



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, 2.12.2011 in so far as not already in force) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 52, 90(2); S.I. 2011/2475, arts. 1(2), 2(i), 3(e)

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.
- [^{F2}(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.]

Status: Point in time view as at 26/01/2019.

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 03 August 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)

- (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.
 - (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.
- [But Case 2 is not to be treated as applying if any of the other cases listed in this section ^{F3}(10A) applies.]
- (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.]

Textual Amendments

- F2** S. 50C(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), ss. 11(2), 19(2); S.I. 2018/777, art. 3(d)
- F3** S. 50C(10A) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), ss. 11(3), 19(2); S.I. 2018/777, art. 3(d)

[^{F4}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.]

Status: Point in time view as at 26/01/2019.

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Textual Amendments

F4 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)

[^{F5}50E Appeal

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

Textual Amendments

F5 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)

[^{F6}50F Withdrawal

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

Textual Amendments

F6 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)

[^{F7}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

F7 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)

Status:

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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 03 August 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.