POWERS]

[^{F1}Enforcement notice

Textual Amendments

F1 S. 50C and cross-heading inserted (18.10.2011 for specified purposes) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 52, 90(2); S.I. 2011/2475, arts. 1(2), 2(i)

50C Grounds for giving notice

- (1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that—
 - (a) any of the following cases applies, and
 - (b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A.
- (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.

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- (5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3).
- (6) Case 5 is where the interests of tenants of the registered social landlord require protection.
- (7) Case 6 is where the registered social landlord's assets require protection.
- (8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (9) Case 8 is where an offence under this Part has been committed by the registered social landlord.
- (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005.
- (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
 - (a) Case 8 applies,
 - (b) the Welsh Ministers may give an enforcement notice to the other person, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.]

[^{F2}50D Content

- (1) An enforcement notice must—
 - (a) specify the grounds on which it is given,
 - (b) specify the action the Welsh Ministers want the registered social landlord to take in response to the notice,
 - (c) specify when the action is to be taken (which may be immediately on receipt of the notice), and
 - (d) explain the effect of sections 50E to 50G.
- (2) The action specified in an enforcement notice may include publishing the notice in a specified manner.]

Textual Amendments

F2 S. 50D inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 53, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F3}50E Appeal

A registered social landlord who is given an enforcement notice may appeal to the High Court.]

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Textual Amendments

- F3** S. 50E inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 54**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F4}50F] **Withdrawal**

The Welsh Ministers may withdraw an enforcement notice by notice to the registered social landlord.]

Textual Amendments

- F4** S. 50F inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 55**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F5}50G] **Sanction**

- (1) In the case of an enforcement notice given to a person other than the registered social landlord by virtue of section 50C(11), the Welsh Ministers may only—
- (a) exercise the power to issue a penalty notice to the person in accordance with the next group of sections, or
 - (b) take steps to have the person prosecuted for the offence by reference to which the enforcement notice was given.
- (2) A person to whom an enforcement notice is given on the ground in Case 8 of section 50C may not be prosecuted for the offence by reference to which the enforcement notice was given unless the person fails to comply with the enforcement notice.]

Textual Amendments

- F5** S. 50G inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 56**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

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