



# Housing Act 1996

## 1996 CHAPTER 52

### PART VIII

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Miscellaneous*

#### **[<sup>F1</sup>218A Anti-social behaviour: landlords' policies and procedures**

- (1) This section applies to the following landlords—
  - (a) a local housing authority;
  - (b) a housing action trust;
  - <sup>F2</sup>(ba) [ a non-profit registered provider of social housing;]
  - (c) a registered social landlord.
- (2) The landlord must prepare—
  - (a) a policy in relation to anti-social behaviour;
  - (b) procedures for dealing with occurrences of anti-social behaviour.
- (3) The landlord must not later than 6 months after the commencement of section 12 of the Anti-social Behaviour Act 2003 publish a statement of the policy and procedures prepared under subsection (2).
- (4) The landlord must from time to time keep the policy and procedures under review and, when it thinks appropriate, publish a revised statement.
- (5) A copy of a statement published under subsection (3) or (4)—
  - (a) must be available for inspection at all reasonable hours at the landlord's principal office;
  - (b) must be provided on payment of a reasonable fee to any person who requests it.
- (6) The landlord must also—

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- (a) prepare a summary of its current policy and procedures;
  - (b) provide without charge a copy of the summary to any person who requests it.
- (7) In preparing and reviewing the policy and procedures the landlord must have regard to guidance issued—
- (a) by the Secretary of State in the case of a local housing authority or a housing action trust;
  - [ by the Regulator of Social Housing in the case of a non-profit registered
  - <sup>F3</sup>(aa) provider of social housing;]
  - (b) by the [<sup>F4</sup>Welsh Ministers] under section 36 in the case of a registered social landlord.
- <sup>F5</sup>(8) Anti-social behaviour is—
- (a) any housing-related anti-social conduct, or
  - (b) any conduct to which section 153B applies.
- (8A) Housing-related anti-social conduct has the same meaning as in section 153A.]
- <sup>F6</sup>(9) . . . . . ]

#### Textual Amendments

- F1** S. 218A inserted (30.6.2004 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 12(1)**, 93; S.I. 2004/1502, art. 2(a)(i)
- F2** S. 218A(1)(ba) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 104(2)** (with art. 6, Sch. 3)
- F3** S. 218A(7)(aa) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 104(3)(a)** (with art. 6, Sch. 3)
- F4** Words in s. 218A(7)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 104(3)(b)** (with art. 6, Sch. 3)
- F5** S. 218A(8)(8A) substituted for s. 218A(8) (6.4.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 33**; S.I. 2007/709, art. 4(d) (with art. 8)
- F6** S. 218A(9) 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. 104(4), **Sch. 4** (with art. 6, Sch. 3)

## 219 Directions as to certain charges by social landlords.

- (1) The Secretary of State may give directions to social landlords about the making of service charges in respect of works of repair, maintenance or improvement—
- (a) requiring or permitting the waiver or reduction of charges where relevant assistance is given by the Secretary of State, and
  - (b) permitting the waiver or reduction of charges in such other circumstances as may be specified in the directions.
- (2) A direction shall not require the waiver or reduction of charges by reference to assistance for which application was made before the date on which the direction was given, but subject to that directions may relate to past charges or works to such extent as appears to the Secretary of State to be appropriate.
- (3) Directions which require or permit the waiver or reduction of charges have corresponding effect—

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- (a) in relation to charges already demanded so as to require or permit the non-enforcement of the charges, and
  - (b) in relation to charges already paid so as to require or permit a refund.
- (4) For the purposes of this section “social landlord” means—
- (a) an authority or body within section 80(1) of the <sup>M1</sup>Housing Act 1985 (the landlord condition for secure tenancies), other than [<sup>F7</sup>the Homes and Communities Agency, [<sup>F8</sup>the Greater London Authority,] the Welsh Ministers and] a housing co-operative, <sup>F9</sup>...
  - [<sup>F10</sup>(aa) a private registered provider of social housing, or]
  - (b) a registered social landlord.
- [<sup>F11</sup>(4A) A direction may be given to a social landlord which is a profit-making private registered provider of social housing only in relation to charges relating to its social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008).]
- (5) In this section “assistance” means grant or other financial assistance of any kind; and directions may specify what assistance is relevant for the purposes of this section, and to what buildings or other land any assistance is to be regarded as relevant.
- (6) The provisions of section 220 supplement this section.

#### Textual Amendments

- F7** Words in s. 219(4)(a) inserted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 1(2), **Sch. 1 para. 46** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))
- F8** Words in s. 219(4)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 35**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F9** Word in s. 219(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. 105(2)(a), **Sch. 4** (with art. 6, Sch. 3)
- F10** S. 219(4)(aa) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 105(2)(b)** (with art. 6, Sch. 3)
- F11** S. 219(4A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 105(3)** (with art. 6, Sch. 3)

#### Marginal Citations

- M1** 1985 c. 68.

## 220 Directions as to certain charges: supplementary provisions.

- (1) Directions under section 219 may make different provision for different cases or descriptions of case.

This includes power to make—

- (a) different provision for different social landlords or descriptions of social landlords, and
  - (b) different provision for different areas.
- (2) Directions under section 219 requiring the reduction of a service charge may specify the amount (or proportion) of the reduction or provide for its determination in such manner as may be specified.

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- (3) Directions under section 219 permitting the waiver or reduction of a service charge may specify criteria to which the social landlord is to have regard in deciding whether to do so or to what extent.
- (4) The Secretary of State shall publish any direction under section 219 relating to all social landlords or any description of social landlords in such manner as he considers appropriate for bringing it to the notice of the landlords concerned.
- (5) For the purposes of section 219 “service charge” means an amount payable by a lessee of a dwelling—
  - (a) which is payable, directly or indirectly, for repairs, maintenance or improvements, and
  - (b) the whole or part of which varies or may vary according to the relevant costs.
- (6) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the social landlord, or a superior landlord, in connection with the matters for which the service charge is payable.

For this purpose costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

- (7) In this section—
  - “costs” includes overheads, and
  - “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling.

## **221 Exercise of compulsory purchase powers in relation to Crown land.**

- (1) This section applies to any power to acquire land compulsorily under—
  - (a) the Housing Act 1985,
  - (b) the <sup>M2</sup>Housing Associations Act 1985,
  - (c) Part III of the <sup>M3</sup>Housing Act 1988 (housing action trust areas), or
  - (d) Part VII of the <sup>M4</sup>Local Government and Housing Act 1989 (renewal areas).

- (2) Any power to which this section applies may be exercised in relation to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown, but only with the consent of the appropriate authority.

- (3) In this section “Crown land” means land in which there is a Crown interest or a Duchy interest.

For this purpose—

“Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department; and

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.

- (4) For the purposes of this section “the appropriate authority”, in relation to Crown land, is—
  - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

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- (b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;
  - (c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (d) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.
- (5) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

#### Extent Information

**E1** For extent of s. 221, see s. 231(2)(4)(a)

#### Marginal Citations

**M2** 1985 c. 69.

**M3** 1988 c. 50.

**M4** 1989 c. 42.

## 222 Miscellaneous minor amendments.

The enactments mentioned in Schedule 18 have effect with the amendments specified there, which are miscellaneous minor amendments relating to housing.

Part I relates to housing management.

Part II relates to housing finance.

Part III relates to orders in relation to property in family and matrimonial proceedings, &c.

Part IV relates to other housing provisions.

#### Commencement Information

**II** S. 222 wholly in force 1.10.1996: s. 222 in force for certain purposes at 24.9.1996, see s. 232(2) and S.I. 1996/2402, [art. 2](#); s. 222 in force at 1.10.1996 in so far as not already in force by S.I. 1996/2402, [art. 3](#) (with transitional provisions and savings in the [Sch.](#))

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