



Housing Act 1996

1996 CHAPTER 52

PART I **U.K.**

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

[^{F1}CHAPTER 4A **E+W**

ENFORCEMENT POWERS

Textual Amendments

F1 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 **E+W**

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

[^{F2}**50B** Exercise of enforcement powers **E+W**

- (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;

Status: Point in time view as at 02/12/2011.

Changes to legislation: Housing Act 1996, CHAPTER 4A is up to date with all changes known to be in force on or before 25 July 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)

- (b) whether the failure or other problem concerned is serious or trivial;
 - (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

F2 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)**

F3 Enforcement notice

Textual Amendments

F3 [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 **E+W**

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

Status: Point in time view as at 02/12/2011.

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- (9) Case 8 is where an offence under this Part has been committed by the registered social landlord.
- (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005.
- (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
- (a) Case 8 applies,
 - (b) the Welsh Ministers may give an enforcement notice to the other person, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.]

[^{F4}50D Content **E+W**

- (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

F4 S. 50D inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 53**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F5}50E Appeal **E+W**

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

Textual Amendments

F5 S. 50E inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 54**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F6}50F Withdrawal **E+W**

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

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Textual Amendments

F6 S. 50F inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 55**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F7}50G Sanction **E+W**]

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

Textual Amendments

F7 S. 50G inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 56**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[^{F8}Penalty

Textual Amendments

F8 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 **E+W**

- (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
 - (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.
- (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an enforcement notice.

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

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- (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.
- (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.]

[^{F9}50I Imposition **E+W**

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

Textual Amendments

F9 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(1)**

[^{F10}50J Amount **E+W**

- (1) The amount of a penalty imposed on the ground specified in Case 5 of section 50H may not exceed the maximum amount 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).

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- (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

F10 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(1)

[^{F11}50K Warning **E+W**

- (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.
- (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

F11 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)

[^{F12}50L Representations **E+W**

- (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.

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

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- (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

F12 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)

[^{F13}50M Enforcement **E+W**]

- (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)).
- (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

F13 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(1)

[^{F14}50N Appeal **E+W**]

- 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.]

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Textual Amendments

F14 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)

[^{F15} Compensation

Textual Amendments

F15 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 E+W

- (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.]

[^{F16} 50P Persons to whom compensation may be awarded E+W

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

Textual Amendments

F16 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)

[^{F17} 50Q Award E+W

- (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

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- (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

F17 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)

[^{F18}50R Impact **E+W**

- (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.]

Textual Amendments

F18 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)

[^{F19}50S Warning **E+W**

- (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.

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

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- (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

F19 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)

[^{F20}50T Representations **E+W**

- (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;
 - (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

F20 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)

[^{F21}50U Enforcement **E+W**

- (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);

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(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

F21 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)

[^{F22}**50V** **Appeal** **E+W**

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

F22 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 02/12/2011.

Changes to legislation:

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