



Housing Act 1996

1996 CHAPTER 52

PART I

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

CHAPTER V

MISCELLANEOUS AND GENERAL PROVISIONS

Interpretation

^{F2}56 **Meaning of “[^{F1}the Welsh Ministers]”.**

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Textual Amendments

- F1** 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 \(with Sch.\)](#)
- F2** S. 56 repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 61\(8\), 325\(1\), Sch. 16; S.I. 2010/862, arts. 2, 3 \(with Sch.\)](#)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)

- C1** 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 [^{F3}registered societies].**

(1) In this Part, in relation to [^{F4}a registered society]—

^{F5}

Status: Point in time view as at 28/04/2022.

Changes to legislation: Housing Act 1996, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 22 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)

“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 [^{F4}a registered society] includes a co-opted member.

Textual Amendments

- F3** 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](#))
- F4** 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](#))
- F5** Definition of “appropriate registrar” in s. 57(1) repealed (1.12.2001) by [S.I. 2001/3649, arts. 1, 356\(1\)](#)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.

[^{F6}(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.]

[^{F7}(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

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- (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 [F8 a company] do not include a company which is a registered charity, except where otherwise provided.

Textual Amendments

- F6** 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)
- F7** 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)
- F8** 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—
- in the case of a registered charity which is not [F9 a company], to any trustee, secretary or treasurer of the charity;
 - in the case of [F4 a registered society], to any officer of the society as defined in [F10 section 149 of the Co-operative and Community Benefit Societies Act 2014]; and
 - in the case of [F11 a company (including a company that is a registered charity)], to any director or other officer of the company within the meaning of [F12 the Companies Acts (see sections 250 and 1173(1) of the Companies Act 2006)].
- (2) Any such reference includes, in the case of [F4 a registered society], a co-opted member of the committee of the society.

Textual Amendments

- F4** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)

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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 [^{F13}the Companies Acts (see section 1159 of the Companies Act 2006)] or [^{F14}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 [^{F4}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.
- (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

- F4** 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)
- F13** 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)
- F14** 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—
- (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 [^{F15}the Companies Acts (see section 1159 of the Companies Act 2006)] or [^{F16}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.

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Textual Amendments

- F15** 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)
- F16** 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 ^[F17] or civil partner] of that person, or he and that person live together ^[F18] as if they were a married couple or ^[F19] 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 ^[F20] 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.

Textual Amendments

- F17** 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
- F18** 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)**
- F19** 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
- F20** 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—
- ^[F21]“action” includes inaction, proposed action and decision;]
- ^[F22]“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 ^{M1}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—

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- (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 ^{M2}Housing Associations Act 1985;
 - “long tenancy” has the same meaning as in Part V of the ^{M3}Housing Act 1985;
 - [^{F21}“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;
 - [^{F23}notify” means notify in writing;]
 - [^{F23}“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 [^{F24}the Companies Acts (see section 1060 of the Companies Act 2006)] ;
 - [^{F21}“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

- F21** 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)**
- F22** 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**)
- F23** 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)**

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F24 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

M1 1985 c. 69.
M2 1985 c. 69.
M3 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)—

[^{F25} action	section 63]
appointed person (in relation to inquiry into affairs of registered social landlord)	paragraph 20 of Schedule 1
^{F26}	^{F26}
...	...
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
^{F27}	^{F27}
...	...
committee member (in relation to [^{F4} a registered society])	section 57(2)
[^{F28} company	section 63 (and see section 58(2))]
^{F29}	^{F29}
...	...
co-operative housing association	section 63
co-opted member (of committee of [^{F30} registered society])	section 57(1)
^{F31}	^{F31}
...	...
disposal proceeds fund	section 24
dwelling	section 63
enactment	section 230
fully mutual housing association	section 63
hostel	section 63

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house	section 63
housing accommodation	section 63
housing activities	section 63
housing association	section 230
F32	section 2(1)(b)
. . .	
information	section 63
lease	section 229
local authority	section 63
[^{F25} local housing authority	section 230]
long tenancy	section 63
member of family	section 62
[^{F25} 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
[^{F25} received public assistance	section 58(1A)]
register, registered and registration (in relation to social landlords)	section 1
registered charity	section 58(1)(b)
[^{F33} registered society	section 1A.]
registrar of companies	section 63
F34	F34
.
relevant disposal which is not an exempted disposal (in sections 11 to 14)	section 15
[^{F25} 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)

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Textual Amendments

- F4** 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. 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)
- F26** S. 64: Entry relating to “appropriate registrar” in the Table repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 356(2)**
- F27** 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**
- F28** 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)
- F29** 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)
- F30** 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)
- F31** 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**.
- F32** 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)
- F33** 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)
- F34** 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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