



Housing Act 1996

1996 CHAPTER 52

PART I

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

CHAPTER V

MISCELLANEOUS AND GENERAL PROVISIONS

Housing [^{F1}ombudsman]

Textual Amendments

- F1** Word in s. 51 cross-heading substituted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), ss. 41(2), 46(2)

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—
 - [^{F2}(za) a local authority in England which is a registered provider of social housing,]
 - [^{F3}(a) a [^{F4}private registered provider] of social housing,]
 - (b) a transferee of housing pursuant to [^{F5}—
 - (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 ^{M1}Leasehold Reform, Housing and Urban Development Act 1993;

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- (c) a body which has acquired dwellings under Part IV of the ^{M2}Housing Act 1988 (change of landlord: secure tenants); or
 - (d) any other body which was at any time registered with [^{F6}the Regulator of Social Housing or] the [^{F7}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—
 - [^{F8}section 19 of the Housing and Regeneration Act 2008 (financial assistance) where the grant was made on condition that the recipient provides social housing ^{F9}....]
 - section 18 of this Act (social housing grant), or
 - section 50 of the Housing Act 1988, section 41 of the ^{M3}Housing Associations Act 1985, or section 29 or 29A of the ^{M4}Housing Act 1974 (housing association grant)[^{F10}, or a grant from the Greater London Authority which was a grant made on condition that the recipient provides social housing; or]^{F11}...
 - (b) acquired on a disposal by a public sector landlord.
- [^{F12}(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.
- [^{F13}(7) This section shall not apply in relation to social landlords in Wales (within the meaning given by [^{F14}section 78 of the Public Services Ombudsman (Wales) Act 2019]).]
- [^{F15}(7) Section 52 shall apply to an order under subsection (4) (with any necessary modifications).]

Textual Amendments

- F2** 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)
- F3** 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.)
- F4** 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)**
- F5** 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)
- F6** 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.)
- F7** 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**.
- F8** 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)

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- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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
- F15** 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.

[^{F16}51ZA] Power of housing ombudsman to issue guidance to scheme members

- (1) This section applies where a scheme is approved by the Secretary of State under Schedule 2.
- (2) The housing ombudsman may issue to the members of the scheme guidance as to good practice in the carrying on of housing activities covered by the scheme.
- (3) Before issuing, revising or replacing guidance under this section, the housing ombudsman must consult—
 - (a) the Regulator of Social Housing,
 - (b) members of the scheme, and
 - (c) individuals who may make complaints under the scheme.
- (4) If the housing ombudsman issues, revises or replaces guidance under this section, the housing ombudsman must publish the guidance, the revised guidance or (as the case may be) the replacement guidance.
- (5) Subsection (7) applies if—
 - (a) an individual makes a complaint against a member of the scheme,
 - (b) the complaint is made under the scheme or the conditions in subsection (6) are met in relation to the complaint, and

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- (c) it appears to the housing ombudsman that the complaint relates to a matter to which guidance issued by the ombudsman under this section relates.
- (6) The conditions referred to in subsection (5)(b) are that—
 - (a) the complaint is made to the member of the scheme,
 - (b) the complaint is one that the individual could subsequently make under the scheme, and
 - (c) the individual has notified the ombudsman about the complaint.
- (7) The housing ombudsman may order the member of the scheme to—
 - (a) assess whether the member’s policies and practices in relation to the matter mentioned in subsection (5)(c) are consistent with the guidance issued by the ombudsman under this section in relation to that matter, and
 - (b) within a period specified in the order, submit to the ombudsman a written statement of the results of the assessment.
- (8) If a member of the scheme fails to comply with an order under subsection (7) within the period specified in the order, the housing ombudsman may order the member to publish in such manner as the ombudsman sees fit a statement that the member has failed to comply with the order.
- (9) If a member of the scheme fails to comply with an order under subsection (8), the housing ombudsman may—
 - (a) take such steps as the ombudsman considers appropriate to publish what the member ought to have published, and
 - (b) recover from the member the costs of doing so.
- (10) In this section, “the housing ombudsman” means the housing ombudsman appointed in accordance with the scheme.]

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Textual Amendments
F16 S. 51ZA inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 41(3)**, 46(2)

^{F17}**51A Social Housing Ombudsman for Wales**

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Textual Amendments
F17 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)

^{F17}**51B Investigation of complaints**

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^{F17}51C Meaning of “social landlord in Wales”

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