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# Housing Act 1996

## 1996 CHAPTER 52

### PART I

[<sup>F1</sup>SOCIAL RENTED SECTOR [<sup>F2</sup>REGULATED BY THE WELSH MINISTERS]]

#### Textual Amendments

- F1** Pt. I title substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(1)**, 325(1); [S.I. 2010/862](#), art. 2 (with Sch.)
- F2** Words in Pt. I title substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), **Sch. para. 2**; [S.I. 2011/2475](#), arts. 1(2), 2(u)

#### Modifications etc. (not altering text)

- C1** Part I (ss. 1-64) amended (1.10.1996) by [S.I. 1996/2325](#), **art.3**
- C2** Pt. 1: The system of "registered social landlords" under this Part is replaced (8.9.2008 for specified purposes and 1.12.2008, 16.2.2009, 1.4.2009, 7.9.2009 and 1.4.2010 for further purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), Pt. 2. This Part continues to apply in relation to Wales with certain provisions applied in relation to England and certain provisions preserved although they apply to England only, see s. 60 of the affecting Act; [S.I. 2008/2358](#), art. 3; [S.I. 2008/3068](#), art. 3 (with arts. 6-13); [S.I. 2009/363](#), art. 2; [S.I. 2009/803](#), art. 7; [S.I. 2009/2096](#), art. 2(1); [S.I. 2010/862](#), art. 2 (with Sch.)

### CHAPTER I

#### REGISTERED SOCIAL LANDLORDS

##### *Registration*

#### [<sup>F3</sup>A1] Introduction

This Chapter provides for the registration of social landlords in Wales.]

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### Textual Amendments

- F3** S. A1 inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(2)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)

## 1 The register of social landlords.

- (1) [<sup>F4</sup>The Welsh Ministers ] shall maintain a register of social landlords which shall be open to inspection at all reasonable times <sup>F5</sup> . . . .

<sup>F6</sup>(1A) . . . . .

<sup>F6</sup>(1B) . . . . .

<sup>F7</sup>(2) . . . . .

### Textual Amendments

- F4** Words in s. 1 substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(3)(a)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)
- F5** Words in s. 1(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 83(2), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F6** S. 1(1A)(1B) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 61(3)(b), 325(1), **Sch. 16**; S.I. 2010/862, **arts. 2, 3** (with Sch.)
- F7** S. 1(2) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 83(4), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

### Modifications etc. (not altering text)

- C3** S. 1 extended (16.9.1996) by S.I. 1996/2402, **art. 3**, **Sch. para. 1**
- C4** S. 1 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), **arts. 1(1), 3**, **Sch. para. 5** (with art. 6)

## [<sup>F8</sup>1A] Welsh bodies

In this Chapter “Welsh body” means a body which is—

- (a) a registered charity whose address, for the purposes of registration by the Charity Commission for England and Wales, is in Wales,
- (b) [<sup>F9</sup>a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 (in this Part, a “registered society”) whose registered office for the purposes of that Act is in Wales,] or
- (c) a company within the meaning of the Companies Act 2006 which has its registered office for the purposes of that Act in Wales.]

### Textual Amendments

- F8** S. 1A inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(4)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)
- F9** S. 1A(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 57** (with Sch. 5)

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## 2 Eligibility for registration.

- (1) [<sup>F10</sup>A Welsh body] is eligible for registration as a social landlord if it is—
  - (a) a registered charity which is a housing association,
  - (b) [<sup>F11</sup>a registered society] which satisfies the conditions in subsection (2), or
  - (c) [<sup>F12</sup>a company] which satisfies those conditions.
- (2) The conditions are that the body is [<sup>F13</sup>principally concerned with Welsh housing, is] non-profit-making and is established for the purpose of, or has among its objects or powers, the provision, construction, improvement or management of—
  - (a) houses to be kept available for letting,
  - (b) houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body, or
  - (c) hostels,and that any additional purposes or objects are among those specified in subsection (4).
- [<sup>F14</sup>(2A) A body is principally concerned with Welsh housing if the Welsh Ministers think—
  - (a) that it owns housing only or mainly in Wales, or
  - (b) that its activities are principally undertaken in respect of Wales;and once a body has been registered in reliance on paragraph (a) or (b) it does not cease to be eligible for registration by virtue only of ceasing to satisfy that paragraph.]
- (3) For the purposes of this section a body is non-profit-making if—
  - (a) it does not trade for profit, or
  - (b) its constitution or rules prohibit the issue of capital with interest or dividend exceeding the rate prescribed by the Treasury for the purposes of section 1(1) (b) of the <sup>M1</sup>Housing Associations Act 1985.
- (4) The permissible additional purposes or objects are—
  - (a) providing land, amenities or services, or providing, constructing, repairing or improving buildings, for its residents, either exclusively or together with other persons;
  - (b) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms;
  - (c) constructing houses to be disposed of on shared ownership terms;
  - (d) managing houses held on leases or other lettings (not being houses within subsection (2)(a) or (b)) or blocks of flats;
  - (e) providing services of any description for owners or occupiers of houses in arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works;
  - (f) encouraging and giving advice on the forming of housing associations or providing services for, and giving advice on the running of, such associations and other voluntary organisations concerned with housing, or matters connected with housing.
- (5) A body is not ineligible for registration as a social landlord by reason only that its powers include power—

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- (a) to acquire commercial premises or businesses as an incidental part of a project or series of projects undertaken for purposes or objects falling within subsection (2) or (4);
  - (b) to repair, improve or convert commercial premises acquired as mentioned in paragraph (a) or to carry on for a limited period any business so acquired;
  - (c) to repair or improve houses, or buildings in which houses are situated, after a disposal of the houses by the body by way of sale or lease or on shared ownership terms.
- (6) In this section—
- “block of flats” means a building containing two or more flats which are held on leases or other lettings and which are occupied or intended to be occupied wholly or mainly for residential purposes;
  - “disposed of on shared ownership terms” means disposed of on a lease—
    - (a) granted on a payment of a premium calculated by reference to a percentage of the value of the house or of the cost of providing it, or
    - (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference directly or indirectly to the value of the house;
  - “letting” includes the grant of a licence to occupy;
  - “residents”, in relation to a body, means persons occupying a house or hostel provided or managed by the body; and
  - “voluntary organisation” means an organisation whose activities are not carried on for profit.
- (7) The [<sup>F15</sup>Welsh Ministers] may by order specify permissible purposes, objects or powers additional to those specified in subsections (4) and (5).
- The order may (without prejudice to the inclusion of other incidental or supplementary provisions) contain such provision as the [<sup>F15</sup>Welsh Ministers] thinks fit with respect to the priority of mortgages entered into in pursuance of any additional purposes, objects or powers.
- (8) An order under subsection (7) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [<sup>F16</sup>the National Assembly for Wales] .

#### Textual Amendments

- F10** Words in s. 2(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F11** Words in s. 2(1)(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 58 \(with Sch. 5\)](#)
- F12** Words in s. 2(1)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 161\(2\)\(a\) \(with art. 10\)](#)
- F13** Words in s. 2(2) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(b\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F14** S. 2(2A) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(c\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F15** Words in s. 2(7) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(5\)\(d\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)

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**F16** Words in s. 2(8) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(5)(e)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)

#### Modifications etc. (not altering text)

**C5** S. 2(4) extended (19.4.1999) by 1999/985, **art.2**  
S. 2(4) extended (1.7.1999) by [S.I. 1999/1206](#), **art. 2(1)**

#### Commencement Information

**I1** S. 2 wholly in force 1.10.1996; s. 2 not in force at Royal Assent see s. 232(1)-(3); s. 2(7)(8) in force at 1.8.1996 by 1996/2048, **art. 2(1)** and s. 2 in force at 1.10.1996 to the extent not already in force by [S.I. 1996/2402](#), **art. 3** (subject to the transitional provisions and savings in the Sch. to that S.I.)

#### Marginal Citations

**M1** 1985 c. 69.

### 3 Registration.

- (1) The [<sup>F17</sup>Relevant Authority] may register as a social landlord [<sup>F18</sup>any Welsh body] which is eligible for such registration.
- (2) An application for registration shall be made in such manner, and shall be accompanied by such fee (if any), as [<sup>F19</sup>the Welsh Ministers] may determine.
- (3) As soon as may be after registering a body as a social landlord [<sup>F19</sup>the Welsh Ministers] shall give notice of the registration—
  - (a) in the case of a registered charity, to the [<sup>F20</sup>Charity Commission],
  - (b) in the case of [<sup>F21</sup>a registered society], to the [<sup>F22</sup>Financial Conduct Authority], and
  - (c) in the case of [<sup>F23</sup>a company (including a company that is a registered charity)], to the registrar of companies,who shall record the registration.
- (4) [<sup>F24</sup>A Welsh body] which at any time is, or was, registered as a social landlord shall, for all purposes other than rectification of the register, be conclusively presumed to be, or to have been, at that time a body eligible for registration as a social landlord.

#### Textual Amendments

- F17** Words in Pt. 1 substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.
- F18** Words in s. 3(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(6)(a)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)
- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)
- F20** Words in s. 3(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 184**; S.I. 2007/309, **art. 2**, Sch.
- F21** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F22** Words in s. 3(3)(b) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), **art. 1(1)**, Sch. 11 para. 5(1)(2)(a) (with Sch. 12)

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- F23** Words in s. 3(3)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(3)(a)** (with art. 10)
- F24** Words in s. 3(4) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(6)(b), 325(1)**; [S.I. 2010/862](#), art. 2 (with Sch.)

#### Commencement Information

- I2** S. 3 wholly in force 1.10.1996; s. 3 not in force at Royal Assent see s. 232(1)-(3); s. 3(2) in force for certain purposes at 1.8.1996 by [S.I. 1996/2048](#), **art. 3** and s. 3 in force at 1.10.1996 to the extent it is not already in force by [S.I. 1996/2402](#), **art. 3** (subject to the transitional provisions and savings in the Sch. to that S.I.)

#### 4 Removal from the register.

- (1) A body which has been registered as a social landlord shall not be removed from the register except in accordance with this section.
- (2) If it appears to the <sup>[F19]</sup>the Welsh Ministers] that a body which is on the register of social landlords—
  - (a) is no longer a body eligible for such registration, or
  - (b) has ceased to exist or does not operate,<sup>[F19]</sup>the Welsh Ministers] shall, after giving the body at least 14 days' notice, remove it from the register.
- (3) In the case of a body which appears to <sup>[F19]</sup>the Welsh Ministers] to have ceased to exist or not to operate, notice under subsection (2) shall be deemed to be given to the body if it is served at the address last known to <sup>[F19]</sup>the Welsh Ministers] to be the principal place of business of the body.
- (4) A body which is registered as a social landlord may request <sup>[F19]</sup>the Welsh Ministers] to remove it from the register and <sup>[F19]</sup>the Welsh Ministers] may do so, subject to the following provisions.
- (5) Before removing a body from the register of social landlords under subsection (4) <sup>[F19]</sup>the Welsh Ministers] shall consult the local authorities in whose area the body operates; and <sup>[F19]</sup>the Welsh Ministers] shall also inform those authorities of its decision.
- (6) As soon as may be after removing a body from the register of social landlords <sup>[F19]</sup>the Welsh Ministers] shall give notice of the removal—
  - (a) in the case of a registered charity, to the <sup>[F25]</sup>Charity Commission],
  - (b) in the case of <sup>[F21]</sup>a registered society], to the <sup>[F26]</sup>Financial Conduct Authority], and
  - (c) in the case of <sup>[F27]</sup>a company (including a company that is a registered charity)], to the registrar of companies,
 who shall record the removal.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7), 325(1)**; [S.I. 2010/862](#), art. 2 (with Sch.)

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- F21** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F25** Words in s. 4(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 185**; S.I. 2007/309, art. 2, Sch.
- F26** Words in s. 4(6)(b) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)(2)(b) (with Sch. 12)
- F27** Words in s. 4(6)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(3)(b)** (with art. 10)

#### Modifications etc. (not altering text)

- C6** S. 4 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

## 5 Criteria for registration or removal from register.

- (1) The [<sup>F28</sup>Relevant Authority] shall establish (and may from time to time vary) criteria which should be satisfied by a body seeking registration as a social landlord; and in deciding whether to register a body [<sup>F19</sup>the Welsh Ministers] shall have regard to whether those criteria are met.
- (2) The [<sup>F28</sup>Relevant Authority] shall establish (and may from time to time vary) criteria which should be satisfied where such a body seeks to be removed from the register of social landlords; and in deciding whether to remove a body from the register the [<sup>F28</sup>Relevant Authority] shall have regard to whether those criteria are met.
- (3) Before establishing or varying any such criteria [<sup>F19</sup>the Welsh Ministers] shall consult such bodies representative of registered social landlords, and such bodies representative of local authorities, as it thinks fit.
- (4) The [<sup>F28</sup>Relevant Authority] shall publish the criteria for registration and the criteria for removal from the register in such manner as [<sup>F19</sup>the Welsh Ministers] considers appropriate for bringing the criteria to the notice of bodies representative of registered social landlords and bodies representative of local authorities.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 61(7), 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F28** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, art.5.

## 6 Appeal against decision on removal.

- (1) A body which is aggrieved by a decision of [<sup>F19</sup>the Welsh Ministers]—
  - (a) not to register it as a social landlord, or
  - (b) to remove or not to remove it from the register of social landlords,may appeal against the decision to the High Court.
- (2) If an appeal is brought against a decision relating to the removal of a body from the register, [<sup>F19</sup>the Welsh Ministers] shall not remove the body from the register until the appeal has been finally determined or is withdrawn.



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- (3) As soon as may be after an appeal is brought against a decision relating to the removal of a body from the register, [<sup>F19</sup>the Welsh Ministers] shall give notice of the appeal—
- (a) in the case of a registered charity, to the [<sup>F29</sup>Charity Commission],
  - (b) in the case of [<sup>F21</sup>a registered society], to the [<sup>F30</sup>Financial Conduct Authority],  
and
  - (c) in the case of [<sup>F31</sup>a company (including a company that is a registered charity)],  
to the registrar of companies.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F21** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 56 \(with Sch. 5\)](#)
- F29** Words in s. 6(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 186; S.I. 2007/309, art. 2, Sch.](#)
- F30** Words in s. 6(3)(b) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\), art. 1\(1\), Sch. 11 para. 5\(1\)\(2\)\(c\) \(with Sch. 12\)](#)
- F31** Words in s. 6(3)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 161\(3\)\(c\) \(with art. 10\)](#)

#### Modifications etc. (not altering text)

- C7** S. 6 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)  
 S. 6 restricted (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 3](#)

### *[<sup>F32</sup>Voluntary undertakings*

#### Textual Amendments

- F32** S. 6A and cross-heading inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 41, 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(f\)](#)

## 6A Voluntary undertakings

- (1) A registered social landlord may give the Welsh Ministers an undertaking in respect of any matter concerning housing.
- (2) The Welsh Ministers may prescribe a procedure to be followed in giving an undertaking.
- (3) The Welsh Ministers must have regard to any undertaking offered or given in exercising a regulatory or enforcement power.
- (4) The Welsh Ministers may base a decision about whether to exercise a regulatory or enforcement power wholly or partly on the extent to which an undertaking has been honoured.
- (5) In this section, “regulatory or enforcement power” means a power exercisable under any of the following provisions—



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section 35,  
 section 37,  
 section 38,  
 Chapter 4A of this Part,  
 paragraphs 4 and 6 to 15H of Part 2 of Schedule 1,  
 Part 3A of Schedule 1,  
 Part 4 of Schedule 1.

- (6) This section does not apply in relation to a registered social landlord's provision of housing in England.]

### *Regulation of registered social landlords*

## 7 Regulation of registered social landlords.

Schedule 1 has effect for the regulation of registered social landlords.

Part I relates to the control of payments to members and similar matters.

Part II relates to the constitution, change of rules, amalgamation or dissolution of a registered social landlord.

[<sup>F33</sup>Part 3A relates to inspection.]

Part III relates to accounts and audit.

Part IV relates to inquiries into the affairs of a registered social landlord.

#### Textual Amendments

- F33** Words in s. 7 inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), **Sch. para. 3**; [S.I. 2011/2475](#), arts. 1(2), 2(u)

#### Commencement Information

- I3** S. 7 wholly in force 1.10.1996; s. 7 not in force at Royal Assent see s. 232(1)-(3); s. 7 in force for certain purposes at 1.8.1996 by [S.I. 1996/2048](#), arts. 2, 3; s. 7 in force at 1.10.1996 to the extent it is not already in force by [S.I. 1996/2402](#), **art. 3** (with transitional provisions and savings in the Sch. to that S.I.)

## [<sup>F34</sup>CHAPTER 1A

### BOARD MEMBERSHIP AND VOTING RIGHTS

#### Textual Amendments

- F34** Pt. I Ch. 1A inserted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), s. 19(2), **Sch. 1**; [S.I. 2018/777](#), art. 3(f)

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## *General*

### **7A Meaning of key terms used in this Chapter**

- (1) References in this Chapter to the board of a registered social landlord are—
  - (a) in the case of a registered social landlord that is a company (including a company that is a registered charity), references to the company's board of directors;
  - (b) in the case of a registered social landlord that is a registered charity (but is not a company), references to the charity's board of trustees;
  - (c) in the case of a registered social landlord that is a registered society, references to the society's committee.
- (2) References in this Chapter to board members, in relation to a registered social landlord, are to members of the registered social landlord's board.
- (3) References in this Chapter to local authority appointees, in relation to the board of a registered social landlord, are to persons appointed to the board, or nominated for appointment to the board, by a local authority.

#### *Limit on local authority appointees to board*

### **7B Limit on local authority appointments to board**

- (1) No appointment within subsection (2) may be made to the board of a registered social landlord on or after the day on which this section comes into force.
- (2) An appointment is within this subsection if its effect, but for this section, would be that more than 24 per cent of the board members of the registered social landlord would be local authority appointees.
- (3) To the extent that any provision in the constitution or rules of a registered social landlord would, but for this subsection, conflict with subsection (1) or (2), that provision is to be treated as having no effect.

### **7C Removal of local authority appointees to comply with 24 per cent limit**

- (1) This section applies in respect of a registered social landlord if, on the commencement date, more than 24 per cent of the board members of the registered social landlord are local authority appointees.
- (2) The registered social landlord must remove local authority appointees from the board to the extent it is necessary to do so to comply with the 24 per cent limit.
- (3) The registered social landlord must comply with the duty in subsection (2) before the expiry of the 4 month period but, subject to subsection (5), the landlord may not remove an appointee until after the 2 month period expires.
- (4) A local authority may, before the expiry of the 2 month period, give notice to the registered social landlord specifying local authority appointees appointed or nominated by that authority who are to be removed from the board in order to comply with the 24 per cent limit.

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*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part 1 is up to date with all changes known to be in force on or before 20 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)*

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- (5) Where notice has been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must remove the specified local authority appointees from the board (and may do so before the expiry of the 2 month period).
- (6) Where notice has not been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must select the local authority appointees who are to be removed from the board.

- (7) In this section—

“commencement date” means the day on which this section comes into force;

“2 month period” means the period of 2 months beginning with the commencement date;

“4 month period” means the period of 4 months beginning with the commencement date;

references to complying with the 24 per cent limit, in relation to the board of a registered social landlord, are to ensuring that no more than 24 per cent of the members of the board of the registered social landlord are local authority appointees.

#### **7D Procedure for selection by registered social landlord of local authority appointees for removal**

- (1) The selection under section 7C(6) of a local authority appointee for removal from the board of a registered social landlord is to be effected by a majority vote of the votes cast by board members who are not local authority appointees.
- (2) To the extent that any provision in the constitution or rules of the landlord would, but for this subsection, conflict with subsection (1), that provision is to be treated as having no effect for the purposes of section 7C.

#### *Quorum and voting rights of board members*

#### **7E Board quorum: no requirement for local authority appointee**

- (1) To the extent that any provision of the constitution or rules of a registered social landlord is within subsection (2), it is to be treated as having no effect.
- (2) Provision is within this subsection if, but for this section, it would require the presence of one or more local authority appointees in order for a meeting of the board of the registered social landlord to be quorate.

#### **7F Board resolutions: 75 per cent threshold**

- (1) To the extent that any provision in the constitution or rules of a registered social landlord is within subsection (2), subsection (3) applies in respect of that provision.
- (2) Provision is within this section if, but for this section, it would permit a resolution of the board of the registered social landlord to be passed only if more than 75 per cent of the votes cast by the board are in favour of the resolution.
- (3) The provision is to be treated as requiring only 75 per cent of the votes cast by the board to be in favour of the resolution.

*Status: Point in time view as at 30/09/2021.*

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### *Consent to constitutional change*

#### **7G Constitutional changes: no requirement for local authority consent and no power of veto**

- (1) To the extent that any provision of the constitution or rules of a registered social landlord is within subsection (2), it is to be treated as having no effect.
- (2) Provision is within this subsection if, but for this section, it would—
  - (a) require the consent of a local authority, or of a local authority appointee, to a change to the constitution or rules of the registered social landlord, or
  - (b) confer on a local authority, or a local authority appointee, power to veto a change within paragraph (a).

### *Voting rights of members of registered social landlord*

#### **7H Voting rights of local authorities**

- (1) This section applies if a local authority is a member of a registered social landlord.
- (2) To the extent that any provision in the constitution or rules of the registered social landlord would confer on the local authority the right, as a member of the registered social landlord, to vote on resolutions of the registered social landlord, that provision is to be treated as having no effect.

#### **7I Provision in agreements that is to be treated as having no effect**

To the extent that any provision in an agreement between a registered social landlord and another person would, if it were included in the constitution or rules of the registered social landlord, be treated as having no effect by virtue of this Chapter, that provision of the agreement is to be treated as having no effect.

### *Wholly controlled subsidiaries: power to disapply this Chapter*

#### **7J Power to disapply provisions of this Chapter**

- (1) The Welsh Ministers may by order provide that provisions of this Chapter specified in the order are not to apply to registered social landlords that are wholly controlled local authority subsidiaries.
- (2) A registered social landlord is a wholly controlled local authority subsidiary if—
  - (a) it is a company or registered society;
  - (b) all of its members are within subsection (3), and
  - (c) one or more of the conditions in subsection (4) (in the case of a company) or in subsection (5) (in the case of a registered society) is met.
- (3) A person is within this subsection if the person is—
  - (a) a local authority;
  - (b) a company or registered society that is a subsidiary of a local authority (see subsection (6));
  - (c) a person acting on behalf of a person within paragraph (a) or (b).

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- (4) The conditions are—
- (a) a local authority has power to appoint or remove all or a majority of the board of directors;
  - (b) a local authority holds more than half in nominal value of the company's equity share capital;
  - (c) the company is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or (b) or in subsection (5)(a).
- (5) The conditions are—
- (a) a local authority has power to appoint or remove all or a majority of the members of the committee of management of the society;
  - (b) the society is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or in subsection (4)(a) or (b).
- (6) For the purposes of subsection (3)(b), a company or registered society is a subsidiary of a local authority if one or more of the conditions in subsection (4) (in the case of a company) or subsection (5) (in the case of a registered society) is met.
- (7) The Welsh Ministers may by order make provision for a registered social landlord of a description specified in the order to be treated as being a wholly controlled local authority subsidiary for the purposes of this section and any order made under it.
- (8) An order under this section is to be made by statutory instrument subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

## F35 CHAPTER II

### DISPOSAL OF LAND AND RELATED MATTERS

#### Textual Amendments

- F35** Pt. 1: The system of "registered social landlords" under this Part is replaced (8.9.2008 for specified purposes and 1.12.2008, 16.2.2009, 1.4.2009, 7.9.2009 and 1.4.2010 for further purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), Pt. 2. This Part continues to apply in relation to Wales with certain provisions applied in relation to England and certain provisions preserved although they apply to England only, see s. 60 of the affecting Act; [S.I. 2008/2358](#), art. 3; [S.I. 2008/3068](#), art. 3 (with arts. 6-13); [S.I. 2009/363](#), art. 2; [S.I. 2009/803](#), art. 7; [S.I. 2009/2096](#), art. 2(1); [S.I. 2010/862](#), art. 2 (with Sch.)

#### *Power of registered social landlord to dispose of land*

### **8 Power of registered social landlord to dispose of land.**

- (1) A registered social landlord has power by virtue of this section and not otherwise to dispose, in such manner as it thinks fit, of land held by it.

*Status: Point in time view as at 30/09/2021.*

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- (2) Section 39 of the <sup>M2</sup>Settled Land Act 1925 (disposal of land by trustees) does not apply to the disposal of land by a registered social landlord; and accordingly the disposal need not be for the best consideration in money that can reasonably be obtained.

Nothing in this subsection shall be taken to authorise any action on the part of a charity which would conflict with the trusts of the charity.

- (3) This section has effect subject to section 9 [<sup>F36</sup>(notification to Welsh Ministers of disposal of land)].

#### Textual Amendments

**F36** Words in s. 8(3) substituted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), s. 19\(2\), Sch. 2 para. 3](#); S.I. 2018/777, art. 3(g)

#### Modifications etc. (not altering text)

**C8** S. 8 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)

#### Marginal Citations

**M2** 1925 c. 18.

*[<sup>F37</sup>Requirements relating to] land transactions*

#### Textual Amendments

**F37** Words in s. 9 cross-heading substituted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), s. 19\(2\), Sch. 2 para. 4](#); S.I. 2018/777, art. 3(g)

### <sup>F38</sup> Notification to Welsh Ministers of disposal of land

- (1) If a registered social landlord disposes of land under section 8, the landlord must notify the Welsh Ministers.
- (2) For the purposes of this section disposing of land means selling it, leasing it, mortgaging it, making it subject to a charge, or disposing of it in any other way.
- (3) The Welsh Ministers may give directions to registered social landlords about—
  - (a) the delivery, form and content of notification under this section;
  - (b) the deadline for giving notification under this section.
- (4) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give notification under this section.
- (5) A direction under this section may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.
- (6) A direction may vary or revoke a previous direction under this section.
- (7) A registered social landlord must comply with a direction under this section.]

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#### Textual Amendments

- F38** S. 9 substituted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), ss. 14, 19\(2\); S.I. 2018/777, art. 3\(e\)](#)

### <sup>F40</sup>10 Lettings and other disposals not requiring consent of [<sup>F39</sup>Relevant Authority].

.....

#### Textual Amendments

- F39** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 82\(1\)\(2\)](#) (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, [art.5](#).
- F40** S. 10 omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), s. 19\(2\), Sch. 2 para. 5; S.I. 2018/777, art. 3\(g\)](#)

#### Modifications etc. (not altering text)

- C9** S. 10 extended (16.9.1996) by S.I. 1996/2402, [art. 3, Sch. para. 1](#)

### <sup>F41</sup>11 Covenant for repayment of discount on disposal

- (1) Where on a disposal of a house by a registered social landlord<sup>F42</sup>... a discount has been given to the purchaser, <sup>F43</sup>... the conveyance, grant or assignment shall contain a covenant binding on the purchaser and his successors in title to the following effect.
- (2) The covenant shall be to pay to the landlord such sum (if any) as the landlord may demand in accordance with subsection (3) on the occasion of the first relevant disposal which is not an exempted disposal and which takes place within the period of five years beginning with the conveyance, grant or assignment.
- (3) The landlord may demand such sum as he considers appropriate, up to and including the maximum amount specified in this section.
- (4) The maximum amount which may be demanded by the landlord is a percentage of the price or premium paid for the first relevant disposal which is equal to the percentage discount given to the purchaser in respect of the disposal of the house by the landlord.
- (5) But for each complete year which has elapsed after the conveyance, grant or assignment and before the first relevant disposal the maximum amount which may be demanded by the landlord is reduced by one-fifth.
- (6) Subsections (3) to (5) are subject to section 11A.

#### Textual Amendments

- F41** Ss. 11-11B substituted for s. 11 (18.1.2005) by [Housing Act 2004 \(c. 34\), ss. 199\(1\), 270\(3\)\(a\)](#) (with s. 199(3))
- F42** Words in s. 11(1) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), s. 19\(2\), Sch. 2 para. 6\(a\); S.I. 2018/777, art. 3\(g\)](#)
- F43** Words in s. 11(1) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), s. 19\(2\), Sch. 2 para. 6\(b\); S.I. 2018/777, art. 3\(g\)](#)



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**Modifications etc. (not altering text)**

**C10** Ss. 11-12 applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179, 325(1)** (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

**11A Increase in value of house attributable to home improvements to be disregarded**

- (1) In calculating the maximum amount which may be demanded by the landlord under section 11, such amount (if any) of the price or premium paid for the first relevant disposal which is attributable to improvements made to the house—
  - (a) by the person by whom the disposal is, or is to be, made, and
  - (b) after the conveyance, grant or assignment and before the disposal, shall be disregarded.
- (2) The amount to be disregarded under this section shall be such amount as may be agreed between the parties or determined by the district valuer.
- (3) The district valuer shall not be required by virtue of this section to make a determination for the purposes of this section unless—
  - (a) it is reasonably practicable for him to do so; and
  - (b) his reasonable costs in making the determination are paid by the person by whom the disposal is, or is to be, made.
- (4) If the district valuer does not make a determination for the purposes of this section (and in default of an agreement), no amount is required to be disregarded under this section.]

**Textual Amendments**

**F41** Ss. 11-11B substituted for s. 11 (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 199(1), 270(3)(a)** (with s. 199(3))

**Modifications etc. (not altering text)**

**C10** Ss. 11-12 applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179, 325(1)** (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

**12 Priority of charge for repayment of discount.**

- (1) The charge taking effect by virtue of [F44 section 11B ] (charge for repayment of discount) has priority immediately after any legal charge securing an amount—
  - (a) left outstanding by the purchaser, or
  - (b) advanced to him by an approved lending institution for the purpose of enabling him to acquire the interest disposed of on the first disposal, subject to the following provisions.
- (2) An advance which is made for a purpose other than that mentioned in subsection (1) (b) and which is secured by a legal charge having priority to the charge taking effect by virtue of [F44 section 11B ], and any further advance which is so secured, shall rank in priority to that charge if, and only if, the registered social landlord by notice served on the institution concerned gives consent.

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The landlord shall give consent if the purpose of the advance or further advance is an approved purpose.

- (3) The registered social landlord may at any time by notice served on an approved lending institution postpone the charge taking effect by virtue of [F44 section 11B ] to an advance or further advance which—

- (a) is made to the purchaser by that institution, and
- (b) is secured by a legal charge not having priority to that charge;

and the landlord shall serve such a notice if the purpose of the advance or further advance is an approved purpose.

- (4) The covenant required by [F44 section 11B ] does not, by virtue of its binding successors in title of the purchaser, bind a person exercising rights under a charge having priority over the charge taking effect by virtue of that section, or a person deriving title under him.

A provision of the conveyance, grant or assignment, or of a collateral agreement, is void in so far as it purports to authorise a forfeiture, or to impose a penalty or disability, in the event of any such person failing to comply with that covenant.

- (5) In this section “approved lending institution” means—

- (a) a building society, bank, insurance company or friendly society,
- (b) [F19the Welsh Ministers], or
- [F45(c) an authorised mortgage lender (within the meaning of the Housing Act 1985 (see section 622 of that Act)).]

- (6) The following are “approved purposes” for the purposes of this section—

- (a) to enable the purchaser to defray, or to defray on his behalf, any of the following—
  - (i) the cost of any works to the house,
  - (ii) any service charge payable in respect of the house for works, whether or not to the house, and
  - (iii) any service charge or other amount payable in respect of the house for insurance, whether or not of the house, and
- (b) to enable the purchaser to discharge, or to discharge on his behalf, any of the following—
  - (i) so much as is still outstanding of any advance or further advance which ranks in priority to the charge taking effect by virtue of [F44 section 11B ] ,
  - (ii) any arrears of interest on such an advance or further advance, and
  - (iii) any costs and expenses incurred in enforcing payment of any such interest, or repayment (in whole or in part) of any such advance or further advance.

In this subsection “service charge” has the meaning given by section 621A of the Housing Act 1985.

- (7) Where different parts of an advance or further advance are made for different purposes, each of those parts shall be regarded as a separate advance or further advance for the purposes of this section.

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#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- F44** Words in s. 12 substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 199(2)**, 270(3)(a) (with s. 199(3))
- F45** S. 12(5)(c) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 307(7)**, 325(2)(a)

#### Modifications etc. (not altering text)

- C10** Ss. 11-12 applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179**, 325(1) (with s. 189); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- C11** S. 12 extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3**, [Sch. paras. 1](#), **11**

### [<sup>F46</sup>12A Right of first refusal for registered social landlord

- (1) Where on a disposal of a house by a registered social landlord<sup>F47</sup> ... a discount has been given to the purchaser, <sup>F48</sup>... the conveyance, grant or assignment shall contain the following covenant, which shall be binding on the purchaser and his successors in title.
- (2) The covenant shall be to the effect that, until the end of the period of ten years beginning with the conveyance, grant or assignment, there will be no relevant disposal which is not an exempted disposal, unless the prescribed conditions have been satisfied in relation to that or a previous such disposal.
- (3) In subsection (2) “the prescribed conditions” means such conditions as are prescribed by regulations under this section at the time when the conveyance, grant or assignment is made.
- (4) The [<sup>F49</sup>Welsh Ministers] may by regulations prescribe such conditions as [<sup>F50</sup>they][<sup>F51</sup>consider] appropriate for and in connection with conferring on—
  - (a) a registered social landlord which has made a disposal as mentioned in subsection (1), or
  - (b) such other person as is determined in accordance with the regulations,
 a right of first refusal to have a disposal within subsection (5) made to him for such consideration as is mentioned in section 12B.
- (5) The disposals within this subsection are—
  - (a) a reconveyance or conveyance of the house; and
  - (b) a surrender or assignment of the lease.
- (6) Regulations under this section may, in particular, make provision—
  - (a) for the purchaser to offer to make such a disposal to such person or persons as may be prescribed;
  - (b) for a prescribed recipient of such an offer to be able either to accept the offer or to nominate some other person as the person by whom the offer may be accepted;
  - (c) for the person who may be so nominated to be either a person of a prescribed description or a person whom the prescribed recipient considers, having regard to any prescribed matters, to be a more appropriate person to accept the offer;

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- (d) for a prescribed recipient making such a nomination to give a notification of the nomination to the person nominated, the purchaser and any other prescribed person;
  - (e) for authorising a nominated person to accept the offer and for determining which acceptance is to be effective where the offer is accepted by more than one person;
  - (f) for the period within which the offer may be accepted or within which any other prescribed step is to be, or may be, taken;
  - (g) for the circumstances in which the right of first refusal lapses (whether following the service of a notice to complete or otherwise) with the result that the purchaser is able to make a disposal on the open market;
  - (h) for the manner in which any offer, acceptance or notification is to be communicated.
- (7) In subsection (6) any reference to the purchaser is a reference to the purchaser or his successor in title.
- Nothing in that subsection affects the generality of subsection (4).
- (8) Regulations under this section—
- (a) may make different provision with respect to different cases or descriptions of case; and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [<sup>F52</sup>the National Assembly for Wales] .
- (9) The limitation imposed by a covenant within subsection (2) is a local land charge.
- (10) The Chief Land Registrar must enter in the register of title a restriction reflecting the limitation imposed by any such covenant.
- (11) Where there is a relevant disposal which is an exempted disposal by virtue of section 15(4)(d) or (e) (compulsory disposal or disposal of yard, garden, &c)—
- (a) the covenant required by this section is not binding on the person to whom the disposal is made or any successor in title of his, and
  - (b) the covenant ceases to apply in relation to the property disposed of.

#### Textual Amendments

- F46** Ss. 12A, 12B inserted (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by [Housing Act 2004 \(c. 34\)](#), **ss. 200(1)**, 270(2)(b), (3)(a) (with s. 200(3))
- F47** Words in s. 12A(1) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), s. 19(2), **Sch. 2 para. 7(a)**; S.I. 2018/777, art. 3(g)
- F48** Words in s. 12A(1) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), s. 19(2), **Sch. 2 para. 7(b)**; S.I. 2018/777, art. 3(g)
- F49** Words in s. 12A(4) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F50** Word in s. 12A(4) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F51** Word in s. 12A(4) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(e)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F52** Words in s. 12A(8)(b) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

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**Modifications etc. (not altering text)**

**C12** S. 12A applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179, 325(1)** (with s. 189); [S.I. 2010/862](#), **art. 2** (with Sch.)

**12B Consideration payable for disposal under section 12A**

- (1) The consideration for a disposal made in respect of a right of first refusal as mentioned in section 12A(4) shall be such amount as may be agreed between the parties, or determined by the district valuer, as being the amount which is to be taken to be the value of the house at the time when the offer is made (as determined in accordance with regulations under that section).
- (2) That value shall be taken to be the price which, at that time, the interest to be reconveyed, conveyed, surrendered or assigned would realise if sold on the open market by a willing vendor, on the assumption that any liability under the covenant required by section 11 (repayment of discount on early disposal) would be discharged by the vendor.
- (3) If the offer is accepted in accordance with regulations under section 12A, no payment shall be required in pursuance of any such covenant as is mentioned in subsection (2), but the consideration shall be reduced, subject to subsection (4), by such amount (if any) as, on a disposal made at the time the offer was made, being a relevant disposal which is not an exempted disposal, would fall to be paid under that covenant.
- (4) Where there is a charge on the house having priority over the charge to secure payment of the sum due under the covenant mentioned in subsection (2), the consideration shall not be reduced under subsection (3) below the amount necessary to discharge the outstanding sum secured by the first-mentioned charge at the date of the offer (as determined in accordance with regulations under section 12A).]

**Textual Amendments**

**F46** Ss. 12A, 12B inserted (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by [Housing Act 2004 \(c. 34\)](#), **ss. 200(1), 270(2)(b), (3)(a)** (with s. 200(3))

**Modifications etc. (not altering text)**

**C13** S. 12B applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179, 325(1)** (with s. 189); [S.I. 2010/862](#), **art. 2** (with Sch.)

**13 Restriction on disposal of houses in National Parks, &c.**

- (1) On the disposal by a registered social landlord <sup>F53</sup>... of a house situated in—
  - (a) a National Park,
  - (b) an area designated under [<sup>F54</sup>section 82 of the Countryside and Rights of Way Act 2000] as an area of outstanding natural beauty, or
  - (c) an area designated as a rural area by order under section 157 of the <sup>M3</sup>Housing Act 1985,

the conveyance, grant or assignment may (unless it contains a condition of a kind mentioned in section 33(2)(b) or (c) of the Housing Act 1985 (right of pre-emption or restriction on assignment) [<sup>F55</sup> or a covenant as mentioned in section 12A(2) of this Act (right of first refusal for registered social landlord) ] contain a covenant to the

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following effect limiting the freedom of the purchaser (including any successor in title of his and any person deriving title under him or such a successor) to dispose of the house.

- (2) The limitation is that until such time (if any) as may be notified in writing by the registered social landlord to the purchaser or a successor in title of his, there will be no relevant disposal which is not an exempted disposal without the written consent of the landlord.
- (3) That consent shall not be withheld if the person to whom the disposal is made (or, if it is made to more than one person, at least one of them) has, throughout the period of three years immediately preceding the application for consent—
  - (a) had his place of work in a region designated by order under section 157(3) of the Housing Act 1985 which, or part of which, is comprised in the National Park or area concerned, or
  - (b) had his only or principal home in such a region, or if he has had the one in part or parts of that period and the other in the remainder.The region need not have been the same throughout the period.
- (4) A disposal in breach of such a covenant as is mentioned above is void.
- (5) The limitation imposed by such a covenant is a local land charge and, [<sup>F56</sup>if the first disposal involves registration under the Land Registration Act 2002, the Chief Land Registrar shall enter in the register of title a restriction reflecting the limitation].
- (6) In this section “purchaser” means the person acquiring the interest disposed of by the first disposal.
- (7) Where there is a relevant disposal which is an exempted disposal by virtue of section 15(4)(d) or (e) (compulsory disposal or disposal of yard, garden, &c.), any such covenant as is mentioned in this section ceases to apply in relation to the property disposed of.

#### Textual Amendments

- F53** Words in s. 13(1) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), s. 19(2), **Sch. 2 para. 8**; S.I. 2018/777, art. 3(g)
- F54** Words in s. 13(1)(b) substituted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 C. 37, s. 93, Sch. 15 Pt. I para. 14; S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- F55** Words in s. 13(1) inserted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 200(2), 270(3)(a)** (with s. 200(3))
- F56** Words in s. 13(5) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 11 para. 35** (with s. 129); S.I. 2003/1725, art. 2(1)

#### Modifications etc. (not altering text)

- C14** S. 13 extended (16.9.1996) by S.I. 1996/2402, art. 3, Sch. paras. 1, **11**
- C15** S. 13 applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179, 325(1)** (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

#### Marginal Citations

- M3** 1985 c. 68.

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## 14 Treatment of options.

- (1) For the purposes of sections 9 to 13 the grant of an option enabling a person to call for a relevant disposal which is not an exempted disposal shall be treated as such a disposal made to him.
- (2) For the purposes of section 13(2) (requirement of consent to disposal of house in National Park, &c.) consent to such a grant shall be treated as consent to a disposal made in pursuance of the option.

### Modifications etc. (not altering text)

**C16** S. 14 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch.](#) paras. 1, 11

**C17** S. 14 applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 179, 325\(1\)](#) (with [s. 189](#)); [S.I. 2010/862, art. 2](#) (with [Sch.](#))

## 15 Relevant and exempted disposals.

- (1) In sections 11 to 14 the expression “relevant disposal which is not an exempted disposal” shall be construed as follows.
- (2) A disposal, whether of the whole or part of the house, is a relevant disposal if it is—
  - (a) a conveyance of the freehold or an assignment of the lease, or
  - (b) the grant of a lease or sub-lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack-rent.
- (3) For the purposes of subsection (2)(b) it shall be assumed—
  - (a) that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and
  - (b) that any option to terminate a lease or sub-lease is not exercised.
- (4) A disposal is an exempted disposal if—
  - (a) it is a disposal of the whole of the house and a conveyance of the freehold or an assignment of the lease and the person or each of the persons to whom it is made is a qualifying person (as defined in subsection (5));
  - (b) it is a vesting of the whole of the house in a person taking under a will or on an intestacy;
  - (c) it is a disposal of the whole of the house in pursuance of any such order as is mentioned in subsection (6);
  - (d) it is a compulsory disposal (as defined in subsection (7));
  - (e) the property disposed of is a yard, garden, outhouses or appurtenances belonging to a house or usually enjoyed with it.
- (5) For the purposes of subsection (4)(a) a person is a qualifying person in relation to a disposal if—
  - (a) he is the person or one of the persons by whom the disposal is made,
  - (b) he is the spouse or a former spouse <sup>F57</sup>, or the civil partner or a former civil partner, of that person or one of those persons, or
  - (c) he is a member of the family of that person or one of those persons and has resided with him throughout the period of twelve months ending with the disposal.



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- (6) The orders referred to in subsection (4)(c) are orders under—
- (a) section 24 or 24A of the <sup>M4</sup>Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings);
  - (b) section 2 of the <sup>M5</sup>Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate);
  - (c) section 17 of the <sup>M6</sup>Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.); <sup>F58</sup>...
  - (d) paragraph 1 of Schedule 1 to the <sup>M7</sup>Children Act 1989 (orders for financial relief against parents).<sup>F59</sup>; or
  - (e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).]
- (7) For the purposes of subsection (4)(d) a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made, a compulsory purchase order authorising its compulsory purchase for the purposes for which it is acquired.

#### Textual Amendments

- F57** Words in s. 15(5)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 50(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F58** Word in s. 15(6)(c) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)
- F59** S. 15(6)(e) and word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 50(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

#### Modifications etc. (not altering text)

- C18** S. 15 extended (16.9.1996) by S.I. 1996/2402, **art. 3**, Sch. paras. 1, 11
- C19** S. 15 applied (with modifications) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 179, 325(1)** (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

#### Marginal Citations

- M4** 1973 c. 18.
- M5** 1975 c. 63.
- M6** 1984 c. 42.
- M7** 1989 c. 41.

### <sup>F60</sup>15A Treatment of deferred resale agreements for purposes of section 11

- (1) If a purchaser or his successor in title enters into an agreement within subsection (3), any liability arising under the covenant required by section 11 shall be determined as if a relevant disposal which is not an exempted disposal had occurred at the appropriate time.
- (2) In subsection (1) “the appropriate time” means—
- (a) the time when the agreement is entered into, or

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- (b) if it was made before the beginning of the discount repayment period, immediately after the beginning of that period.
- (3) An agreement is within this subsection if it is an agreement between the purchaser or his successor in title and any other person—
- (a) which is made (expressly or impliedly) in contemplation of, or in connection with, a disposal to be made, or made, by virtue of section 8,
  - (b) which is made before the end of the discount repayment period, and
  - (c) under which a relevant disposal which is not an exempted disposal is or may be required to be made to any person after the end of that period.
- (4) Such an agreement is within subsection (3)—
- (a) whether or not the date on which the relevant disposal is to take place is specified in the agreement, and
  - (b) whether or not any requirement to make that disposal is or may be made subject to the fulfilment of any condition.
- (5) The [<sup>F61</sup>Welsh Ministers] may by order provide—
- (a) for subsection (1) to apply to agreements of any description specified in the order in addition to those within subsection (3);
  - (b) for subsection (1) not to apply to agreements of any description so specified to which it would otherwise apply.
- (6) An order under subsection (5)—
- (a) may make different provision with respect to different cases or descriptions of case; and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [<sup>F62</sup>the National Assembly for Wales].
- (7) In this section—
- “agreement” includes arrangement;
- “the discount repayment period” means the period of three or five years that applies for the purposes of section 11(2) (depending on whether an offer such as is mentioned in section 199(3) of the Housing Act 2004 was made before or on or after the coming into force of that section).]

#### Textual Amendments

- F60** S. 15A inserted (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by [Housing Act 2004 \(c. 34\)](#), **ss. 201(1)**, 270(2)(b), (3)(a) (with s. 201(2))
- F61** Words in s. 15A(5) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F62** Words in s. 15A(6)(b) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

### *Right of tenant to acquire dwelling*

#### <sup>F63</sup> 16 Right of tenant to acquire dwelling.

.....

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**Textual Amendments**

**F63** S. 16 repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(3)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

**<sup>F64</sup>16A Extension of section 16 to dwellings funded by grants under section 27A**

.....

**Textual Amendments**

**F64** S. 16A repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(4)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

**<sup>F65</sup>16B Restriction on exercising the right to acquire**

.....

**Textual Amendments**

**F65** S. 16B repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), **ss. 6(2)(b), 11(3)(4)**; S.I. 2018/100, art. 2(a) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

**<sup>F66</sup>16C Exception to restriction on exercising the right to acquire**

.....

**Textual Amendments**

**F66** S. 16C repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), **ss. 6(2)(b), 11(3)(4)**; S.I. 2018/100, art. 2(a) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

**<sup>F67</sup>17 Right of tenant to acquire dwelling: supplementary provisions.**

.....

**Textual Amendments**

**F67** S. 17 repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(5)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

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## CHAPTER III

### GRANTS AND OTHER FINANCIAL MATTERS

#### *Grants and other financial assistance*

#### 18 Social housing grants.

- (1) The [<sup>F68</sup>Relevant Authority] may make grants to registered social landlords in respect of expenditure incurred or to be incurred by them in connection with their housing activities.
- (2) The [<sup>F68</sup>Relevant Authority]<sup>F69</sup> ... shall specify in relation to grants under this section—
  - (a) the procedure to be followed in relation to applications for grant,
  - (b) the circumstances in which grant is or is not to be payable,
  - (c) the method for calculating, and any limitations on, the amount of grant, and
  - (d) the manner in which, and time or times at which, grant is to be paid.
- (3) In making a grant under this section, [<sup>F19</sup>the Welsh Ministers] may provide that the grant is conditional on compliance by the landlord with such conditions as [<sup>F19</sup>the Welsh Ministers] may specify.
- (4) The [<sup>F68</sup>Relevant Authority] may, with the agreement of a local housing authority, appoint the authority to act as its agent in connection with the assessment and payment of grant under this section.
- [<sup>F70</sup>(5) The appointment—
  - (a) if made by the Housing Corporation, shall be on such terms as the Housing Corporation may, with the approval of the Secretary of State given with the consent of the Treasury, specify, and
  - (b) [<sup>F71</sup>An appointment made by] the [<sup>F72</sup>Welsh Ministers][<sup>F73</sup>under this section] , shall be on such terms as the [<sup>F72</sup>Welsh Ministers] may [<sup>F74</sup>specify; and the authority shall act in accordance with those terms.]]
- (6) Where—
  - (a) a grant under this section is payable to a registered social landlord, and
  - (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, another registered social landlord, or trustees for another such landlord,
 this section (including this subsection) shall have effect after that time as if the grant, or such proportion of it as is specified or determined under subsection (7), were payable to the other landlord.
- (7) The proportion mentioned in subsection (6) is that which, in the circumstances of the particular case—
  - (a) [<sup>F19</sup>the Welsh Ministers], acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or
  - (b) [<sup>F19</sup>the Welsh Ministers] may determine to be appropriate.
- <sup>F75</sup>(8) .....

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### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- F68** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art.5**.
- F69** Words in s. 18(2) repealed (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), s. 270(3)(c), [Sch. 11 para. 8](#), **Sch. 16**
- F70** S. 18(5) substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 85(2)** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art.5**.
- F71** Words in s. 18(5)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), **art. 1(2)**, **Sch. 2 para. 85(2)(a)** (with [art. 6](#), [Sch. 3](#))
- F72** Words in s. 18(5)(b) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a)**, 325(1); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- F73** Words in s. 18(5)(b) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), **art. 1(2)**, **Sch. 2 para. 85(2)(b)** (with [art. 6](#), [Sch. 3](#))
- F74** Words in s. 18(5)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), **art. 1(2)**, **Sch. 2 para. 85(2)(c)** (with [art. 6](#), [Sch. 3](#))
- F75** S. 18(8) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), **art. 1(2)**, [Sch. 2 para. 85\(3\)](#), **Sch. 4** (with [art. 6](#), [Sch. 3](#))

### Modifications etc. (not altering text)

- C20** S. 18: transfer of functions (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), **arts. 1(1), 2**
- C21** S. 18 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), **arts. 1(1), 3**, **Sch. para. 5** (with [art. 6](#))
- C22** S. 18(2)(7) extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3**, **Sch. para. 1**

### Commencement Information

- I4** S. 18 wholly in force 1.4.1997: s. 18 not in force at Royal Assent, see s. 232(1)-(3); s. 18(2)(7) in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), **art. 4** and s. 18 in force at 1.4.1997 to the extent it is not already in force by [S.I. 1997/618](#), **art. 2**

## 19 Land subject to housing management agreement.

A registered social landlord is not entitled to a grant under section 18 (social housing grant) in respect of land comprised in a management agreement within the meaning of the <sup>M8</sup>Housing Act 1985 (see sections 27(2) and 27B(4) of that Act: delegation of housing management functions by certain authorities).

### Marginal Citations

- M8** [1985 c. 68](#).

## <sup>F76</sup>20 Purchase grant where right to acquire exercised.

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#### Textual Amendments

- F76** S. 20 repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(6)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

### <sup>F77</sup>21 Purchase grant in respect of other disposals.

.....

#### Textual Amendments

- F77** S. 21 repealed (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018](#) (anaw 1), **ss. 7(2), 11(3)(4)**; S.I. 2018/100, art. 2(a) (with art. 4) (with savings in S.I. 2019/110, reg. 5)

### 22 Assistance from local authorities.

- (1) A local authority may promote—
  - (a) the formation of bodies to act as registered social landlords, and
  - (b) the extension of the objects or activities of registered social landlords.
- (2) A local authority may for the assistance of any registered social landlord subscribe for share or loan capital of the landlord.
- (3) A local authority may for the assistance of a registered social landlord—
  - (a) make grants or loans to the landlord, or
  - (b) guarantee or join in guaranteeing the payment of the principal of, and interest on, money borrowed by the landlord (including money borrowed by the issue of loan capital) or of interest on share capital issued by the landlord.
- (4) A local housing authority may sell or supply under a hire-purchase agreement furniture to the occupants of houses provided by a registered social landlord, and may buy furniture for that purpose.

In this subsection “hire-purchase agreement” means a hire-purchase agreement or conditional sale agreement within the meaning of the <sup>M9</sup>Consumer Credit Act 1974.

#### Modifications etc. (not altering text)

- C23** S. 22 extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3**, Sch. para. 1

#### Marginal Citations

- M9** 1974 c. 39.

### 23 [<sup>F78</sup>Local loans made by the Treasury]

- (1) The [<sup>F79</sup>Treasury] may lend money to a registered social landlord—
  - (a) for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement, of dwellings,

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- (b) for the purchase of dwellings which the landlord desires to purchase with a view to their improvement, and
  - (c) for the purchase and development of land.
- (2) A loan for any of those purposes, and interest on the loan, shall be secured by a mortgage of—
- (a) the land in respect of which that purpose is to be carried out, and
  - (b) such other lands (if any) as may be offered as security for the loan;
- and the money lent shall not exceed three-quarters (or, if the payment of the principal of, and interest on, the loan is guaranteed by a local authority, nine-tenths) of the value, to be ascertained to the satisfaction of the [<sup>F79</sup>Treasury], of the estate or interest in the land proposed to be so mortgaged.
- (3) Loans may be made by instalments as the building of dwellings or other work on the land mortgaged under subsection (2) progresses (so, however, that the total amount lent does not at any time exceed the amount specified in that subsection); and a mortgage may accordingly be made to secure such loans to be so made.
- (4) If the loan exceeds two-thirds of the value referred to in subsection (2), and is not guaranteed as to principal and interest by a local authority, the [<sup>F79</sup>Treasury] shall require, in addition to such a mortgage as is mentioned in that subsection, such further security as they think fit.
- (5) Subject to subsection (6), the period for repayment of a loan under this section shall not exceed 40 years, and no money shall be lent on mortgage of any land unless the estate proposed to be mortgaged is either an estate in fee simple absolute in possession or an estate for a term of years absolute of which not less than 50 years are unexpired at the date of the loan.
- (6) Where a loan under this section is made for the purpose of carrying out a scheme for the provision of houses approved by the [<sup>F80</sup>Welsh Ministers], the maximum period for the repayment of the loan is 50 instead of 40 years, and money may be lent on the mortgage of an estate for a term of years absolute of which a period of not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan.
- [<sup>F81</sup>(7) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).]

#### Textual Amendments

- F78** S. 23 heading substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 80(2)** (with art. 9)
- F79** Word in s. 23 substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 80(3)** (with art. 9)
- F80** Words in s. 23(6) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a), 325(1)**; [S.I. 2010/862](#), art. 2 (with Sch.)
- F81** S. 23(7) inserted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 80(4)** (with art. 9)

#### Modifications etc. (not altering text)

- C24** S. 23 extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3**, Sch. para. 1



*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

### *Treatment of disposal proceeds*

#### **F82 24 The disposal proceeds fund.**

.....

##### **Textual Amendments**

**F82** S. 24 omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018](#) (anaw 4), **ss. 15(a), 19(2)**; S.I. 2018/777, art. 3(e) (with art. 4)

##### **Commencement Information**

**I5** S. 24 wholly in force 1.4.1997; s. 24 not in force at Royal Assent see s. 232(3); s.24 in force for certain purposes at 1.8.1996 by [S.I. 1996/2048](#), **art. 3** and s. 24 in force at 1.4.1997 to the extent it is not already in force by [S.I. 1997/618](#), **art. 2**

#### **F83 25 Application or appropriation of disposal proceeds.**

.....

##### **Textual Amendments**

**F83** S. 25 omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018](#) (anaw 4), **ss. 15(b), 19(2)**; S.I. 2018/777, art. 3(e) (with art. 4)

##### **Modifications etc. (not altering text)**

**C25** S. 25 extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3, Sch. para. 1**

##### **Commencement Information**

**I6** S. 25 wholly in force 1.4.1997; s. 25 not in force at Royal Assent, see s. 232(1)-(3); s. 25 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), **art. 4** and s. 25 in force at 1.4.1997 to the extent it is not already in force by [S.I. 1997/618](#), **art. 2**

#### **F84 26 Disposal proceeds: power to require information.**

.....

##### **Textual Amendments**

**F84** S. 26 omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018](#) (anaw 4), **ss. 15(c), 19(2)**; S.I. 2018/777, art. 3(e) (with art. 4)

### *Recovery, &c. of social housing grants*

#### **27 Recovery, &c. of social housing grants.**

- (1) Where a registered social landlord has received a grant under section 18 (social housing grant), the following powers are exercisable in such events as [<sup>F19</sup>the Welsh Ministers] may from time to time determine.

*Status: Point in time view as at 30/09/2021.*

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- (2) The [F85Relevant Authority] may, acting in accordance with such principles as it has determined—
- (a) reduce any grant payable by it, or suspend or cancel any instalment of any such grant, or
  - (b) direct the registered social landlord to apply or appropriate for such purposes as [F19the Welsh Ministers] may specify, or to pay to [F19the Welsh Ministers], such amount as [F19the Welsh Ministers] may specify.
- (3) A direction by [F19the Welsh Ministers] under subsection (2)(b) may require the application, appropriation or payment of an amount with interest.
- (4) Any such direction shall specify—
- (a) the rate or rates of interest (whether fixed or variable) which is or are applicable,
  - (b) the date from which interest is payable, and
  - (c) any provision for suspended or reduced interest which is applicable.

The date from which interest is payable must not be earlier than the date of the event giving rise to the exercise of [F19the Welsh Ministers] powers under this section.

- (5) In subsection (4)(c)—
- (a) provision for suspended interest means provision to the effect that if the principal amount is applied, appropriated or paid before a date specified in the direction, no interest will be payable for any period after the date of the direction; and
  - (b) provision for reduced interest means provision to the effect that if the principal amount is so applied, appropriated or paid, any interest payable will be payable at a rate or rates lower than the rate or rates which would otherwise be applicable.
- (6) Where—
- (a) a registered social landlord has received a payment in respect of a grant under section 18, and
  - (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, some other registered social landlord,
- this section (including this subsection) shall have effect in relation to periods after that time as if the grant, or such proportion of it as may be determined by [F19the Welsh Ministers] to be appropriate, had been made to that other registered social landlord.
- (7) The matters specified in a direction under subsection (4)(a) to (c), and the proportion mentioned in subsection (6), shall be—
- (a) such as [F19the Welsh Ministers], acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or
  - (b) such as [F19the Welsh Ministers] may determine to be appropriate in the particular case.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2](#) (with [Sch.](#))
- F85** Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140, Sch. 16 para. 82\(1\)\(2\)](#) (with [ss. 139\(2\), 141\(1\), 143\(2\)](#)); [S.I. 1998/2244, art.5](#).

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

#### Modifications etc. (not altering text)

- C26** S. 27 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**
- C27** S. 27: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**
- C28** S. 27 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)
- C29** S. 27 excluded (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 177(8), 325(1)** (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

#### Commencement Information

- I7** S. 27 wholly in force 1.4.1997: s. 27 not in force at Royal Assent, see s. 232(1)-(3); s. 27 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4** and s. 27 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

### *[<sup>F86</sup>Grants to bodies other than registered social landlords*

#### Textual Amendments

- F86** Ss. 27A, 27B and cross-heading inserted (18.11.2004 for specified purposes, 17.2.2005 for E. in so far as not already in force) by Housing Act 2004 (c. 34), **ss. 220, 270(2)(b)**; S.I. 2005/326, art. 2(a)

## 27A Grants to bodies other than registered social landlords

- (1) [<sup>F19</sup>The Welsh Ministers] may make grants under this section to persons other than registered social landlords.
- (2) Grants under this section are grants for any of the following purposes—
  - (a) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of—
    - (i) under equity percentage arrangements, or
    - (ii) on shared ownership terms;
  - (b) constructing houses to be disposed of—
    - (i) under equity percentage arrangements, or
    - (ii) on shared ownership terms;
  - (c) providing loans to be secured by mortgages to assist persons to acquire houses for their own occupation;
  - (d) providing, constructing or improving houses to be kept available for letting;
  - (e) providing, constructing or improving houses for letting that are to be managed by such registered social landlords, and under arrangements containing such terms, as are approved by [<sup>F19</sup>the Welsh Ministers];
  - (f) such other purposes as may be specified in an order under subsection (3).
- (3) The [<sup>F87</sup>Welsh Ministers] may by order make such provision in connection with the making of grants under this section as [<sup>F88</sup>they][<sup>F89</sup>consider] appropriate.
- (4) An order under subsection (3) may, in particular, make provision—
  - (a) defining “equity percentage arrangements” for the purposes of this section;
  - (b) specifying or describing the bodies from whom loans may be obtained by persons wishing to acquire houses for their own occupation;

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- (c) dealing with the priority of mortgages entered into by such persons;
- (d) specifying purposes additional to those mentioned in subsection (2)(a) to (e).

<sup>F90</sup>(5) . . . . .

- (6) [<sup>F19</sup>The Welsh Ministers] shall specify in relation to grants under this section—
  - (a) the procedure to be followed in relation to applications for grant,
  - (b) the circumstances in which grant is or is not to be payable,
  - (c) the method for calculating, and any limitations on, the amount of grant, and
  - (d) the manner in which, and the time or times at which, grant is to be paid.

<sup>F91</sup>(7) . . . . .

- (8) In making a grant to a person under this section [<sup>F19</sup>the Welsh Ministers] may provide that the grant is conditional on compliance by the person with such conditions as [<sup>F19</sup>the Welsh Ministers] may specify.
- (9) The conditions that may be so specified include conditions requiring the payment to [<sup>F19</sup>the Welsh Ministers] in specified circumstances of a sum determined by [<sup>F19</sup>the Welsh Ministers] (with or without interest).

(10) An order under subsection (3) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [<sup>F92</sup>the National Assembly for Wales] .

- (11) In this section—
  - “disposed of on shared ownership terms” has the meaning given by section 2(6);
  - “letting” includes the grant of a licence to occupy.

**Textual Amendments**

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F87** Words in s. 27A(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F88** Word in s. 27A(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F89** Word in s. 27A(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(e)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F90** S. 27A(5) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 87, **Sch. 4** (with art. 6, Sch. 3)
- F91** S. 27A(7) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 87, **Sch. 4** (with art. 6, Sch. 3)
- F92** Words in s. 27A(10) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

**Modifications etc. (not altering text)**

- C30** S. 27A modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 5** (with art. 6)
- C31** S. 27A: transfer of functions (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2

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## **27B Transfer of property funded by grants under section 27A**

(1) Where—

- (a) any grant is paid or payable to any person under section 27A, and
- (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, another person who is not a registered social landlord,

this Part shall have effect, in relation to times falling after that time, as if the grant, or such proportion of it as is determined or specified under subsection (4), had been paid or (as the case may be) were payable to that other person under section 27A.

(2) Where—

- (a) any amount is paid or payable to any person by way of grant under section 27A, and
- (b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, a registered social landlord,

this Part shall have effect, in relation to times falling after that time, as if the grant, or such proportion of it as is determined or specified under subsection (4), had been paid or (as the case may be) were payable to that other person under section 18.

(3) In such a case, the relevant section 18 conditions accordingly apply to that grant or proportion of it, in relation to times falling after that time, in place of those specified under section 27A(8).

“The relevant section 18 conditions” means such conditions specified under section 18(3) as would have applied at the time of the making of the grant if it had been made under section 18 to a registered social landlord.

(4) The proportion mentioned in subsection (1) or (2) is that which, in the circumstances of the particular case—

- (a) [<sup>F19</sup>the Welsh Ministers], acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or
- (b) [<sup>F19</sup>the Welsh Ministers] may determine to be appropriate.]

### **Textual Amendments**

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

### **Modifications etc. (not altering text)**

**C32** S. 27B modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

**C33** S. 27B: transfer of functions (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), **2**

*Grants, &c. under earlier enactments*

## **28 Grants under [<sup>F93</sup>Part 2] of the Housing Act 1988.**

<sup>F94</sup>(1) . . . . .

<sup>F95</sup>(2) . . . . .

*Status: Point in time view as at 30/09/2021.*

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- (3) Section 52 of that Act (recovery, &c. of grants) is amended as follows—
- (a) in subsection (2)(c), for “to pay to it” substitute “ to apply or appropriate for such purposes as [<sup>F19</sup>the Welsh Ministers] may specify, or to pay to the [<sup>F96</sup>Relevant Authority], ”;
  - (b) in the closing words of subsection (2), for the words from “requiring” to “interest on that amount” substitute “ may require the application, appropriation or payment of an amount with interest ”;
  - (c) in subsection (7), for the words from “requiring” to “to [<sup>F19</sup>the Welsh Ministers]” substitute “ requiring the application, appropriation or payment of an amount with interest ”;
  - (d) in subsection (8)(a), for the words from “the amount” to “is paid” substitute “ the principal amount is applied, appropriated or paid ”;
  - (e) in subsection (8)(b), for “that amount is so paid” substitute “ the principal amount is so applied, appropriated or paid ”.
- (4) In section 53 of that Act (determinations by [<sup>F96</sup>Relevant Authority]), for subsection (2) (requirement of approval of Secretary of State and, in the case of a general determination, consent of the Treasury) substitute—
- “(2) The [<sup>F96</sup>Relevant Authority] shall not make a general determination under the foregoing provisions of this Part except with the approval of the Secretary of State.”.
- (5) In section 55(1) of that Act (surplus rental income: cases in which section applies), omit paragraph (a).

<sup>F97</sup>(6) . . . . .

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), **art. 2** (with Sch.)
- F93** Words in s. 28 heading substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 65(3)**; [S.I. 2010/862](#), **art. 2** (with Sch.)
- F94** S. 28(1) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 65(2)**, **Sch. 16**; [S.I. 2010/862](#), **arts. 2, 3** (with Sch.)
- F95** S. 28(2) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 65(2)**, **Sch. 16**; [S.I. 2010/862](#), **arts. 2, 3** (with Sch.)
- F96** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art.5**.
- F97** S. 28(6) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 65(2)**, **Sch. 16**; [S.I. 2010/862](#), **arts. 2, 3** (with Sch.)

#### Modifications etc. (not altering text)

- C34** S. 28(3) extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3**, **Sch. para. 1**

#### Commencement Information

- I8** S. 28 wholly in force 1.4.1997; s. 28 not in force at Royal Assent see s. 232(1)-(3); s.28(4) in force at 1.8.1996 by [S.I. 1996/2048](#), **art. 2**; s. 28(3) in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), **art. 5** and s. 28 in force at 1.4.1997 to the extent it is not already in force by [S.I. 1997/618](#), **art. 2**



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## 29 Commutation of payments of special residual subsidy.

- (1) The [<sup>F98</sup>Welsh Ministers] may, after consultation with a housing association, determine to commute any payments of special residual subsidy payable to the association under paragraph 2 of Part I of Schedule 5 to the <sup>M10</sup>Housing Associations Act 1985 for the financial year 1998-99 and subsequent years.
- (2) Where the [<sup>F99</sup>Welsh Ministers make] such a determination the payments of special residual subsidy payable to a housing association shall be commuted into a single sum calculated in such manner, and payable on such date, as the [<sup>F100</sup>Welsh Ministers] may consider appropriate.
- (3) If after a commuted payment has been made to a housing association it appears to the [<sup>F101</sup>Welsh Ministers] that the payment was smaller or greater than it should have been, the [<sup>F101</sup>Welsh Ministers] may make a further payment to the association or require the association to repay to [<sup>F102</sup>them] such sum as [<sup>F103</sup>they] may direct.

<sup>F104</sup>(4) .....

### Textual Amendments

- F98** Words in s. 29(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F99** Words in s. 29(2) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(b\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F100** Words in s. 29(2) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F101** Words in s. 29(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F102** Word in s. 29(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(d\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F103** Word in s. 29(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(c\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F104** S. 29(4) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 88, Sch. 4 \(with art. 6, Sch. 3\)](#)

### Modifications etc. (not altering text)

- C35** S. 29 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 3, Sch. para. 5 \(with art. 6\)](#)

### Commencement Information

- I9** S. 29 wholly in force 1.4.1997; s. 29 not in force at Royal Assent see s. 232(3); s. 29 in force for certain purposes at 1.8.1996 by [S.I. 1996/2048, art. 3](#) and s. 29 in force at 1.4.1997 to the extent it is not already in force by [S.I. 1997/618, art. 2](#)

### Marginal Citations

- M10** 1985 c. 69.



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## CHAPTER IV

### GENERAL POWERS OF THE [F105]RELEVANT AUTHORITY]

#### Textual Amendments

**F105** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

#### Information

### 30 General power to obtain information.

- (1) The [F106]Relevant Authority] may for any purpose connected with the discharge of any of its functions in relation to registered social landlords serve a notice on a person requiring him—
  - (a) to give to [F19]the Welsh Ministers], at a time and place and in the form and manner specified in the notice, such information relating to the affairs of a registered social landlord as may be specified or described in the notice, or
  - (b) to produce to [F19]the Welsh Ministers] or a person authorised by [F19]the Welsh Ministers], at a time and place specified in the notice, any documents relating to the affairs of the registered social landlord which are specified or described in the notice and are in his custody or under his control.
- (2) A notice under this section may be served on—
  - (a) a registered social landlord,
  - (b) any person who is, or has been, an officer, member, employee or agent of a registered social landlord,
  - (c) a subsidiary or associate of a registered social landlord,
  - (d) any person who is, or has been, an officer, member, employee or agent of a subsidiary or associate of a registered social landlord, or
  - (e) any other person whom [F19]the Welsh Ministers] has reason to believe is or may be in possession of relevant information.

In this section “agent” includes banker, solicitor and auditor.
- (3) No notice shall be served on a person within paragraphs (b) to (e) of subsection (2) unless—
  - (a) a notice has been served on the registered social landlord and has not been complied with, or
  - (b) [F19]the Welsh Ministers] believes that the information or documents in question are not in the possession of the landlord.
- (4) Nothing in this section authorises [F19]the Welsh Ministers] to require—
  - (a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court, or
  - (b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by him to a person other than a registered social landlord or a subsidiary or associate of a registered social landlord.

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

- [<sup>F107</sup>(5) A notice under this section—
- <sup>F108</sup>(a) . . . . .
- (b) if given by the [<sup>F109</sup>Welsh Ministers] , shall be given in writing.]
- (6) References in this section to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.
- (7) Where by virtue of this section documents are produced to any person, he may take copies of or make extracts from them.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F106** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F107** S. 30(5) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.86** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F108** S. 30(5)(a) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 89, **Sch. 4** (with art. 6, Sch. 3)
- F109** Words in s. 30(5)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

#### Modifications etc. (not altering text)

- C36** S. 30 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**
- C37** S. 30(2) applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), **Sch. 2**
- C38** S. 30(5) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

### 31 Enforcement of notice to provide information, &c.

- (1) A person who without reasonable excuse fails to do anything required of him by a notice under section 30 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) A person who intentionally alters, suppresses or destroys a document which he has been required by a notice under section 30 to produce commits an offence and is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
- [<sup>F110</sup>(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.]
- (3) Proceedings for an offence under subsection (1) or (2) may be brought only by or with the consent of [<sup>F19</sup>the Welsh Ministers] or the Director of Public Prosecutions.
- (4) If a person makes default in complying with a notice under section 30, the High Court may, on the application of [<sup>F19</sup>the Welsh Ministers], make such order as the court thinks fit for requiring the default to be made good.

*Status: Point in time view as at 30/09/2021.*

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Any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a body who are responsible for its default.

#### Textual Amendments

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2](#) (with [Sch.](#))

**F110** S. 31(2)(b) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\), s. 270\(3\)\(c\), Sch. 11 para. 12\(1\)](#) (with [Sch. 11 para. 12\(2\)](#))

#### Modifications etc. (not altering text)

**C39** S. 31 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)

### 32 Disclosure of information to <sup>F19</sup>the Welsh Ministers].

- (1) A body or person to whom this section applies may, subject to the following provisions, disclose to <sup>F19</sup>the Welsh Ministers], for the purpose of enabling <sup>F19</sup>the Welsh Ministers] to discharge any of its functions relating to registered social landlords, any information received by that body or person under or for the purposes of any enactment.
- (2) This section applies to the following bodies and persons—
  - (a) any government department (including a Northern Ireland department);
  - (b) any local authority;
  - (c) any constable; and
  - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).
- (3) This section has effect subject to any express restriction on disclosure imposed by or under any other enactment.
- (4) Nothing in this section shall be construed as affecting any power of disclosure exercisable apart from this section.

#### Textual Amendments

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2](#) (with [Sch.](#))

#### Modifications etc. (not altering text)

**C40** S. 32 extended (16.9.1996) by [S.I. 1996/2402, art. 3, Sch. para. 1](#)

### 33 Disclosure of information by <sup>F19</sup>the Welsh Ministers].

- (1) The <sup>F111</sup>Relevant Authority] may disclose to a body or person to whom this section applies any information received by it relating to a registered social landlord—
  - (a) for any purpose connected with the discharge of the functions of <sup>F19</sup>the Welsh Ministers] in relation to such landlords, or

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- (b) for the purpose of enabling or assisting that body or person to discharge any of its or his functions.
- (2) This section applies to the following bodies and persons—
- (a) any government department (including a Northern Ireland department);
  - (b) any local authority;
  - (c) any constable; and
  - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

Paragraph (d) extends to any such body or person in a country or territory outside the United Kingdom.

- (3) Where any information disclosed to [F19the Welsh Ministers] under section 32 is so disclosed subject to any express restriction on the further disclosure of the information, [F19the Welsh Ministers] power of disclosure under this section is exercisable subject to that restriction.

A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (4) Any information disclosed by [F19the Welsh Ministers] under this section may be subject by [F19the Welsh Ministers] to any express restriction on the further disclosure of the information.
- (5) A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Proceedings for such an offence may be brought only by or with the consent of [F19the Welsh Ministers] or the Director of Public Prosecutions.

- (6) Nothing in this section shall be construed as affecting any power of disclosure exercisable apart from this section.

#### **Textual Amendments**

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

**F111** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with [ss. 139\(2\)](#), [141\(1\)](#), [143\(2\)](#)); [S.I. 1998/2244](#), **art.5**.

#### **Modifications etc. (not altering text)**

**C41** S. 33 extended (16.9.1996) by [S.I. 1996/2402](#), **art. 3**, **Sch. para. 1**

### *Standards of performance*

#### [F112] **33A Standards of performance**

- (1) The Welsh Ministers may set standards to be met by registered social landlords in connection with—

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part 1 is up to date with all changes known to be in force on or before 20 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)*

- (a) their functions relating to the provision of housing, and
  - (b) matters relating to their governance and financial management.
- (2) In setting standards the Welsh Ministers must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.
- [ Standards set under subsection (1) may require registered social landlords to comply <sup>F113</sup>(2A) with rules specified in the standards.
- (2B) The Welsh Ministers may—
- (a) revise the standards by issuing further standards under this section;
  - (b) withdraw the standards by issuing further standards under this section or by notice.
- (2C) The Welsh Ministers must publish any standards or notice under this section.]
- (3) This section does not apply in relation to a registered social landlord's provision of housing in England.]

#### Textual Amendments

**F112** S. 33A 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. 35**, 90(2); S.I. 2011/2475, arts. 1(2), 2(a), 3(a)

**F113** S. 33A(2A)-(2C) inserted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(2)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

#### [<sup>F114</sup>33B Guidance on standards of performance

- (1) The Welsh Ministers may issue guidance that—
- (a) relates to a matter addressed by a standard, and
  - (b) amplifies the standard.
- (2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.
- [<sup>F115</sup>(3) The Welsh Ministers may—
- (a) revise the guidance by issuing further guidance under this section;
  - (b) withdraw the guidance by issuing further guidance under this section or by notice.]

[<sup>F116</sup>(4) The Welsh Ministers must publish any guidance or notice under this section.]]

#### Textual Amendments

**F114** S. 33B 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. 36**, 90(2); S.I. 2011/2475, arts. 1(2), 2(b), 3(b)

**F115** S. 33B(3) substituted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(3)(a)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

**F116** S. 33B(4) substituted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(3)(b)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

*Status: Point in time view as at 30/09/2021.*

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### [<sup>F117</sup>33C Consultation

Before setting [<sup>F118</sup>, revising or withdrawing] standards under section 33A, or issuing, revising or withdrawing guidance under section 33B, the Welsh Ministers must consult

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants, and
- (c) one or more bodies appearing to them to represent the interests of local housing authorities.]

#### Textual Amendments

**F117** S. 33C inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 37, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(c)

**F118** Words in s. 33C inserted (1.12.2014) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 28(4)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

### 34 Standards of performance [<sup>F119</sup>– housing in England] .

The [<sup>F120</sup>Relevant Authority] may, after consultation with persons or bodies appearing to it to be representative of registered social landlords, from time to time—

- (a) determine such standards of performance in connection with the provision of housing [<sup>F121</sup>in England] as, in its opinion, ought to be achieved by such landlords, and
- (b) arrange for the publication, in such form and in such manner as it considers appropriate, of the standards so determined.

#### Textual Amendments

**F119** Words in s. 34 heading inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), **Sch. para. 4**; S.I. 2011/2475, arts. 1(2), 3(k)

**F120** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

**F121** Words in s. 34(a) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), **Sch. para. 5**; S.I. 2011/2475, arts. 1(2), 3(k)

#### Modifications etc. (not altering text)

**C42** S. 34 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

### 35 Information as to levels of performance.

[<sup>F122</sup>(A1) The Welsh Ministers shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with—

- (a) their functions relating to the provision of housing in Wales, and
- (b) matters relating to their governance and financial management.]

- (1) The [<sup>F123</sup>Relevant Authority] shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with the provision of housing [<sup>F124</sup>in England] .



*Status: Point in time view as at 30/09/2021.*

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- (2) On or before such date in each year as may be specified in a direction given by [F19the Welsh Ministers], each registered social landlord shall provide [F19the Welsh Ministers], as respects each standard determined under [F125section 33A or 34], with such information as to the level of performance achieved by him as may be so specified.
- (3) A registered social landlord who without reasonable excuse fails to do anything required of him by a direction under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- Proceedings for such an offence may be brought only by or with the consent of [F19the Welsh Ministers] or the Director of Public Prosecutions.
- (4) The [F123Relevant Authority] shall at least once in every year arrange for the publication, in such form and in such manner as it considers appropriate, of such of the information collected by or provided to it under this section as appears to it expedient to give to tenants or potential tenants of registered social landlords.
- (5) In arranging for the publication of any such information [F19the Welsh Ministers] shall have regard to the need for excluding, so far as that is practicable—
- any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the [F19the Welsh Ministers], seriously and prejudicially affect the interests of that individual; and
  - any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of [F19the Welsh Ministers], seriously and prejudicially affect the interests of that body.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- F122** S. 35(A1) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 38(2)**, 90(2); [S.I. 2011/2475](#), **arts. 1(2)**, 3(c)
- F123** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with [ss. 139\(2\)](#), [141\(1\)](#), [143\(2\)](#)); [S.I. 1998/2244](#), **art.5**.
- F124** Words in s. 35(1) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 38(3)**, 90(2); [S.I. 2011/2475](#), **arts. 1(2)**, 3(c)
- F125** Words in s. 35(2) substituted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 38(4)**, 90(2); [S.I. 2011/2475](#), **arts. 1(2)**, 3(c)

#### Commencement Information

- I10** S. 35 wholly in force 1.4.1998; s. 35 not in force at Royal Assent see s. 232(1)-(3); s. 35(1)(2)(3)(5) in force at 1.4.1997 and s. 35(4) in force at 1.4.1998 by [S.I. 1997/618](#), **arts. 2, 3**

### *[F126] Complaints about performance*

#### Textual Amendments

- F126** S. 35A and cross-heading inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 39**, 90(2); [S.I. 2011/2475](#), **arts. 1(2)**, 2(d)

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

### **35A Guidance about complaints about performance**

- (1) The Welsh Ministers may publish guidance about complaints to the Welsh Ministers about the performance of registered social landlords.
- (2) The guidance may specify (among other things)—
  - (a) the procedure to be followed in making a complaint;
  - (b) the criteria used by the Welsh Ministers in deciding whether to investigate a complaint;
  - (c) periods within which the Welsh Ministers aim to inform complainants of the result of complaints.
- (3) The Welsh Ministers may revise or withdraw the guidance.
- (4) This section does not apply in relation to complaints about a registered social landlord's provision of housing in England.]

### **[<sup>F127</sup>35B Consultation**

Before publishing, revising or withdrawing guidance under section 35A the Welsh Ministers must consult—

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants,
- (c) one or more bodies appearing to them to represent the interests of local housing authorities, and
- (d) the Auditor General for Wales.]

#### **Textual Amendments**

**F127** S. 35B inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 40**, 90(2); S.I. 2011/2475, arts. 1(2), 2(e)

### *Housing management*

### **36 Issue of guidance by [<sup>F19</sup>the Welsh Ministers][<sup>F128</sup> – housing in England] .**

- (1) [<sup>F19</sup>The Welsh Ministers] may issue guidance with respect to the management of housing accommodation [<sup>F129</sup> in England ] by registered social landlords.
- (2) Guidance under [<sup>F130</sup> subsection (1) ] may, in particular, be issued with respect to—
  - (a) the housing demands for which provision should be made and the means of meeting those demands;
  - (b) the allocation of housing accommodation between individuals;
  - (c) the terms of tenancies and the principles upon which levels of rent should be determined;
  - (d) standards of maintenance and repair and the means of achieving those standards;
  - (e) the services to be provided to tenants;
  - (f) the procedures to be adopted to deal with complaints by tenants against a landlord;



*Status: Point in time view as at 30/09/2021.*

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- (g) consultation and communication with tenants;
- (h) the devolution to tenants of decisions concerning the management of housing accommodation.
- <sup>F131</sup>(i) the policy and procedures a landlord is required under section 218A to prepare and from time to time revise in connection with anti-social behaviour.]

<sup>F132</sup>(2A) .....

<sup>F133</sup>(3) Before issuing any guidance under this section [<sup>F19</sup>the Welsh Ministers] shall consult such bodies appearing to [<sup>F19</sup>the Welsh Ministers] to be representative of registered social landlords as [<sup>F19</sup>the Welsh Ministers] considers appropriate; and where [<sup>F19</sup>the Welsh Ministers] issues guidance under this section it shall be issued in such manner as [<sup>F19</sup>the Welsh Ministers] considers appropriate for bringing it to the notice of the landlords concerned.

<sup>F134</sup>(4) .....]

(5) Guidance issued under this section may be revised or withdrawn; and [<sup>F135</sup>subsection (3) applies] in relation to the revision of guidance as in relation to its issue.

(6) Guidance under this section may make different provision in relation to different cases and, in particular, in relation to different areas, different descriptions of housing accommodation and different descriptions of registered social landlord.

<sup>F136</sup>(7) .....

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F128** Words in s. 36 heading inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 6; S.I. 2011/2475, arts. 1\(2\), 3\(k\)](#)
- F129** Words in s. 36(1) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 7\(a\); S.I. 2011/2475, arts. 1\(2\), 3\(k\)](#)
- F130** Words in s. 36(2) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\), s. 270\(3\)\(c\), Sch. 11 para. 13\(2\)](#)
- F131** S. 36(2)(i) inserted (30.6.2004 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\), ss. 12\(2\), 93; S.I. 2004/1502, art. 2\(a\)\(i\)](#)
- F132** S. 36(2A) omitted (2.12.2011) by virtue of [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 7\(b\); S.I. 2011/2475, arts. 1\(2\), 3\(k\)](#)
- F133** S. 36(3)(4) substituted (1.11.1998) by [1998 c. 38, s. 140, Sch. 16 para.87 \(with ss. 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)
- F134** S. 36(4) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 90\(2\), Sch. 4 \(with art. 6, Sch. 3\)](#)
- F135** Words in s. 36(5) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 90\(3\) \(with art. 6, Sch. 3\)](#)
- F136** S. 36(7) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), s. 19\(2\), Sch. 2 para. 10; S.I. 2018/777, art. 3\(g\)](#)

#### Modifications etc. (not altering text)

- C43** S. 36(4) modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 3, Sch. para. 5 \(with art. 6\)](#)

*Status: Point in time view as at 30/09/2021.*

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### Commencement Information

- I11** S. 36 wholly in force 1.10.1996; s. 36 not in force at Royal Assent see s. 232(1)-(3); s. 36(1)-(6) in force at 1.8.1996 by [S.I. 1996/2048](#), [art. 2](#) and s. 36(7) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#))

## 37 Powers of entry.

- (1) This section applies where it appears to [<sup>F19</sup>the Welsh Ministers] that a registered social landlord may be failing to maintain or repair any premises in accordance with [<sup>F137</sup>standards set under section 33A or] guidance issued under section 36.
  - (2) A person authorised by [<sup>F19</sup>the Welsh Ministers] may at any reasonable time, on giving not less than 28 days' notice of his intention to the landlord concerned, enter any such premises for the purpose of survey and examination.
  - (3) Where such notice is given to the landlord, the landlord shall give the occupier or occupiers of the premises not less than seven days' notice of the proposed survey and examination.
- [<sup>F138</sup>(3A)] A landlord [<sup>F139</sup>who fails, without reasonable excuse, to give the required notice in relation to premises in Wales] commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- [<sup>F140</sup>(3B)] A landlord who fails to give the required notice in relation to premises in England commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]
- (4) Proceedings for an offence under subsection [<sup>F141</sup>(3A) or (3B)] may be brought only by or with the consent of [<sup>F19</sup>the Welsh Ministers] or the Director of Public Prosecutions.
  - (5) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.
  - (6) The [<sup>F142</sup>Relevant Authority] shall give a copy of any survey carried out in exercise of the powers conferred by this section to the landlord concerned.
  - (7) The [<sup>F142</sup>Relevant Authority] may require the landlord concerned to pay to it such amount as [<sup>F19</sup>the Welsh Ministers] may determine towards the costs of carrying out any survey under this section.

### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 61\(7\)](#), 325(1); [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))
- F137** Words in s. 37(1) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), [Sch. para. 8](#); [S.I. 2011/2475](#), [arts. 1\(2\)](#), 3(k)
- F138** Words in s. 37(3) renumbered as s. 37(3A) (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), [ss. 42\(2\)\(a\)](#), 90(2); [S.I. 2011/2475](#), [arts. 1\(2\)](#), 3(d)
- F139** Words in s. 37(3A) substituted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), [ss. 42\(2\)\(b\)](#), 90(2); [S.I. 2011/2475](#), [arts. 1\(2\)](#), 3(d)
- F140** S. 37(3B) inserted (2.12.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), [ss. 42\(2\)\(c\)](#), 90(2); [S.I. 2011/2475](#), [arts. 1\(2\)](#), 3(d)

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

**F141** Word in s. 37(4) substituted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 42(3)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(d)

**F142** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

**Modifications etc. (not altering text)**

**C44** S. 37 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

**38 Penalty for obstruction of person exercising power of entry.**

- (1) It is an offence for a registered social landlord or any of its officers or employees to obstruct a person authorised under section 37 (powers of entry) to enter premises in the performance of anything which he is authorised by that section to do.
- (2) A person who commits such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Proceedings for such an offence may be brought only by or with the consent of [<sup>F19</sup>the Welsh Ministers] or the Director of Public Prosecutions.

**Textual Amendments**

**F19** Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

**Modifications etc. (not altering text)**

**C45** S. 38 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

*Insolvency, &c. of registered social landlord*

**39 Insolvency, &c. of registered social landlord: scheme of provisions.**

- (1) The following sections make provision—
  - (a) for notice to be given to [<sup>F19</sup>the Welsh Ministers] of any proposal to take certain steps in relation to a registered social landlord (section 40), and for further notice to be given when any such step is taken (section 41),
  - (b) for a moratorium on the disposal of land, and certain other assets, held by the registered social landlord (sections 42 and 43),
  - [<sup>F143</sup>(ba) for the appointment of an interim manager during a moratorium (section 43A),]
  - (c) for proposals by [<sup>F19</sup>the Welsh Ministers] as to the future ownership and management of the land held by the landlord (section 44), which are binding if agreed (section 45),
  - (d) for the appointment of a manager to implement agreed proposals (section 46) and as to the powers of such a manager (sections 47 and 48),
  - (e) for the giving of assistance by [<sup>F19</sup>the Welsh Ministers] (section 49), and
  - (f) for application to the court to secure compliance with the agreed proposals (section 50).
- (2) In those sections—

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“disposal” means sale, lease, mortgage, charge or any other disposition, and includes the grant of an option;

“secured creditor” means a creditor who holds a mortgage or charge (including a floating charge) over land held by the landlord or any existing or future interest of the landlord in rents or other receipts from land; and

“security” means any mortgage, charge or other security.

- (3) The [F144Welsh Ministers] may make provision by order defining for the purposes of those sections what is meant by a step to enforce security over land.

Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [F145the National Assembly for Wales] .

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F143** S. 39(1)(ba) inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 9; S.I. 2011/2475, arts. 1\(2\), 2\(v\)](#)
- F144** Words in s. 39(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F145** Words in s. 39(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 63, 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)

#### 40 Initial notice to be given to [F19the Welsh Ministers].

- (1) Notice must be given to [F19the Welsh Ministers] before any of the steps mentioned below is taken in relation to a registered social landlord.

The person by whom the notice must be given is indicated in the second column.

- (2) Where the registered social landlord is [F21a registered society], the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
Presenting a petition for the winding up of the landlord.	The petitioner.
Passing a resolution for the winding up of the landlord.	The landlord.

- (3) Where the registered social landlord is [F146a company] (including a registered charity), the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
Applying for an administration order.	The applicant.
Presenting a petition for the winding up of the landlord.	The petitioner.

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

Passing a resolution for the winding up of the landlord. The landlord.

- (4) Where the registered social landlord is a registered charity (other than [F146 a company]), the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord. The person proposing to take the step.

[F147] (5) .....

- (6) Any step purportedly taken without the requisite notice being given under this section is ineffective.

[F148] (7) Subsections (8) and (9) apply in relation to the reference in subsection (3) to applying for an administration order.

- (8) In a case where an administrator is appointed under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (appointment by floating charge holder, company or directors)—

- (a) the reference includes a reference to appointing an administrator under that paragraph, and
- (b) in respect of an appointment under either of those paragraphs the reference to the applicant shall be taken as a reference to the person making the appointment.

- (9) In a case where a copy of a notice of intention to appoint an administrator under either of those paragraphs is filed with the court—

- (a) the reference shall be taken to include a reference to the filing of the copy of the notice, and
- (b) in respect of the filing of a copy of a notice of intention to appoint under either of those paragraphs the reference to the applicant shall be taken as a reference to the person giving the notice.]

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), art. 2 (with [Sch.](#))
- F21** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 56** (with [Sch. 5](#))
- F146** Words in s. 40(3)(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(2)(b)** (with art. 10)
- F147** [S. 40\(5\)](#) omitted (15.8.2018) by virtue of [The Regulation of Registered Social Landlords \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/870\)](#), regs. 1(2), 3
- F148** [S. 40\(7\)-\(9\)](#) added (15.9.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 17 para. 51** (with s. 249(1)-(3)); [S.I. 2003/2093](#), art. 2(1), [Sch. 1](#) (with art. 3)

#### 41 Further notice to be given to [F19 the Welsh Ministers].

- (1) Notice must be given to [F19 the Welsh Ministers] as soon as may be after any of the steps mentioned below is taken in relation to a registered social landlord.

*Status: Point in time view as at 30/09/2021.*

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The person by whom the notice must be given is indicated in the second column.

- (2) Where the registered social landlord is [<sup>F21</sup>a registered society], the steps and the person by whom notice must be given are—

The taking of a step to enforce any security over land held by the landlord.	The person taking the step.
The making of an order for the winding up of the landlord.	The petitioner.
The passing of a resolution for the winding up of the landlord.	The landlord.

- (3) Where the registered social landlord is [<sup>F149</sup>a company] (including a registered charity), the steps and the person by whom notice must be given are—

The taking of a step to enforce any security over land held by the landlord.	The person taking the step.
The making of an administration order.	The person who applied for the order.
The making of an order for the winding up of the landlord.	The petitioner.
The passing of a resolution for the winding up of the landlord.	The landlord.

- (4) Where the registered social landlord is a registered charity (other than [<sup>F149</sup>a company]), the steps and the person by whom notice must be given are—

The taking of a step to enforce any security over land held by the landlord.	The person taking the step.
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- (5) Failure to give notice under this section does not affect the validity of any step taken; but the period of 28 days mentioned in section 43(1) (period after which moratorium on disposal of land, &c. ends) does not begin to run until any requisite notice has been given under this section.

- [<sup>F150</sup>(6) In subsection (3)—

- (a) the reference to the making of an administration order includes a reference to appointing an administrator under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (administration), and
- (b) in respect of an appointment under either of those paragraphs the reference to the applicant shall be taken as a reference to the person making the appointment.]

#### Textual Amendments

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7), 325(1)**; [S.I. 2010/862](#), art. 2 (with [Sch.](#))

**F21** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 56** (with [Sch. 5](#))



*Status: Point in time view as at 30/09/2021.*

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- F149** Words in s. 41(3)(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 161\(2\)\(b\)](#) (with art. 10)
- F150** S. 41(6) added (15.9.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 17 para. 52](#) (with s. 249(1)-(3)); [S.I. 2003/2093](#), art. 2(1), [Sch. 1](#) (with art. 3)

## 42 Moratorium on disposal of land, &c.

- (1) Where any of the steps mentioned in section 41 is taken in relation to a registered social landlord, there is a moratorium on the disposal of land held by the landlord.
- (2) During the moratorium the consent of [<sup>F19</sup>the Welsh Ministers] under this section is required (except as mentioned below) for any disposal of land held by the landlord, whether by the landlord itself or any person having a power of disposal in relation to the land.

Consent under this section may be given in advance and may be given subject to conditions.

[<sup>F151</sup>(3) Consent is not required under this section for—

- (a) a letting of land under an assured tenancy or an assured agricultural occupancy, or what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8, or paragraph 12(1)(h), or any of paragraphs 12ZA to 12B, of Schedule 1 to the Housing Act 1988;
  - (b) a letting of land under a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;
  - (c) a disposal under Part 5 of the Housing Act 1985 (the right to buy) or under the right conferred by section 16 (the right to acquire).]
- (4) A disposal made without the consent required by this section is void.
  - (5) Nothing in this section prevents a liquidator from disclaiming any land held by the landlord as onerous property.
  - (6) The provisions of this section apply in relation to any existing or future interest of the landlord in rent or other receipts arising from land as they apply to an interest in land.

### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 61\(7\)](#), [325\(1\)](#); [S.I. 2010/862](#), art. 2 (with [Sch.](#))
- F151** S. 42(3) substituted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), s. 19(2), [Sch. 2 para. 11](#); [S.I. 2018/777](#), art. 3(g)

## 43 Period of moratorium.

- (1) The moratorium in consequence of the taking of any step as mentioned in section 41—
  - (a) begins when the step is taken, and
  - (b) ends at the end of the period of 28 days beginning with the day on which notice of its having been taken was given to [<sup>F19</sup>the Welsh Ministers] under that section,
 subject to the following provisions.



*Status: Point in time view as at 30/09/2021.*

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- (2) The taking of any further step as mentioned in section 41 at a time when a moratorium is already in force does not start a further moratorium or affect the duration of the existing one.
- (3) A moratorium may be extended from time to time with the consent of all the landlord's secured creditors.

Notice of any such extension shall be given by [<sup>F19</sup>the Welsh Ministers] to—

- (a) the landlord, and
  - (b) any liquidator, administrative receiver, receiver or administrator appointed in respect of the landlord or any land held by it.
- (4) If during a moratorium [<sup>F19</sup>the Welsh Ministers] considers that the proper management of the landlord's land can be secured without making proposals under section 44 (proposals as to ownership and management of landlord's land), [<sup>F19</sup>the Welsh Ministers] may direct that the moratorium shall cease to have effect.

Before making any such direction [<sup>F19</sup>the Welsh Ministers] shall consult the person who took the step which brought about the moratorium.

- (5) When a moratorium comes to an end, or ceases to have effect under subsection (4), [<sup>F19</sup>the Welsh Ministers] shall give notice of that fact to the landlord and the landlord's secured creditors.
- (6) When a moratorium comes to an end (but not when it ceases to have effect under subsection (4)), the following provisions of this section apply.

The [<sup>F152</sup>Relevant Authority's] notice shall, in such a case, inform the landlord and the landlord's secured creditors of the effect of those provisions.

- (7) If any further step as mentioned in section 41 is taken within the period of three years after the end of the original period of the moratorium, the moratorium may be renewed with the consent of all the landlord's secured creditors (which may be given before or after the step is taken).

Notice of any such renewal shall be given by [<sup>F19</sup>the Welsh Ministers] to the persons to whom notice of an extension is required to be given under subsection (3).

- (8) If a moratorium ends without any proposals being agreed, then, for a period of three years the taking of any further step as mentioned in section 41 does not start a further moratorium except with the consent of the landlord's secured creditors as mentioned in subsection (7) above.

#### Textual Amendments

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)

**F152** Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140, Sch. 16 para. 82\(1\)\(2\) \(with ss. 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)

#### [<sup>F153</sup>43A Appointment of interim manager

- (1) During a moratorium the Welsh Ministers may appoint an interim manager of the registered social landlord.

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part 1 is up to date with all changes known to be in force on or before 20 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)*

- (2) An appointment may relate to the registered social landlord's affairs generally or to affairs specified in the appointment.
- (3) But an appointment may not relate to affairs relating only to the provision of housing in England.
- (4) Appointment is to be on terms and conditions (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (5) An interim manager has—
  - (a) any power specified in the appointment, and
  - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the landlord).
- (6) But an interim manager may not—
  - (a) dispose of land, or
  - (b) grant security over land.
- (7) The Welsh Ministers may give the interim manager general or specific directions.
- (8) The Welsh Ministers may revoke or amend any directions given.
- (9) An appointment under this section comes to an end with the earliest of the following—
  - (a) the end of the moratorium,
  - (b) the agreement of proposals made under section 44, or
  - (c) a date specified in the appointment.
- (10) If a person ceases to be an interim manager before the appointment has come to an end, the Welsh Ministers may appoint a new interim manager in place of that person.]

#### Textual Amendments

**F153** S. 43A inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 83**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

#### 44 Proposals as to ownership and management of landlord's land.

- (1) During the moratorium (see sections 42 and 43) [<sup>F19</sup>the Welsh Ministers] may make proposals as to the future ownership and management of the land held by the registered social landlord, designed to secure the continued proper management of the landlord's land by a registered social landlord.
- (2) In drawing up its proposals [<sup>F19</sup>the Welsh Ministers]—
  - (a) shall consult the landlord and, so far as is practicable, its tenants, and
  - (b) shall have regard to the interests of all the landlord's creditors, both secured and unsecured.
- (3) The [<sup>F154</sup>Relevant Authority] shall also consult—
  - (a) where the landlord is [<sup>F21</sup>a registered society], the appropriate registrar, and
  - (b) where the landlord is a registered charity, the [<sup>F155</sup>Charity Commission] .
- (4) No proposals shall be made under which—

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

- (a) a preferential debt of the landlord is to be paid otherwise than in priority to debts which are not preferential debts,<sup>F156</sup>...
- [<sup>F157</sup>(aa) an ordinary preferential debt of the landlord is to be paid otherwise than in priority to any secondary preferential debts that the landlord may have,]
- (b) a preferential creditor is to be paid a smaller proportion of [<sup>F158</sup>an ordinary preferential debt] than another preferential creditor, except with the concurrence of the creditor concerned<sup>F159</sup>[<sup>F160</sup>...
- (c) a preferential creditor is to be paid a smaller proportion of a secondary preferential debt than another preferential creditor, except with the concurrence of the creditor concerned.][<sup>F161</sup>or
- (d) if the landlord is a relevant financial institution—
  - (i) an ordinary non-preferential debt of the landlord is to be paid otherwise than in priority to any secondary non-preferential debts of the landlord,
  - (ii) a secondary non-preferential debt of the landlord is to be paid otherwise than in priority to any tertiary non-preferential debts of the landlord, or
  - (iii) a secondary non-preferential creditor is to be paid a smaller proportion of a secondary non-preferential debt of the landlord than another secondary non-preferential creditor, except with the concurrence of the creditor concerned.]

In this subsection references to preferential debts [<sup>F162</sup>, ordinary preferential debts, secondary preferential debts][<sup>F163</sup>, ordinary non-preferential debts, secondary non-preferential debts, tertiary non-preferential debts, relevant financial institution] and preferential creditors have the same meaning as in the<sup>M11</sup>Insolvency Act 1986.

- (5) So far as practicable no proposals shall be made which have the effect that unsecured creditors of the landlord are in a worse position than they would otherwise be.
- (6) Where the landlord is a charity the proposals shall not require the landlord to act outside the terms of its trusts, and any disposal of housing accommodation occupied under a tenancy or licence from the landlord must be to another charity whose objects appear to [<sup>F19</sup>the Welsh Ministers] to be, as nearly as practicable, akin to those of the landlord.
- (7) The [<sup>F154</sup>Relevant Authority] shall serve a copy of its proposals on—
  - (a) the landlord and its officers,
  - (b) the secured creditors of the landlord, and
  - (c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land;

and it shall make such arrangements as it considers appropriate to see that the members, tenants and unsecured creditors of the landlord are informed of the proposals.

#### Textual Amendments

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2](#) (with [Sch.](#))

**F21** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 56](#) (with [Sch. 5](#))

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

- F154** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F155** Words in s. 44(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 187**; S.I. 2007/309, **art. 2, Sch.**
- F156** Word in s. 44(4)(a) omitted (1.1.2015) by virtue of The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(a)** (with art. 3)
- F157** S. 44(4)(aa) inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(b)** (with art. 3)
- F158** Words in s. 44(4)(b) substituted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(c)** (with art. 3)
- F159** Word in s. 44(4)(b) omitted (19.12.2018) by virtue of The Banks and Building Societies (Priorities on Insolvency) Order 2018 (S.I. 2018/1244), arts. 1(2), **39(2)** (with art. 3)
- F160** S. 44(4)(c) and word inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(d)** (with art. 3)
- F161** S. 44(4)(d) and word inserted (19.12.2018) by The Banks and Building Societies (Priorities on Insolvency) Order 2018 (S.I. 2018/1244), arts. 1(2), **39(3)** (with art. 3)
- F162** Words in s. 44(4) inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(e)** (with art. 3)
- F163** Words in s. 44(4) inserted (19.12.2018) by The Banks and Building Societies (Priorities on Insolvency) Order 2018 (S.I. 2018/1244), arts. 1(2), **39(4)** (with art. 3)

#### Modifications etc. (not altering text)

- C46** S. 44 modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1350), regs. 1(4), **123** (with reg. 108)

#### Marginal Citations

- M11** 1986 c. 45.

## 45 Effect of agreed proposals.

- (1) The following provisions apply if proposals made by [<sup>F19</sup>the Welsh Ministers] under section 44 are agreed, with or without modifications, by all the secured creditors of the registered social landlord.
- (2) Once agreed the proposals are binding on [<sup>F19</sup>the Welsh Ministers], the landlord, all the landlord's creditors (whether secured or unsecured) and any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land.
- (3) It is the duty of—
  - (a) the members of the committee where the landlord is [<sup>F21</sup>a registered society],
  - (b) the directors where the landlord is [<sup>F164</sup>a company (including a company that is a registered charity)] , and
  - (c) the trustees where the landlord is a charitable trust,
 to co-operate in the implementation of the proposals.

This does not mean that they have to do anything contrary to any fiduciary or other duty owed by them.

- (4) The [<sup>F165</sup>Relevant Authority] shall serve a copy of the agreed proposals on—
  - (a) the landlord and its officers,
  - (b) the secured creditors of the landlord, and

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- (c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land, and
- (d) where the landlord is [<sup>F21</sup>a registered society] or registered charity, the [<sup>F166</sup>Financial Conduct Authority] or the [<sup>F167</sup>Charity Commission], as the case may be;

and it shall make such arrangements as it considers appropriate to see that the members, tenants and unsecured creditors of the landlord are informed of the proposals.

- (5) The proposals may subsequently be amended with the consent of the [<sup>F165</sup>Relevant Authority] and all the landlord's secured creditors.

Section 44(2) to (7) and subsections (2) to (4) above apply in relation to the amended proposals as in relation to the original proposals.

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 61(7), 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F21** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, Sch. 4 para. 56 (with Sch. 5)
- F164** Words in s. 45(3)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 1 para. 161(4) (with art. 10)
- F165** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, Sch. 16 para. 82(1)(2) (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 5.
- F166** Words in s. 45(4)(d) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)(2)(d) (with Sch. 12)
- F167** Words in s. 45(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 188; S.I. 2007/309, art. 2, Sch.

#### 46 Appointment of manager to implement agreed proposals.

- (1) Where proposals agreed as mentioned in section 45 so provide, [<sup>F19</sup>the Welsh Ministers] may by order <sup>F168</sup>. . . appoint a manager to implement the proposals or such of them as are specified in the order.
- (2) If the landlord is a registered charity, [<sup>F19</sup>the Welsh Ministers] shall give notice to the [<sup>F169</sup>Charity Commission] of the appointment.
- (3) Where proposals make provision for the appointment of a manager, they shall also provide for the payment of his reasonable remuneration and expenses.
- (4) The [<sup>F170</sup>Relevant Authority] may give the manager directions in relation to the carrying out of his functions.

[<sup>F171</sup>(4A) The Welsh Ministers may amend or revoke any directions given by them.]

- (5) The manager may apply to the High Court for directions in relation to any particular matter arising in connection with the carrying out of his functions.

A direction of the court supersedes any direction of [<sup>F19</sup>the Welsh Ministers] in respect of the same matter.

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(6) If a vacancy occurs by death, resignation or otherwise in the office of manager, [<sup>F19</sup>the Welsh Ministers] may by further order <sup>F168</sup> . . . fill the vacancy.

[<sup>F172</sup>(7) An order under this section—

- (a) if made by the Housing Corporation, shall be made under its seal, and
- (b) [<sup>F173</sup>An order made by] the [<sup>F174</sup>Welsh Ministers] , [<sup>F175</sup>under this section] shall be made in writing.]

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(7\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F168** Words in s. 46(1)(6) repealed (1.11.1998) by [1998 c. 38, ss. 140, 152, Sch. 16 para. 88\(2\), Sch. 18 Pt.VI \(with ss. 137\(1\), 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)
- F169** Words in s. 46(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 189; S.I. 2007/309, art. 2, Sch.](#)
- F170** Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140, Sch. 16 para. 82\(1\)\(2\) \(with ss. 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)
- F171** S. 46(4A) inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), Sch. para. 10; S.I. 2011/2475, arts. 1\(2\), 2\(v\)](#)
- F172** S. 46(7) inserted (1.11.1998) by [1998 c. 38, s. 140, Sch. 16 para. 88\(3\) \(with ss. 139\(2\), 141\(1\), 143\(2\)\); S.I. 1998/2244, art.5.](#)
- F173** Words in s. 46(7)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 91\(a\) \(with art. 6, Sch. 3\)](#)
- F174** Words in s. 46(7)(b) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 62\(a\), 325\(1\); S.I. 2010/862, art. 2 \(with Sch.\)](#)
- F175** Words in s. 46(7)(b) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 91\(b\) \(with art. 6, Sch. 3\)](#)

#### Modifications etc. (not altering text)

- C47** S. 46(7) modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 3, Sch. para. 5 \(with art. 6\)](#)

## 47 Powers of the manager.

- (1) An order under section 46(1) shall confer on the manager power generally to do all such things as are necessary for carrying out his functions.
- (2) The order may include the following specific powers—
  - (1) Power to take possession of the land held by the landlord and for that purpose to take any legal proceedings which seem to him expedient.
  - (2) Power to sell or otherwise dispose of the land by public auction or private contract.
  - (3) Power to raise or borrow money and for that purpose to grant security over the land.
  - (4) Power to appoint a solicitor or accountant or other professionally qualified person to assist him in the performance of his functions.
  - (5) Power to bring or defend legal proceedings relating to the land in the name and on behalf of the landlord.



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- (6) Power to refer to arbitration any question affecting the land.
- (7) Power to effect and maintain insurance in respect of the land.
- (8) Power where the landlord is a body corporate to use the seal of the body corporate for purposes relating to the land.
- (9) Power to do all acts and to execute in the name and on behalf of the landlord any deed, receipt or other document relating to the land.
- (10) Power to appoint an agent to do anything which he is unable to do for himself or which can more conveniently be done by an agent, and power to employ and dismiss any employees.
- (11) Power to do all such things (including the carrying out of works) as may be necessary in connection with the management or transfer of the land.
- (12) Power to make any payment which is necessary or incidental to the performance of his functions.
- (13) Power to carry on the business of the landlord so far as relating to the management or transfer of the land.
- (14) Power to grant or accept a surrender of a lease or tenancy of any of the land, and to take a lease or tenancy of any property required or convenient for the landlord's housing activities.
- (15) Power to make any arrangement or compromise on behalf of the landlord in relation to the management or transfer of the land.
- (16) Power to do all other things incidental to the exercise of any of the above powers.
  - (3) In carrying out his functions the manager acts as the landlord's agent and he is not personally liable on a contract which he enters into as manager.
  - (4) A person dealing with the manager in good faith and for value is not concerned to inquire whether the manager is acting within his powers.
  - (5) The manager shall, so far as practicable, consult the landlord's tenants about any exercise of his powers which is likely to affect them and inform them about any such exercise of his powers.

**Modifications etc. (not altering text)**

**C48** S. 47(2) applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), **Sch. 2**

**48 Powers of the manager: transfer of engagements.**

- (1) An order under section 46(1) may, where the landlord is [<sup>F21</sup>a registered society], give the manager power to make and execute on behalf of the society an instrument transferring the engagements of the society.
- (2) Any such instrument has the same effect as a transfer of engagements under [<sup>F176</sup>section 110 or 112 of the Co-operative and Community Benefit Societies Act 2014] (transfer of engagements by special resolution to another society or a company).  
 [<sup>F177</sup>In particular, it does not prejudice any right of a creditor of the society.]



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- (3) A copy of the instrument, signed by the manager, shall be sent to the <sup>F178</sup>[<sup>F179</sup>Financial Conduct Authority] and registered by it]; and until that copy is so registered the instrument shall not take effect.
- (4) It is the duty of the manager to send a copy for registration within 14 days from the day on which the instrument is executed; but this does not invalidate registration after that time.

#### Textual Amendments

- F21** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F176** Words in s. 48(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 59(2)** (with Sch. 5)
- F177** Words in s. 48(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 59(3)** (with Sch. 5)
- F178** Words in s. 48(3) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 355**
- F179** Words in s. 48(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)(2)(e) (with Sch. 12)

#### 49 Assistance by <sup>F19</sup>the Welsh Ministers].

- (1) The <sup>F180</sup>[Relevant Authority] may give such assistance as it thinks fit—
  - (a) to the landlord, for the purpose of preserving the position pending the making of and agreement to proposals;
  - (b) to the landlord or a manager appointed under section 46, for the purpose of carrying out any agreed proposals.
- (2) The <sup>F180</sup>[Relevant Authority] may, in particular—
  - (a) lend staff;
  - (b) pay or secure payment of the manager’s reasonable remuneration and expenses;
  - (c) give such financial assistance as appears to <sup>F19</sup>the Welsh Ministers] to be appropriate.

<sup>F181</sup>(3) .....

#### Textual Amendments

- F19** Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7), 325(1); S.I. 2010/862, art. 2** (with Sch.)
- F180** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5.**
- F181** S. 49(3) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 92, **Sch. 4** (with art. 6, Sch. 3)

#### Modifications etc. (not altering text)

- C49** S. 49(3) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

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## 50 Application to court to secure compliance with agreed proposals.

- (1) The landlord or any creditor of the landlord may apply to the High Court on the ground that an action of the manager appointed under section 46 is not in accordance with the agreed proposals.

On such an application the court may confirm, reverse or modify any act or decision of the manager, give him directions or make such other order as it thinks fit.

- (2) The [<sup>F182</sup>Relevant Authority] or any other person bound by agreed proposals may apply to the High Court on the ground that any action, or proposed action, by another person bound by the proposals is not in accordance with those proposals.

On such an application the court may—

- (a) declare any such action to be ineffective, and
- (b) grant such relief by way of injunction, damages or otherwise as appears to the court appropriate.

### Textual Amendments

**F182** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

## [<sup>F183</sup>CHAPTER 4A

### ENFORCEMENT POWERS

### Textual Amendments

**F183** Pt. I Ch. 4A and s. 50A and cross-heading inserted (18.10.2011) by **Housing (Wales) Measure 2011 (nawm 5)**, **ss. 50, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(h)

### *General*

## 50A Application of Chapter 4A

This Chapter does not apply in relation to a registered social landlord's provision of housing in England.]

## [<sup>F184</sup>50B Exercise of enforcement powers

- (1) This section applies where the Welsh Ministers are deciding—
  - (a) whether to exercise an enforcement power,
  - (b) which enforcement power to exercise, or
  - (c) how to exercise an enforcement power.
- (2) The Welsh Ministers must consider—
  - (a) the desirability of registered social landlords being free to choose how to provide services and conduct business;
  - (b) whether the failure or other problem concerned is serious or trivial;

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- (c) whether the failure or other problem is a recurrent or isolated incident;
  - (d) the speed with which the failure or other problem needs to be addressed.
- (3) In subsection (1), an “enforcement power” means a power exercisable under any of the following provisions—
- this Chapter,
  - paragraphs 4, 6 to 8, 14 to 15B, 15D, 15F and 15H of Part 2 of Schedule 1,
  - paragraphs 20 to 27 of Part 4 of Schedule 1.]

#### Textual Amendments

**F184** S. 50B inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 51**, 90(2); S.I. 2011/2475, arts. 1(2), 2(h)

#### <sup>F185</sup>Enforcement notice

#### Textual Amendments

**F185** 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.
- <sup>F186</sup>(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.]
- (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.

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- (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 [<sup>F187</sup> or section 23 of the Public Services Ombudsman (Wales) Act 2019].

[ But Case 2 is not to be treated as applying if any of the other cases listed in this section <sup>F188</sup>(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

**F186** 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)

**F187** Words in s. 50C(10) inserted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019](#) (anaw 3), s. 77(1), **Sch. 5 para. 16**; S.I. 2019/1096, reg. 2

**F188** 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)

#### [<sup>F189</sup>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

**F189** 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)

#### [<sup>F190</sup>50E Appeal

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

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#### Textual Amendments

**F190** 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)

#### [<sup>F191</sup>50F Withdrawal

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

#### Textual Amendments

**F191** 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)

#### [<sup>F192</sup>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

**F192** 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)

#### [<sup>F193</sup>Penalty

#### Textual Amendments

**F193** S. 50H 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. 57**, 90(2); S.I. 2011/2475, arts. 1(2), 2(k), 3(f)

#### 50H Grounds for imposition

- (1) The Welsh Ministers may require a registered social landlord to pay a penalty if they are satisfied that—
  - (a) any of the following cases applies, and

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- (b) the imposition of a penalty 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.
- [<sup>F194</sup>(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.]
- (4) Case 3 is where the registered social landlord has failed to comply with an enforcement notice.
- (5) Case 4 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (6) Case 5 is where an offence under this Part has been committed by the registered social landlord.
- [ But Case 2 is not to be treated as applying if any of the other cases listed in this section <sup>F195</sup>(6A) applies.]
- (7) 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 5 applies,
  - (b) the Welsh Ministers may require the other person to pay a penalty, and
  - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.
- (8) In order to rely on Case 5 the Welsh Ministers must be satisfied beyond reasonable doubt that it applies.]

#### Textual Amendments

**F194** S. 50H(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), ss. 12(2), 19(2); S.I. 2018/777, art. 3(d)

**F195** S. 50H(6A) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), ss. 12(3), 19(2); S.I. 2018/777, art. 3(d)

#### [<sup>F196</sup>50I Imposition

- (1) A penalty is imposed by the Welsh Ministers giving notice (a “penalty notice”) to the registered social landlord.
- (2) The notice must specify—
  - (a) the grounds on which the penalty is imposed,
  - (b) the amount of the penalty,
  - (c) how the penalty must be paid,
  - (d) a period within which it must be paid, and
  - (e) any interest or additional penalty which, by virtue of section 50M, is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the penalty in a specified manner.

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(4) The notice must explain the effect of sections 50M(1), (3) and (5) and 50N.]

#### Textual Amendments

**F196** S. 50I inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 58, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(l)

#### [<sup>F197</sup>50J Amount

- (1) The amount of a penalty imposed on the ground specified in Case 5 of section 50H may not exceed the maximum amount [<sup>F198</sup>(if any)] of fine that a magistrates' court could impose for the relevant offence.
- (2) The amount of a penalty imposed on the ground specified in any other Case of that section may not exceed £5,000.
- (3) The Welsh Ministers may by order amend the amount specified in subsection (2).
- (4) An order under subsection (3) is to be made by statutory instrument and must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]

#### Textual Amendments

**F197** S. 50J inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 59, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(l)

**F198** Words in s. 50J(1) inserted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 5 para. 6** (with reg. 5(1))

#### [<sup>F199</sup>50K Warning

- (1) Before giving a penalty notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a “pre-penalty warning”)—
  - (a) specifying grounds on which the Welsh Ministers think a penalty could be imposed,
  - (b) warning the landlord that the Welsh Ministers are considering imposing a penalty,
  - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any penalty, and
  - (d) explaining the effect of sections 50L, 50M(1), (3) and (5) and 50N.
- (2) The Welsh Ministers must send a copy of a pre-penalty warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-penalty warning is given).
- (3) A pre-penalty 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, a penalty.



*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

- (4) A pre-penalty warning may be combined with notice under one or more of the following—
- (a) section 50S,
  - (b) paragraphs 15C, 15E and 15G of Schedule 1.]

#### Textual Amendments

**F199** S. 50K inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 60**, 90(2); S.I. 2011/2475, arts. 1(2), 2(1)

#### [<sup>F200</sup>50L Representations

- (1) A pre-penalty 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-penalty warning.
- (3) Representations may address—
  - (a) whether a penalty should be imposed;
  - (b) the amount of any penalty that may be imposed.
- (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 impose a penalty.]

#### Textual Amendments

**F200** S. 50L inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 61**, 90(2); S.I. 2011/2475, arts. 1(2), 2(1)

#### [<sup>F201</sup>50M Enforcement

- (1) A penalty is to be treated as a debt owed to the Welsh Ministers.
- (2) The Welsh Ministers may—
  - (a) charge interest on a penalty not paid during the period specified under section 50I(2)(d);
  - (b) impose one or more additional penalties where a penalty is not paid during that period.
- (3) Interest and additional penalty are to be treated as penalty (and may have the effect of increasing the penalty above a limit set by section 50J).
- (4) A penalty notice may include provision allowing a discount if the penalty is paid on or before a date specified in the notice (falling within the period specified under section 50I(2)(d)).

*Status: Point in time view as at 30/09/2021.*

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- (5) A person to whom a penalty notice is given on the ground in Case 5 of section 50H may not be prosecuted for the offence by reference to which the penalty notice was given.]

#### Textual Amendments

**F201** S. 50M inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 62, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(l)

#### [<sup>F202</sup>50N Appeal

A registered social landlord who is given a penalty notice may appeal to the High Court against—

- (a) the imposition of the penalty,
- (b) its amount, or
- (c) both.]

#### Textual Amendments

**F202** S. 50N inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 63, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(l)

#### [<sup>F203</sup>Compensation

#### Textual Amendments

**F203** S. 50O 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)

#### 50O 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.]

#### [<sup>F204</sup>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.]

*Status: Point in time view as at 30/09/2021.*

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#### Textual Amendments

**F204** 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)

### [<sup>F205</sup>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

**F205** 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)

### [<sup>F206</sup>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
  - (c) preventing the registered social landlord from taking action to remedy the matters on the grounds of which the compensation might be awarded.]

*Status: Point in time view as at 30/09/2021.*

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#### Textual Amendments

**F206** 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)

#### [<sup>F207</sup>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

**F207** 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)

#### [<sup>F208</sup>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.
- (3) Representations may address—
  - (a) whether compensation should be awarded;

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- (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**

**F208** 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)

**[<sup>F209</sup>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**

**F209** 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)

**[<sup>F210</sup>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**

**F210** 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: Point in time view as at 30/09/2021.*

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## CHAPTER V

### MISCELLANEOUS AND GENERAL PROVISIONS

#### *Housing complaints*

#### **51 Schemes for investigation of complaints.**

- (1) The provisions of Schedule 2 have effect for the purpose of enabling tenants and other individuals to have complaints against social landlords investigated by a housing ombudsman in accordance with a scheme approved by the Secretary of State.
- (2) For the purposes of that Schedule a “social landlord” means—
  - [<sup>F211</sup>(za) a local authority in England which is a registered provider of social housing,]
  - [<sup>F212</sup>(a) a [<sup>F213</sup>private registered provider] of social housing,]
  - (b) a transferee of housing pursuant to [<sup>F214</sup>—
    - (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act; or
    - (ii) a qualifying disposal that was made] under section 135 of the <sup>M12</sup>Leasehold Reform, Housing and Urban Development Act 1993;
  - (c) a body which has acquired dwellings under Part IV of the <sup>M13</sup>Housing Act 1988 (change of landlord: secure tenants); or
  - (d) any other body which was at any time registered with [<sup>F215</sup>the Regulator of Social Housing or] the [<sup>F216</sup>Housing Corporation, or with Housing for Wales,] and which owns or manages publicly-funded dwellings.
- (3) In subsection (2)(d) a “publicly-funded dwelling” means a dwelling which was—
  - (a) provided by means of a grant under—

[<sup>F217</sup>section 19 of the Housing and Regeneration Act 2008 (financial assistance) where the grant was made on condition that the recipient provides social housing <sup>F218</sup> ...,]

section 18 of this Act (social housing grant), or

section 50 of the Housing Act 1988, section 41 of the <sup>M14</sup>Housing Associations Act 1985, or section 29 or 29A of the <sup>M15</sup>Housing Act 1974 (housing association grant)[<sup>F219</sup>, or a grant from the Greater London Authority which was a grant made on condition that the recipient provides social housing; or]<sup>F220</sup> ...
  - (b) acquired on a disposal by a public sector landlord.
- [<sup>F221</sup>(3A) In subsection (3) “provides social housing” has the same meaning as in Part 1 of the Housing and Regeneration Act 2008.]
- (4) The Secretary of State may by order add to or amend the descriptions of landlords who are to be treated as social landlords for the purposes of Schedule 2.
- (5) Before making any such order the Secretary of State shall consult such persons as he considers appropriate.
- (6) Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[<sup>F222</sup>(7) This section shall not apply in relation to social landlords in Wales (within the meaning given by [<sup>F223</sup>section 78 of the Public Services Ombudsman (Wales) Act 2019]).]

[<sup>F224</sup>(7) Section 52 shall apply to an order under subsection (4) (with any necessary modifications).]

### Textual Amendments

- F211** S. 51(2)(za) inserted (1.4.2013 for E.) by Localism Act 2011 (c. 20), **ss. 181(3)**, 240(2) (with s. 181(11)); S.I. 2013/722, art. 2(c)
- F212** S. 51(2)(a) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(2)(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F213** Word in s. 51(2)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 2 para. 23(5)**
- F214** Words in s. 51(2)(b) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 14 para. 4(2)**; S.I. 2008/3068, art. 4(1)(c) (with arts. 6-13)
- F215** Words in s. 51(2)(d) inserted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(2)(b)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
- F216** Words in s. 51(2)(d) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 90(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F217** Words in s. 51(3)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 1 para. 8** (with art. 6, Sch. 3)
- F218** Words in s. 51(3)(a) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 19 para. 34(2) (a), **Sch. 25 Pt. 31**; S.I. 2012/628, art. 6(i)(j) (with arts. 9, 11, 14, 15, 17)
- F219** Words in s. 51(3)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 34(2)(b)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F220** Word in s. 51(3)(a) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 31**; S.I. 2012/628, art. 6(j) (with arts. 9, 11, 14, 15, 17)
- F221** S. 51(3A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 34(3)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F222** S. 51(7) inserted (14.7.2005) by Housing Act 2004 (c. 34), **ss. 228(1)**, 270(7); S.I. 2005/1814, arts. 1(2), 2(c)
- F223** Words in s. 51(7) substituted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 17**; S.I. 2019/1096, reg. 2
- F224** S. 51(7) added (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(2)(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

### Modifications etc. (not altering text)

- C50** S. 51(2)(d) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

### Commencement Information

- I12** S. 51 wholly in force 1.4.1997; s. 51 not in force at Royal Assent see s. 232(3); s.51 in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 2**; s. 51(1) in force so far as not already in force and 51(2)-(6) in force at 1.4.1997 by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

### Marginal Citations

- M12** 1993 c. 28.  
**M13** 1988 c. 50.  
**M14** 1985 c. 69.  
**M15** 1974 c. 44.



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## <sup>F225</sup>51A Social Housing Ombudsman for Wales

.....

### Textual Amendments

**F225** Ss. 51A-51C repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 6 para. 58, [Sch. 7](#); [S.I. 2005/2800](#), art. 5(1)(3) (with Sch. 2)

## <sup>F225</sup>51B Investigation of complaints

.....

### Textual Amendments

**F225** Ss. 51A-51C repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 6 para. 58, [Sch. 7](#); [S.I. 2005/2800](#), art. 5(1)(3) (with Sch. 2)

## <sup>F225</sup>51C Meaning of “social landlord in Wales”

.....

### Textual Amendments

**F225** Ss. 51A-51C repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), s. 40, Sch. 6 para. 58, [Sch. 7](#); [S.I. 2005/2800](#), art. 5(1)(3) (with Sch. 2)

### *Orders and determinations*

## 52 General provisions as to orders.

- (1) The following provisions apply to any power of the [<sup>F226</sup>Welsh Ministers] under [<sup>F227</sup>section 2, [<sup>F228</sup>7J,] 17, [<sup>F229</sup> 27A,] 39, [<sup>F230</sup> 50J,] 51 or 55 or Schedule 2] to make an order.
- (2) An order may make different provision for different cases or descriptions of case.  
  
This includes power to make different provision for different bodies or descriptions of body, different provision for different housing activities and different provision for different areas.
- (3) An order may contain such supplementary, incidental, consequential or transitional provisions and savings as the [<sup>F226</sup>Welsh Ministers][<sup>F231</sup>consider] appropriate.

### Textual Amendments

**F226** Words in s. 52(1)(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 62\(a\), 325\(1\)](#); [S.I. 2010/862](#), art. 2 (with Sch.); [S.I. 2010/862](#), art. 2 (with Sch.)

**F227** Words in s. 52(1) substituted (1.11.1998) by [1998 c. 38](#), s. 140, [Sch. 16 para. 91](#) (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), [art.5](#).

*Status: Point in time view as at 30/09/2021.*

*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

- F228** Word in s. 52(1) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 12**; S.I. 2018/777, art. 3(g)
- F229** Word in s. 52(1) inserted (6.4.2006 for E.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 41**; S.I. 2006/1060, art. 2(1)(d) (with Sch.)
- F230** Word in s. 52(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 11**; S.I. 2011/2475, arts. 1(2), 2(v)
- F231** Word in s. 52(1)(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(e), 325(1)**; S.I. 2010/862, art. 2 (with Sch.); S.I. 2010/862, art. 2 (with Sch.)

### 53 General provisions as to determinations.

- (1) The following provisions apply to determinations of <sup>F232</sup>... the [<sup>F233</sup>Welsh Ministers] this Part.
- (2) A determination may make different provision for different cases or descriptions of case.  
 This includes power to make—
  - (a) different provision for different registered social landlords or descriptions of registered social landlord, and
  - (b) different provision for different housing activities and different provision for different areas;
 and for the purposes of paragraph (b) descriptions may be framed by reference to any matters whatever, including in particular, in the case of housing activities, the manner in which they are financed.
- (3) In this Part a general determination means a determination which does not relate solely to a particular case.
- (4) Before making a general determination, <sup>F234</sup>... the [<sup>F235</sup>Welsh Ministers] shall consult such bodies appearing to them to be representative of registered social landlords as they consider appropriate.
- (5) After making a general determination, <sup>F236</sup>... the [<sup>F235</sup>Welsh Ministers] shall publish the determination in such manner as they consider appropriate for bringing the determination to the notice of the landlords concerned.

#### Textual Amendments

- F232** Words in s. 53(1) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 93, **Sch. 4** (with art. 6, Sch. 3)
- F233** Words in s. 53(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a), 325(1)**; S.I. 2010/862, art. 2 (with Sch.)
- F234** Words in s. 53(4) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 93, **Sch. 4** (with art. 6, Sch. 3)
- F235** Words in s. 53(4)(5) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a), 325(1)**; S.I. 2010/862, art. 2 (with Sch.); S.I. 2010/862, art. 2 (with Sch.)
- F236** Words in s. 53(5) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 93, **Sch. 4** (with art. 6, Sch. 3)

#### Modifications etc. (not altering text)

- C51** S. 53: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

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**C52** S. 53 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

<sup>F237</sup>**54 Determinations of the [Housing Corporation] requiring approval.**

.....

**Textual Amendments**

**F237** S. 54 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 94, **Sch. 4** (with art. 6, Sch. 3)

**Modifications etc. (not altering text)**

**C53** S. 54: transfer of functions (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2

**C54** S. 54 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

*Minor and consequential amendments*

**55 Minor and consequential amendments: Part I.**

- (1) The enactments mentioned in Schedule 3 have effect with the minor amendments specified there.
- (2) The [<sup>F238</sup>Welsh Ministers] may by order make such amendments or repeals of any enactment as appear to [<sup>F239</sup>them] necessary or expedient in consequence of the provisions of this Part.
- (3) Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [<sup>F240</sup>the National Assembly for Wales] .

**Textual Amendments**

**F238** Words in s. 55(2) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

**F239** Word in s. 55(2) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(d)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

**F240** Words in s. 55(3) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

**Commencement Information**

**I13** S. 55 wholly in force 1.4.1997; s. 55 not in force at Royal Assent see s. 232(3); s. 55(1) in force for certain purposes and s. 55(2)(3) wholly in force at 1.8.1996 by [S.I. 1996/2048](#), artS. 2, 4; s. 55(1) in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), **art. 3** (subject to the transitional provisions and savings in [Sch. para. 1](#)) and in force at 1.4.1997 to the extent it is not already in force by [S.I. 1997/618](#), **art. 2** (subject to the limitation in (2) of that art.)

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*Changes to legislation: Housing Act 1996, Part I is up to date with all changes known to be in force on or before 20 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)*

### Interpretation

#### <sup>F241</sup>56 Meaning of “[<sup>F19</sup>the Welsh Ministers]”.

.....

##### Textual Amendments

**F19** Words in Pt. I substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 61(7)**, 325(1); [S.I. 2010/862](#), art. 2 (with [Sch.](#))

**F241** S. 56 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 61(8), 325(1), **Sch. 16**; [S.I. 2010/862](#), arts. 2, 3 (with [Sch.](#))

##### Modifications etc. (not altering text)

**C55** S. 56 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 5** (with art. 6, [Sch. para. 5\(9\)](#))

#### 57 Definitions relating to [<sup>F242</sup>registered societies].

(1) In this Part, in relation to [<sup>F21</sup>a registered society]—

<sup>F243</sup>  
 . . .

“committee” means the committee of management or other directing body of the society; and

“co-opted member”, in relation to the committee, includes any person co-opted to serve on the committee, whether he is a member of the society or not.

(2) Any reference in this Part to a member of the committee of [<sup>F21</sup>a registered society] includes a co-opted member.

##### Textual Amendments

**F21** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 56** (with [Sch. 5](#))

**F242** Words in s. 57 heading substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 60** (with [Sch. 5](#))

**F243** Definition of “appropriate registrar” in s. 57(1) repealed (1.12.2001) by [S.I. 2001/3649](#), **arts. 1**, 356(1)

#### 58 Definitions relating to charities.

[<sup>F244</sup>(1) In this Part—

(a) “trusts”, in relation to a charity, has the same meaning as in the [Charities Act 2011](#) and “trustee” means a charitable trustee within the meaning of that Act, and

(b) “registered charity” means a charity which is registered in accordance with section 30 of that Act.]

[<sup>F245</sup>(1A) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied—

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- (a) the charity has received financial assistance under section 24 of the Local Government Act 1988 (assistance for privately let housing accommodation);
  - (b) the charity has received financial assistance under section 19 of the Housing and Regeneration Act 2008 (financial assistance);
  - (c) the charity has had housing transferred to it pursuant to—
    - (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or
    - (ii) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993;
  - (d) the charity has received a grant or loan under—
    - (i) section 18 (social housing grants),
    - (ii) section 22 (assistance from local authorities),
    - (iii) section 58 of the Housing Associations Act 1985 (grants or loans by local authorities),
    - (iv) section 50 of the Housing Act 1980, section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
    - (v) section 51 of the Housing Act 1988 or sections 54 or 55 of the Housing Associations Act 1985 (revenue deficit grant or hostel deficit grant),
    - (vi) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),
    - (vii) section 31 of the Housing Act 1974 (management grants), or
    - (viii) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).]
- (2) References in this Part to [F246a company] do not include a company which is a registered charity, except where otherwise provided.

#### Textual Amendments

**F244** Words in s. 58(1)(a) substituted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, Sch. para. 45; s. 58(1) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 71** (with s. 20(2), Sch. 8)

**F245** S. 58(1A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 86, 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)

**F246** Words in s. 58(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(c)** (with art. 10)

## 59 Meaning of “officer” of registered social landlord.

- (1) References in this Part to an officer of a registered social landlord are—
- (a) in the case of a registered charity which is not [F247a company], to any trustee, secretary or treasurer of the charity;
  - (b) in the case of [F248a registered society], to any officer of the society as defined in [F248section 149 of the Co-operative and Community Benefit Societies Act 2014]; and

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- (c) in the case of [<sup>F249</sup>a company (including a company that is a registered charity)] , to any director or other officer of the company within the meaning of [<sup>F250</sup>the Companies Acts (see sections 250 and 1173(1) of the Companies Act 2006)] .
- (2) Any such reference includes, in the case of [<sup>F21</sup>a registered society], a co-opted member of the committee of the society.

#### Textual Amendments

- F21** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F247** Words in s. 59(1)(a) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(d)** (with art. 10)
- F248** Words in s. 59(1)(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 61** (with Sch. 5)
- F249** Words in s. 59(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(6)(a)** (with art. 10)
- F250** Words in s. 59(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(6)(b)** (with art. 10)

## 60 Meaning of “subsidiary”.

- (1) In this Part “subsidiary”, in relation to a registered social landlord, means a company with respect to which one of the following conditions is fulfilled—
- (a) the landlord is a member of the company and controls the composition of the board of directors;
  - (b) the landlord holds more than half in nominal value of the company’s equity share capital; or
  - (c) the company is a subsidiary, within the meaning of [<sup>F251</sup>the Companies Acts (see section 1159 of the Companies Act 2006)] or [<sup>F252</sup>Part 7 of the Co-operative and Community Benefit Societies Act 2014], of another company which, by virtue of paragraph (a) or paragraph (b), is itself a subsidiary of the landlord.
- (2) For the purposes of subsection (1)(a), the composition of a company’s board of directors shall be deemed to be controlled by a registered social landlord if, but only if, the landlord, by the exercise of some power exercisable by him without the consent or concurrence of any other person, can appoint or remove the holders of all or a majority of the directorships.
- (3) In relation to a company which is [<sup>F21</sup>a registered society]—
- (a) any reference in this section to the board of directors is a reference to the committee of management of the society; and
  - (b) the reference in subsection (2) to the holders of all or a majority of the directorships is a reference—
    - (i) to all or a majority of the members of the committee, or
    - (ii) if the landlord is himself a member of the committee, such number as together with him would constitute a majority.



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- (4) In the case of a registered social landlord which is a body of trustees, references in this section to the landlord are to the trustees acting as such.

#### Textual Amendments

- F21** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F251** Words in s. 60(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(7)** (with art. 10)
- F252** Words in s. 60(1)(c) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 62** (with Sch. 5)

### 61 Meaning of “associate”.

- (1) In this Part “associate”, in relation to a registered social landlord, means—
- any body of which the landlord is a subsidiary, and
  - any other subsidiary of such a body.
- (2) In this section “subsidiary” has the same meaning as in [<sup>F253</sup>the Companies Acts (see section 1159 of the Companies Act 2006)] or [<sup>F254</sup>Part 7 of the Co-operative and Community Benefit Societies Act 2014] or, in the case of a body which is itself a registered social landlord, has the meaning given by section 60.

#### Textual Amendments

- F253** Words in s. 61(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(7)** (with art. 10)
- F254** Words in s. 61(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 63** (with Sch. 5)

### 62 Members of a person’s family: Part I.

- (1) A person is a member of another’s family within the meaning of this Part if—
- he is the spouse [<sup>F255</sup> or civil partner] of that person, or he and that person live together [<sup>F256</sup>as if they were a married couple or][<sup>F257</sup>civil partners], or
  - he is that person’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- a relationship by marriage [<sup>F258</sup> or civil partnership] shall be treated as a relationship by blood,
  - a relationship of the half-blood shall be treated as a relationship of the whole blood, and
  - the stepchild of a person shall be treated as his child.



*Status: Point in time view as at 30/09/2021.*

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### Textual Amendments

- F255** Words in s. 62(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(2)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F256** Words in s. 62(1)(a) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 20(2)**
- F257** Words in s. 62(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(2)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F258** Words in s. 62(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

## 63 Minor definitions: Part I.

(1) In this Part—

[<sup>F259</sup>“action” includes inaction, proposed action and decision;]

[<sup>F260</sup>“company” means a company registered under the Companies Act 2006;]

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“fully mutual”, in relation to a housing association, and “co-operative housing association” have the same meaning as in the <sup>M16</sup>Housing Associations Act 1985 (see section 1(2) of that Act);

“hostel” means a building in which is provided for persons generally or for a class or classes of persons—

- (a) residential accommodation otherwise than in separate and self-contained premises, and
- (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“house” includes—

- (a) any part of a building occupied or intended to be occupied as a separate dwelling, and
- (b) any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“housing accommodation” includes flats, lodging-houses and hostels;

“housing activities” means, in relation to a registered social landlord, all its activities in pursuance of the purposes, objects and powers mentioned in or specified under section 2;

“information” includes accounts, estimates and returns;

“local authority” has the same meaning as in the <sup>M17</sup>Housing Associations Act 1985;

“long tenancy” has the same meaning as in Part V of the <sup>M18</sup>Housing Act 1985;

[<sup>F259</sup>“misconduct” includes any failure to comply with the requirements of this Part of this Act;]

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

“notice” means notice in writing;

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[<sup>F261</sup>“notify” means notify in writing;]

[<sup>F261</sup>“public sector landlord” means any of the authorities or bodies within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

“registrar of companies” has the same meaning as in [<sup>F262</sup>the Companies Acts (see section 1060 of the Companies Act 2006)] ;

[<sup>F259</sup>“representations” means representations in writing;]

“statutory tenancy” has the same meaning as in the Housing Act 1985.

- (2) References in this Part to the provision of a dwelling or house include the provision of a dwelling or house—
- (a) by erecting the dwelling or house, or converting a building into dwellings or a house, or
  - (b) by altering, enlarging, repairing or improving an existing dwelling or house; and references to a dwelling or house provided by means of a grant or other financial assistance are to its being so provided directly or indirectly.]

#### Textual Amendments

**F259** Words in s. 63(1) inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 87, 90(2)**; S.I. 2011/2475, **arts. 1(2), 2(s)**

**F260** Words in s. 63(1) inserted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **art. 1(2)**, **Sch. 1 para. 161(8)(a)** (with **art. 10**)

**F261** Words in s. 63 inserted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), **s. 19(2)**, **Sch. 2 para. 13**; S.I. 2018/777, **art. 3(g)**

**F262** Words in s. 63(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **art. 1(2)**, **Sch. 1 para. 161(8)(b)** (with **art. 10**)

#### Marginal Citations

**M16** 1985 c. 69.

**M17** 1985 c. 69.

**M18** 1985 c. 68.

## 64 Index of defined expressions: Part I.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section)—

[ <sup>F263</sup> action	section 63]
appointed person (in relation to inquiry into affairs of registered social landlord)	paragraph 20 of Schedule 1
<b>F264</b>	<b>F264</b>
...	...
associate (in relation to a registered social landlord)	section 61(1)

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assured tenancy	section 230
assured agricultural occupancy	section 230
assured shorthold tenancy	section 230
F265	F265
...	...
committee member (in relation to [F21a registered society] )	section 57(2)
[F266 company	section 63 (and see section 58(2))]
F267	F267
...	...
co-operative housing association	section 63
co-opted member (of committee of [F268 registered society])	section 57(1)
F269	F269
...	...
disposal proceeds fund	section 24
dwelling	section 63
enactment	section 230
fully mutual housing association	section 63
hostel	section 63
house	section 63
housing accommodation	section 63
housing activities	section 63
housing association	section 230
F270	section 2(1)(b)
...	
information	section 63
lease	section 229
local authority	section 63
[F263 local housing authority	section 230]
long tenancy	section 63
member of family	section 62
[F263 misconduct	section 63]
modifications	section 63
notice	section 63
officer of registered social landlord	section 59

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provision (in relation to dwelling or house)	section 63(2)
public sector landlord	section 63
[ <sup>F263</sup> received public assistance	section 58(1A)]
register, registered and registration (in relation to social landlords)	section 1
registered charity	section 58(1)(b)
[ <sup>F271</sup> registered society	section 1A.]
registrar of companies	section 63
<sup>F272</sup>	<sup>F272</sup>
...	...
relevant disposal which is not an exempted disposal (in sections 11 to 14)	section 15
[ <sup>F263</sup> representations	section 63]
secure tenancy	section 230
social housing grant	section 18(1)
statutory tenancy	section 63
subsidiary (in relation to a registered social landlord)	section 60(1)
trustee and trusts (in relation to a charity)	section 58(1)(a)

### Textual Amendments

- F21** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)
- F263** Words in s. 64 inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 12**; S.I. 2011/2475, arts. 1(2), 2(v)
- F264** S. 64: Entry relating to “appropriate registrar” in the Table repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 356(2)**
- F265** Words in s. 64 omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, **Sch. para. 45**
- F266** Words in s. 64 inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(9)(a)** (with art. 10)
- F267** S. 64 entry omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(9)(b)** (with art. 10)
- F268** Words in s. 64 substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 64(2)** (with Sch. 5)
- F269** Entry in s. 64 repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 95(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.
- F270** Words in s. 64 omitted (1.8.2014) by virtue of Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 64(3)** (with Sch. 5)

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- F271** Words in s. 64 inserted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 64\(4\)](#) (with Sch. 5)
- F272** S. 64: entry repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 95, [Sch. 4](#) (with art. 6, Sch. 3)

**Status:**

Point in time view as at 30/09/2021.

**Changes to legislation:**

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