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Changes to legislation: Housing Act 1996, Part IV is up to date with all changes known to be in force on or before 21 May 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)

SCHEDULES

SCHEDULE 1

REGISTERED SOCIAL LANDLORDS: REGULATION

PART IV

INQUIRY INTO AFFAIRS OF REGISTERED SOCIAL LANDLORDS

Inquiry

- 20 (1) The [^{F1}Relevant Authority] may direct an inquiry into the affairs of a registered social landlord if it appears to the [^{F1}Relevant Authority] that there may have been misconduct or mismanagement.

For this purpose “misconduct” includes any failure to comply with the requirements of this Part of this Act.

- (2) Any such inquiry shall be conducted by one or more persons appointed by the [^{F1}Relevant Authority].
- (3) If one person is appointed [^{F2}by the Housing Corporation to conduct an inquiry] he must be a person who is not a member or an employee of the [^{F3}Housing Corporation] and has not been such a member or employee within the previous five years; and if more than one person is [^{F2}so] appointed at least one of them must be such a person.
- (4) If the [^{F1}Relevant Authority] so directs, or if during the course of the inquiry the person or persons conducting the inquiry consider it necessary, the inquiry shall extend to the affairs of any other body which at any material time is or was a subsidiary or associate of the registered social landlord.
- [^{F4}(4A) The person or persons conducting the inquiry may determine the procedure to be followed in connection with the inquiry.]
- (5) The person or persons conducting the inquiry may, if they think fit during the course of the inquiry, make one or more interim reports on such matters as appear to them to be appropriate.
- (6) On completion of the inquiry the person or persons conducting the inquiry shall make a final report on such matters as the [^{F1}Relevant Authority] may specify.
- (7) An interim or final report shall be in such form as the [^{F1}Relevant Authority] may specify. [^{F5} , and the Relevant Authority may arrange for the whole or part of an interim or final report to be published in such manner as it considers appropriate.]
- [^{F6}(8) A local authority may, if they think fit, contribute to the expenses of the Relevant Authority in connection with any inquiry under this paragraph.]

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Textual Amendments

- F1** 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**.
- F2** Words in Sch. 1 para. 20(3) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(5)(a)(c)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F3** Words in Sch. 1 para. 20(3) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(5)(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F4** Sch. 1 para. 20(4A) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 24(2)**
- F5** Words in Sch. 1 para. 20(7) added (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 24(3)**
- F6** Sch. 1 para. 20(8) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 24(4)**

f⁷ Evidence

Textual Amendments

- F7** Sch. 1 para. 20A and cross-heading inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 25**

- 20A (1) For the purposes of an inquiry the person or persons conducting it may serve a notice on an appropriate person directing him to attend at a specified time and place and do either or both of the following, namely—
- (a) give evidence;
 - (b) produce any specified documents, or documents of a specified description, which are in his custody or under his control and relate to any matter relevant to the inquiry.
- (2) The person or persons conducting such an inquiry—
- (a) may take evidence on oath and for that purpose administer oaths, or
 - (b) instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matters about which he is examined.
- (3) In this paragraph—
- “appropriate person” means a person listed in section 30(2);
 - “document” has the same meaning as in section 30;
 - “inquiry” means an inquiry under paragraph 20.
- (4) A person may not be required under this paragraph to disclose anything that, by virtue of section 30(4), he could not be required to disclose under section 30.
- (5) Section 31 (enforcement of notice to provide information, &c) applies in relation to a notice given under this paragraph by the person or persons conducting an inquiry as it applies in relation to a notice given under section 30 by the Relevant Authority, but subject to sub-paragraph (6).
- (6) A person guilty of an offence under section 31(1) as it applies in accordance with sub-paragraph (5) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (7) Any person who, in purported compliance with a notice given under this paragraph by the person or persons conducting an inquiry, knowingly or recklessly provides any information which is false or misleading in a material particular commits an offence and is liable to the penalties mentioned in sub-paragraph (6).
- (8) Proceedings for an offence under sub-paragraph (7) may be brought only by or with the consent of the Relevant Authority or the Director of Public Prosecutions.]

Power of appointed person to obtain information

- 21 (1) A person appointed by the [F8Relevant Authority] under paragraph 20 to conduct an inquiry (or, if more than one person is so appointed, each of those persons) has, for the purposes of the inquiry, the same powers as are conferred on the [F8Relevant Authority] by section 30 (general power to obtain information).
- (2) Where by virtue of a notice under that section given by an appointed person any documents are produced to any person, the person to whom they are produced may take copies of or make extracts from them.
- (3) Section 31 (enforcement of notice to provide information, &c.) applies in relation to a notice given under this paragraph by an appointed person as it applies in relation to a notice given under section 30 by the [F8Relevant Authority]. [F9, but subject to sub-paragraph (4).]
- [F10(4) A person guilty of an offence under section 31(1) as it applies in accordance with sub-paragraph (3) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (5) Any person who, in purported compliance with a notice given under this paragraph by an appointed person, knowingly or recklessly provides any information which is false or misleading in a material particular commits an offence and is liable to the penalties mentioned in sub-paragraph (4).
- (6) Proceedings for an offence under sub-paragraph (5) may be brought only by or with the consent of the Relevant Authority or the Director of Public Prosecutions.]

Textual Amendments

- F8** 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**.
- F9** Words in Sch. 1 para. 21(3) added (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 26(2)** (with Sch. 11 para. 26(4))
- F10** Sch. 1 para. 21(4)-(6) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 26(3)** (with Sch. 11 para. 26(4))

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Extraordinary audit for purposes of inquiry

- 22 (1) For the purposes of an inquiry under paragraph 20 the [F11Relevant Authority] may require the accounts and balance sheet of the registered social landlord concerned, or such of them as the [F11Relevant Authority] may specify, to be audited by a qualified auditor appointed by the [F11Relevant Authority].
- (2) A person is a qualified auditor for this purpose if he would be eligible for appointment as auditor of the ordinary accounts of the registered social landlord.
- (3) On completion of the audit the appointed auditor shall make a report to the [F11Relevant Authority] on such matters and in such form as the [F11Relevant Authority] may specify.
- (4) The expenses of the audit, including the remuneration of the auditor, shall be paid by the [F11Relevant Authority].
- (5) An audit under this paragraph is additional to, and does not affect, any audit made or to be made under any other enactment.

Textual Amendments

F11 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**.

Powers exercisable on interim basis

- 23 (1) The [F12Relevant Authority] may make an order under this paragraph—
- (a) where an inquiry has been directed under paragraph 20 and the [F12Relevant Authority] has reasonable grounds to believe—
- (i) that there has been misconduct or mismanagement in the affairs of the registered social landlord, and
- (ii) that immediate action is needed to protect the interests of the tenants of the registered social landlord or to protect the assets of the landlord; or
- (b) where an interim report has been made under paragraph 20(5) as a result of which the [F12Relevant Authority] is satisfied that there has been misconduct or mismanagement in the affairs of a registered social landlord.
- (2) The orders that may be made under this paragraph are—
- (a) an order suspending any officer, employee or agent of the registered social landlord who appears to the [F12Relevant Authority] to have been responsible for or privy to the misconduct or mismanagement or by his conduct to have contributed to or facilitated it;
- (b) an order directing any bank or other person who holds money or securities on behalf of the registered social landlord not to part with the money or securities without the approval of the [F12Relevant Authority];
- (c) an order restricting the transactions which may be entered into, or the nature or amount of the payments which may be made, by the registered social landlord without the approval of the [F12Relevant Authority].

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- (3) An order under this paragraph, if not previously revoked by the [F¹²Relevant Authority], shall cease to have effect six months after the making of the final report under paragraph 20(6) unless the [F¹²Relevant Authority] renews it, which it may do for a further period of up to six months.
- (4) A person suspended by an order under sub-paragraph (2)(a) may appeal against the order to the High Court.
- (5) Where a person is suspended by such an order, the [F¹²Relevant Authority] may give directions with respect to the performance of his functions and otherwise as to matters arising from his suspension.

The [F¹²Relevant Authority] may, in particular, appoint a named person to perform his functions.
- (6) A person who contravenes an order under sub-paragraph (2)(b) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months, or both.

Proceedings for such an offence may be brought only by or with the consent of the [F¹²Relevant Authority] or the Director of Public Prosecutions.

Textual Amendments

F12 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**.

Powers exercisable as a result of final report or audit

- 24 (1) Where the [F¹³Relevant Authority] is satisfied, as the result of an inquiry under paragraph 20 or an audit under paragraph 22, that there has been misconduct or mismanagement in the affairs of a registered social landlord, it may make an order under this paragraph.
- (2) The orders that may be made under this paragraph are—
 - (a) an order removing any officer, employee or agent of the registered social landlord who appears to the [F¹³Relevant Authority] to have been responsible for or privy to the misconduct or mismanagement or by his conduct to have contributed to or facilitated it;
 - (b) an order suspending any such person for up to six months, pending determination whether he should be removed;
 - (c) an order directing any bank or other person who holds money or securities on behalf of the registered social landlord not to part with the money or securities without the approval of the [F¹³Relevant Authority];
 - (d) an order restricting the transactions which may be entered into, or the nature or amount of the payments which may be made, by the registered social landlord without the approval of the [F¹³Relevant Authority].
- (3) Before making an order under sub-paragraph (2)(a) the [F¹³Relevant Authority] shall give at least 14 days' notice of its intention to do so—
 - (a) to the person it intends to remove, and

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(b) to the registered social landlord concerned.

Notice under this sub-paragraph may be given by post, and if so given to the person whom the [F13Relevant Authority] intends to remove may be addressed to his last known address in the United Kingdom.

- (4) A person who is ordered to be removed under sub-paragraph (2)(a) or suspended under sub-paragraph (2)(b) may appeal against the order to the High Court.
- (5) Where a person is suspended under sub-paragraph (2)(b), the [F13Relevant Authority] may give directions with respect to the performance of his functions and otherwise as to matters arising from the suspension.

The [F13Relevant Authority] may, in particular, appoint a named person to perform his functions.

- (6) A person who contravenes an order under sub-paragraph (2)(c) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months, or both.

Proceedings for such an offence may be brought only by or with the consent of the [F13Relevant Authority] or the Director of Public Prosecutions.

Textual Amendments

F13 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**.

Disqualification as officer of registered social landlord.

- 25 (1) A person is disqualified from being an officer of a registered social landlord if the [F14Relevant Authority] has made an order against him under—
- (a) paragraph 24(2)(a) (removal for misconduct or mismanagement), or
- (b) section 30(1)(a) of the ^{M1}Housing Associations Act 1985 or section 20(1)(a) of the ^{M2}Housing Act 1974 (corresponding earlier provisions).
- (2) The [F14Relevant Authority] may, on the application of any such person, waive his disqualification either generally or in relation to a particular registered social landlord or particular class of registered social landlord.
- (3) Any waiver shall be notified in writing to the person concerned.
- (4) For the purposes of this paragraph the [F14Relevant Authority] shall keep, in such manner as it thinks fit, a register of all persons who have been removed from office by the [F14Relevant Authority] under the provisions mentioned in sub-paragraph (1).
- (5) The register shall be available for public inspection at all reasonable times.

Textual Amendments

F14 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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Marginal Citations

M1 1985 c. 69.

M2 1974 c. 44.

Persons acting as officer while disqualified.

- 26 (1) A person who acts as an officer of a registered social landlord while he is disqualified under paragraph 25(1) commits an offence.

A person guilty of such an offence is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

- (2) Proceedings for an offence under sub-paragraph (1) may be brought only by or with the consent of the [^{F15}Relevant Authority] or the Director of Public Prosecutions.

- (3) Acts done as an officer of a registered social landlord by a person who is disqualified under paragraph 25(1) are not invalid by reason only of that disqualification.

- (4) Where the [^{F15}Relevant Authority] is satisfied—

- (a) that a person has acted as an officer of a registered social landlord while disqualified under paragraph 25(1), and
- (b) that while so acting he has received from the registered social landlord any payments or benefits in connection with his so acting,

it may by order direct him to repay to the registered social landlord the whole or part of any such sums or, as the case may be, to pay to it the whole or part of the monetary value (as determined by it) of any such benefit.

Textual Amendments

F15 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**.

Power to direct transfer of land

- 27 (1) Where as a result of an inquiry under paragraph 20 or an audit under paragraph 22 the [^{F16}Relevant Authority] is satisfied as regards a registered social landlord—

- (a) that there has been misconduct or mismanagement in its administration, or
- (b) that the management of its land would be improved if its land were transferred in accordance with the provisions of this paragraph,

the [^{F16}Relevant Authority] may, ^{F17} . . . direct the registered social landlord to make such a transfer . [^{F18}The consent of the Secretary of State is required for the giving of directions by the Housing Corporation.]

- (2) Where the registered social landlord concerned is a charity, the [^{F16}Relevant Authority] may only direct a transfer to be made to another registered social landlord—

- (a) which is also a charity, and

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- (b) the objects of which appear to the [^{F16}Relevant Authority] to be, as nearly as practicable, akin to those of the registered social landlord concerned.
- (3) In any other case the [^{F16}Relevant Authority] may direct a transfer to be made to the [^{F16}Relevant Authority] or to another registered social landlord.
- (4) The transfer shall be on such terms as the [^{F16}Relevant Authority] may direct on the basis of principles determined by it.
- [^{F19}If the transfer is directed by the Housing Corporation, the consent] of the Secretary of State is required both for the terms of the transfer and for the determination of the principles on which it is based.
- (5) The price shall not be less than the amount certified by the district valuer to be the amount the property would command if sold by a willing seller to another registered social landlord.
- (6) The terms shall include provision as to the payment of debts and liabilities (including debts and liabilities secured on the land).

Textual Amendments

- F16** 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**.
- F17** Words in Sch. 1 para. 27(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 96(6)(a), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F18** Words in Sch. 1 para. 27(1) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(6)(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F19** Words in Sch. 1 para. 27(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(7)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Commencement Information

- II** Sch. 1 para. 27 wholly in force at 1.10.1996; Sch. 1 para. 27 not in force at Royal Assent see s. 232(3); Sch. 1 para. 27(4) in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 3**; Sch. 1 para. 27 in force at 1.10.1996 to the extent that it is not already in force, by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in the Sch. of that S.I.)

Availability of powers in relation to registered charities.

- 28 (1) The [^{F20}Relevant Authority] may exercise its powers under paragraphs 20 to 26 in relation to a registered charity only if the charity has, at any time before the powers are exercised—
- (a) received financial assistance under section 24 of the ^{M3}Local Government Act 1988 (assistance for privately let housing accommodation),
 - (b) had property transferred to it on a qualifying disposal under section 135 of the ^{M4}Leasehold Reform, Housing and Urban Development Act 1993, or
 - (c) received a grant or loan under any of the following provisions.
- (2) The provisions are—
- section 18 of this Act (social housing grant),
 - section 22 of this Act or section 58 of the ^{M5}Housing Associations Act 1985 (grants or loans by local authorities),

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section 50 of the ^{M6}Housing Act 1988, section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant), section 51 of the Housing Act 1988 or section 54 or 55 of the Housing Associations Act 1985 (revenue deficit grant or hostel deficit grant), section 79 of the Housing Associations Act 1985 (loans by [^{F21}Relevant Authority]), section 31 of the ^{M7}Housing Act 1974 (management grants), or any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).

- (3) In relation to a registered charity paragraphs 20 to 26 have effect with the following adaptations—
- (a) references to its affairs are confined to its housing activities and such other activities (if any) as are incidental to or connected with its housing activities;
 - (b) references to its accounts do not include revenue accounts which do not relate to its housing activities, except so far as such accounts are necessary for the auditing of revenue accounts which do so relate or of the balance sheet;
 - (c) a person is a qualified auditor for the purpose of paragraph 22 (extraordinary audit) only if he is an auditor qualified for the purposes of paragraph 18 (accounting and audit requirements for charities).
- (4) The [^{F20}Relevant Authority] shall notify the [^{F22}Charity Commission] upon the exercise in relation to a registered charity of its powers under—
- (a) paragraph 20(1) (inquiry into affairs of registered social landlord),
 - (b) paragraph 23(2)(a) (interim suspension of person in connection with misconduct or mismanagement), or
 - (c) paragraph 24(2)(a) or (b) (removal of person in connection with misconduct or mismanagement or suspension with a view to removal).

Textual Amendments

- F20** 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**.
- F21** Words in Sch. 1 para. 28(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(8)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F22** Words in Sch. 1 para. 28(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(5)**; S.I. 2007/309, **art. 2, Sch.**

Marginal Citations

- M3** 1988 c. 9.
M4 1993 c. 28.
M5 1985 c. 69.
M6 1988 c. 50.
M7 1974 c. 44.

29 The [^{F23}Relevant Authority] may not exercise its powers under paragraph 27 in relation to a registered charity.

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