



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 5

MISCELLANEOUS

Social Housing Ombudsman for Wales

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(1) After subsection (6) of section 51 of the Housing Act 1996 (c. 52) (schemes for investigation of housing complaints) insert—

“(7) This section shall not apply in relation to social landlords in Wales (within the meaning given by section 51C).”

(2) After that section insert—

“51A Social Housing Ombudsman for Wales

- (1) For the purpose of the investigation of complaints made about social landlords in Wales, there shall be an office of Social Housing Ombudsman for Wales or Ombwdsmon Tai Cymdeithasol Cymru.
- (2) The person who is the Local Commissioner for Wales shall also be the Social Housing Ombudsman for Wales.
- (3) If there is more than one person who is a Local Commissioner for Wales, the Commission for Local Administration in Wales shall designate one of them to be the Social Housing Ombudsman for Wales.

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- (4) If a person who is the Social Housing Ombudsman for Wales ceases to be a Local Commissioner for Wales, he shall cease to be the Social Housing Ombudsman for Wales.
- (5) The power under section 23(6) of the Local Government Act 1974 to remove a Local Commissioner for Wales from office on grounds of incapacity or misbehaviour includes a power to remove him from that office on grounds of incapacity or misbehaviour which are exclusively or partly relevant to the office of Social Housing Ombudsman for Wales.
- (6) “Local Commissioner for Wales” shall be construed in accordance with section 23 of the Local Government Act 1974.
- (7) Schedule 2A (which contains further provision about the Social Housing Ombudsman for Wales) shall have effect.

51B Investigation of complaints

- (1) The National Assembly for Wales may by regulations make provision about the investigation by the Social Housing Ombudsman for Wales of complaints made about social landlords in Wales.
- (2) Regulations under subsection (1) may in particular make provision about—
 - (a) the matters about which complaints may be made;
 - (b) the grounds on which a matter may be excluded from investigation, including that the matter is the subject of court proceedings or was the subject of court proceedings where judgment on the merits was given;
 - (c) the description of individual who may make a complaint;
 - (d) a power of the Social Housing Ombudsman for Wales to investigate any complaint duly made (whether the complaint is subsequently withdrawn or not), and, where he investigates, the making of a determination;
 - (e) a power of the Social Housing Ombudsman for Wales to propose alternative methods of resolving a dispute;
 - (f) the powers of the Social Housing Ombudsman for Wales for the purposes of his investigations (including powers to consult and co-operate with other persons), and the procedure to be followed in the conduct of investigations;
 - (g) the powers of the Social Housing Ombudsman for Wales on making a determination, which may include power—
 - (i) to make recommendations as to action to be taken to remedy any injustice to the person aggrieved and to prevent any similar injustice being caused in the future,
 - (ii) to make orders with regard to the payment of compensation or to order that a person is not to exercise, or require the performance of, certain rights or obligations, and
 - (iii) to publish statements, or to make orders requiring the publication of statements, that a person has failed to comply with an order mentioned in sub-paragraph (ii);
 - (h) the manner in which determinations are to be—

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- (i) communicated to the complainant and the person against whom the complaint was made; and
 - (ii) published (with or without excisions).
- (3) Regulations under this section may contain such supplementary, incidental, consequential or transitional provisions and savings as the National Assembly for Wales considers appropriate.
- (4) Regulations under this section may make different provision for different cases or descriptions of case.
- (5) Regulations under this section shall be made by statutory instrument.

51C Meaning of “social landlord in Wales”

- (1) “Social landlord in Wales” means—
 - (a) a body which is registered as a social landlord in the register maintained by the National Assembly for Wales under section 1 of this Act;
 - (b) a body which was at any time registered as a social landlord in that register (or in the register previously maintained under that section by the Secretary of State or Housing for Wales); and
 - (c) any other body which was at any time registered with Housing for Wales, the Secretary of State or the National Assembly for Wales and which owns or manages publicly-funded dwellings.
 - (2) In subsection (1)(c) a “publicly-funded” dwelling means a dwelling which was—
 - (a) provided by means of a grant under—
 - (i) section 18 of this Act (social housing grant); or
 - (ii) section 50 of the Housing Act 1988, section 41 of the Housing Associations Act 1985, or section 29 or 29A of the Housing Act 1974 (housing association grant); or
 - (b) acquired on a disposal by a public sector landlord.
 - (3) The National Assembly for Wales may by order made by statutory instrument add to or amend the descriptions of landlords who are to be treated as social landlords in Wales.
 - (4) Before making any such order the National Assembly for Wales shall consult such persons as it considers appropriate.
 - (5) Any such order may contain such supplementary, incidental, consequential or transitional provisions and savings as the National Assembly for Wales considers appropriate.”
- (3) After Schedule 2 to that Act there is inserted, as Schedule 2A, the Schedule set out in Schedule 12 to this Act.
- (4) In Schedule 4 to the Local Government Act 1974 (c. 7), in paragraph 1(3) (validity of acts despite disqualification for being appointed as, or for being, a Local Commissioner) after “office” there is inserted “or in the office of Social Housing Ombudsman for Wales”.