



# Housing Act 1996

## 1996 CHAPTER 52

### PART I

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

### 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>F1</sup>(za) a local authority in England which is a registered provider of social housing.]
  - [<sup>F2</sup>(a) a [<sup>F3</sup>private registered provider] of social housing.]
  - (b) a transferee of housing pursuant to [<sup>F4</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>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 [<sup>F5</sup>the Regulator of Social Housing or] the [<sup>F6</sup>Housing Corporation, or with Housing for Wales.] and which owns or manages publicly-funded dwellings.

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- (3) In subsection (2)(d) a “publicly-funded dwelling” means a dwelling which was—
- (a) provided by means of a grant under—
- [<sup>F7</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>F8</sup> ...,]  
 section 18 of this Act (social housing grant), or  
 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)[<sup>F9</sup>, or a grant from the Greater London Authority which was a grant made on condition that the recipient provides social housing; or]<sup>F10</sup> ...
- (b) acquired on a disposal by a public sector landlord.
- [<sup>F11</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.
- [<sup>F12</sup>(7) This section shall not apply in relation to social landlords in Wales (within the meaning given by [<sup>F13</sup> section 41 of the Public Services Ombudsman (Wales) Act 2005 ] ).]
- [<sup>F14</sup>(7) Section 52 shall apply to an order under subsection (4) (with any necessary modifications).]

#### Textual Amendments

- F1** 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)
- F2** 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.)
- F3** 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)**
- F4** 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)
- F5** 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.)
- F6** 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**.
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)

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- F11** 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)
- F12** 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)
- F13** Words in s. 51(7) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 6 para. 57](#); S.I. 2005/2800, art. 5(1)(3)
- F14** 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)**

- C1** 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**

- 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.

**<sup>F15</sup>51A Social Housing Ombudsman for Wales**

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**Textual Amendments**

- F15** 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>F15</sup>51B Investigation of complaints**

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**Textual Amendments**

- F15** 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>F15</sup>51C Meaning of “social landlord in Wales”**

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### Textual Amendments

- F15** 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>F16</sup>Welsh Ministers] under [<sup>F17</sup>section 2, 17, [<sup>F18</sup> 27A, ] 39, [<sup>F19</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>F16</sup>Welsh Ministers][<sup>F20</sup>consider] appropriate.

### Textual Amendments

- F16** 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.)
- F17** 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](#).
- F18** 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.)
- F19** 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)
- F20** 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>F21</sup>... the [<sup>F22</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.

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- (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>F23</sup>... the [<sup>F24</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>F25</sup>... the [<sup>F24</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

- F21** 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)
- F22** 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.)
- F23** 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)
- F24** 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.)
- F25** 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)

- C2** 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**
- C3** 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>F26</sup>**54 Determinations of the [Housing Corporation] requiring approval.**

#### Textual Amendments

- F26** 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)

- C4** 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**
- C5** 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)

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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 [<sup>F27</sup>Welsh Ministers] may by order make such amendments or repeals of any enactment as appear to [<sup>F28</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>F29</sup>the National Assembly for Wales] .

#### **Textual Amendments**

- F27** 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 \(with Sch.\)](#)
- F28** 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 \(with Sch.\)](#)
- F29** 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**

- 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*

#### **<sup>F31</sup>56 Meaning of “[<sup>F30</sup>the Welsh Ministers]”.**

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#### **Textual Amendments**

- F30** 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 \(with Sch.\)](#)
- F31** 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)**

- C6** 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 industrial and provident societies.**

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

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F32

“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

**F32** 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>F33</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>F34</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—

- (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).]

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- (2) References in this Part to [F35 a company] do not include a company which is a registered charity, except where otherwise provided.

#### Textual Amendments

- F33** 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)
- F34** 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)
- F35** 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 [F36 a company], 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>M5</sup>Industrial and Provident Societies Act 1965; and
  - (c) in the case of [F37 a company (including a company that is a registered charity)], to any director or other officer of the company within the meaning of [F38 the Companies Acts (see sections 250 and 1173(1) of the Companies Act 2006)].
- (2) Any such reference includes, in the case of an industrial and provident society, a co-opted member of the committee of the society.

#### Textual Amendments

- F36** 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)
- F37** 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)
- F38** 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)

#### Marginal Citations

- M5** 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—



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- (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>F39</sup>the Companies Acts (see section 1159 of the Companies Act 2006)] or the <sup>M6</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.

#### Textual Amendments

**F39** 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)

#### Marginal Citations

**M6** 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
  - (b) any other subsidiary of such a body.
- (2) In this section “subsidiary” has the same meaning as in [<sup>F40</sup>the Companies Acts (see section 1159 of the Companies Act 2006)] or the <sup>M7</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.

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#### Textual Amendments

**F40** 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)

#### Marginal Citations

**M7** 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 [<sup>F41</sup> or civil partner ] of that person, or he and that person live together as husband and wife [<sup>F42</sup> or as if they were civil partners], 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 [<sup>F43</sup> or civil partnership ] 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.

#### Textual Amendments

**F41** 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

**F42** 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

**F43** 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>F44</sup>“action” includes inaction, proposed action and decision;]
- [<sup>F45</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>M8</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

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- (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>M9</sup>Housing Associations Act 1985;
- “long tenancy” has the same meaning as in Part V of the <sup>M10</sup>Housing Act 1985;
- [<sup>F44</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;
- “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>F46</sup>the Companies Acts (see section 1060 of the Companies Act 2006)] ;
- [<sup>F44</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

- F44** 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)
- F45** 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)
- F46** 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

- M8** 1985 c. 69.

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**M9** 1985 c. 69.

**M10** 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>F47</sup> action	section 63]
appointed person (in relation to inquiry into affairs of registered social landlord)	paragraph 20 of Schedule 1
<sup>F48</sup>	<sup>F48</sup>
. . .	. . .
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
<sup>F49</sup>	<sup>F49</sup>
. . .	. . .
committee member (in relation to an industrial and provident society)	section 57(2)
[ <sup>F50</sup> company	section 63 (and see section 58(2))]
<sup>F51</sup>	<sup>F51</sup>
. . .	. . .
co-operative housing association	section 63
co-opted member (of committee of industrial and provident society)	section 57(1)
<sup>F52</sup>	<sup>F52</sup>
. . .	. . .
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

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industrial and provident society	section 2(1)(b)
information	section 63
lease	section 229
local authority	section 63
[ <sup>F47</sup> local housing authority	section 230]
long tenancy	section 63
member of family	section 62
[ <sup>F47</sup> misconduct	section 63]
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
[ <sup>F47</sup> received public assistance	section 58(1A)]
register, registered and registration (in relation to social landlords)	section 1
registered charity	section 58(1)(b)
registrar of companies	section 63
F53	F53
...	...
relevant disposal which is not an exempted disposal (in sections 11 to 14)	section 15
[ <sup>F47</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

- F47** 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)
- F48** S. 64: Entry relating to “appropriate registrar” in the Table repealed (1.12.2001) by [S.I. 2001/3649](#), arts. 1, 356(2)
- F49** 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**

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- F50** 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)
- F51** 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)
- F52** 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**.
- F53** 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)

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**Changes to legislation:**

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