



# Housing Act 1996

## 1996 CHAPTER 52

### PART I

#### SOCIAL RENTED SECTOR

#### 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—
  - (a) a registered social landlord [<sup>F1</sup>or a body which was at any time a registered social landlord];
  - (b) a transferee of housing pursuant to a qualifying disposal under section 135 of the <sup>M1</sup>Leasehold Reform, Housing and Urban Development Act 1993;
  - (c) a body which has acquired dwellings under Part IV of the <sup>M2</sup>Housing Act 1988 (change of landlord: secure tenants); or
  - (d) any other body which was at any time registered with the [<sup>F2</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—  
section 18 of this Act (social housing grant), or

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section 50 of the Housing Act 1988, section 41 of the <sup>M3</sup>Housing Associations Act 1985, or section 29 or 29A of the <sup>M4</sup>Housing Act 1974 (housing association grant); or

- (b) acquired on a disposal by a public sector landlord.
- (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.

#### Textual Amendments

- F1** Words in s. 51(2)(a) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 90(a)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F2** 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**.

#### Commencement Information

- I1** 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

- M1** 1993 c. 28.  
**M2** 1988 c. 50.  
**M3** 1985 c. 69.  
**M4** 1974 c. 44.

### *Orders and determinations*

## 52 General provisions as to orders.

- (1) The following provisions apply to any power of the Secretary of State under [<sup>F3</sup>section 2, 17, 39, 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 Secretary of State considers appropriate.

#### Textual Amendments

- F3** 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**.

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### 53 General provisions as to determinations.

- (1) The following provisions apply to determinations of the [F<sup>4</sup>Housing Corporation] or the Secretary of State under 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, the [F<sup>4</sup>Housing Corporation] or the Secretary of State shall consult such bodies appearing to them to be representative of registered social landlords as they consider appropriate.
- (5) After making a general determination, the [F<sup>4</sup>Housing Corporation] or the Secretary of State shall publish the determination in such manner as they consider appropriate for bringing the determination to the notice of the landlords concerned.

#### Textual Amendments

- F4** Words in s. 53(1)(4)(5) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.92** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

### 54 Determinations of the [Housing Corporation] requiring approval.

- The [F<sup>5</sup>Housing Corporation] shall not make—
- (a) a general determination under paragraph 16 of Schedule 1 (accounting and audit requirements for registered social landlords) or section 18 (social housing grant), or
  - (b) any determination under section 27 (recovery, &c. of social housing grants), except with the approval of the Secretary of State.

#### Textual Amendments

- F5** Words in s. 54 substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.93** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

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### *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 Secretary of State may by order make such amendments or repeals of any enactment as appear to him 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 either House of Parliament.

#### **Commencement Information**

- I2** 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.)

### *Interpretation*

#### **56 Meaning of “the [<sup>F6</sup>Relevant Authority]”.**

- (1) In this Part “the [<sup>F6</sup>Relevant Authority]” means the Housing Corporation or [<sup>F7</sup>the Secretary of State], as follows.
- (2) In relation to a registered social landlord, or a body applying for such registration, which is—
  - (a) a registered charity which has its address for the purposes of registration by the Charity Commissioners in Wales,
  - (b) an industrial and provident society which has its registered office for the purposes of the <sup>M5</sup>Industrial and Provident Societies Act 1965 in Wales, or
  - (c) a company registered under the <sup>M6</sup>Companies Act 1985 which has its registered office for the purposes of that Act in Wales,
 “the [<sup>F6</sup>Relevant Authority]” means [<sup>F7</sup>the Secretary of State].
- (3) In relation to any other registered social landlord or body applying for such registration, “the [<sup>F6</sup>Relevant Authority]” means the Housing Corporation.
- (4) Nothing in this Part shall be construed as requiring the Housing Corporation and [<sup>F7</sup>the Secretary of State] to establish the same criteria for registration as a social landlord, or otherwise to act on the same principles in respect of any matter in relation to which they have functions under this Part.

#### **Textual Amendments**

- F6** 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](#).

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**F7** Words in s. 56(1)(2)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.94** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

#### Marginal Citations

**M5** 1965 c. 12.

**M6** 1985 c. 6.

### 57 Definitions relating to industrial and provident societies.

(1) In this Part, in relation to an industrial and provident society—

**F8**  
...

“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 an industrial and provident society includes a co-opted member.

#### Textual Amendments

**F8** 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.

(1) In this Part—

(a) “charity” and “trusts”, in relation to a charity, have the same meaning as in the <sup>M7</sup>Charities Act 1993, and “trustee” means a charitable trustee within the meaning of that Act; and

(b) “registered charity” means a charity which is registered under section 3 of that Act and is not an exempt charity within the meaning of that Act.

(2) References in this Part to a company registered under the <sup>M8</sup>Companies Act 1985 do not include a company which is a registered charity, except where otherwise provided.

#### Marginal Citations

**M7** 1993 c. 10.

**M8** 1985 c. 6.

### 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 a company registered under the Companies Act 1985, to any trustee, secretary or treasurer of the charity;

(b) in the case of an industrial and provident society, to any officer of the society as defined in section 74 of the <sup>M9</sup>Industrial and Provident Societies Act 1965; and

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- (c) in the case of a company registered under the Companies Act 1985 (including such a company which is also a registered charity), to any director or other officer of the company within the meaning of that Act.
- (2) Any such reference includes, in the case of an industrial and provident society, a co-opted member of the committee of the society.

**Marginal Citations**

**M9** 1965 c. 12.

**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 the Companies Act 1985 or the <sup>M10</sup>Friendly and Industrial and Provident Societies Act 1968, 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 an industrial and provident 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.
- (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.

**Marginal Citations**

**M10** 1968 c. 55.

**61 Meaning of “associate”.**

- (1) In this Part “associate”, in relation to a registered social landlord, means—
- (a) any body of which the landlord is a subsidiary, and

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(b) any other subsidiary of such a body.

(2) In this section “subsidiary” has the same meaning as in the <sup>M11</sup>Companies Act 1985 or the <sup>M12</sup>Friendly and Industrial and Provident Societies Act 1968 or, in the case of a body which is itself a registered social landlord, has the meaning given by section 60.

#### Marginal Citations

M11 1985 c. 6.

M12 1968 c. 55.

## 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—
- (a) he is the spouse of that person, or he and that person live together as husband and wife, or
  - (b) 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) a relationship by marriage shall be treated as a relationship by blood,
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and
  - (c) the stepchild of a person shall be treated as his child.

## 63 Minor definitions: Part I.

- (1) In this Part—
- “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>M13</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;

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“information” includes accounts, estimates and returns;

“local authority” has the same meaning as in the <sup>M14</sup>Housing Associations Act 1985;

“long tenancy” has the same meaning as in Part V of the <sup>M15</sup>Housing Act 1985;

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

“notice” means notice in writing;

“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 the <sup>M16</sup>Companies Act 1985;

“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.

#### Marginal Citations

**M13** 1985 c. 69.

**M14** 1985 c. 69.

**M15** 1985 c. 68.

**M16** 1985 c. 6.

## 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)—

|  |                            |
|--|----------------------------|
| appointed person (in relation to inquiry into affairs of registered social landlord) | paragraph 20 of Schedule 1 |
| <b>F9</b>  | <b>F9</b>                  |
| ...  | ...                        |
| associate (in relation to a registered social landlord)                              | section 61(1)              |
| assured tenancy  | section 230                |
| assured agricultural occupancy   | section 230                |
| assured shorthold tenancy  | section 230                |
| charity  | section 58(1)(a)           |



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|  |                  |
|--|------------------|
| committee member (in relation to an industrial and provident society)      | section 57(2)    |
| company registered under the Companies Act 1985                            | section 58(2)    |
| co-operative housing association   | section 63       |
| co-opted member (of committee of industrial and provident society)         | section 57(1)    |
| F10  | F10              |
| . . .  | . . .            |
| 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      |
| industrial and provident society   | section 2(1)(b)  |
| information  | section 63       |
| lease  | section 229      |
| local authority  | section 63       |
| long tenancy   | section 63       |
| member of family   | section 62       |
| modifications  | section 63       |
| notice   | section 63       |
| officer of registered social landlord                                      | section 59       |
| provision (in relation to dwelling or house)                               | section 63(2)    |
| public sector landlord   | section 63       |
| register, registered and registration (in relation to social landlords)    | section 1        |
| registered charity   | section 58(1)(b) |
| registrar of companies   | section 63       |
| [ <sup>F11</sup> the Relevant Authority]                                   | [section 56]     |
| relevant disposal which is not an exempted disposal (in sections 11 to 14) | section 15       |

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|  |                  |
|--|------------------|
| 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

- F9** S. 64: Entry relating to “appropriate registrar” in the Table repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 356\(2\)](#)
- F10** 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](#).
- F11** Entry in s. 64 inserted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 95\(b\)](#) (with [ss. 139\(2\), 141\(1\), 143\(2\)](#)); [S.I. 1998/2244](#), [art. 5](#).

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