



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2 **E+W**

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 3 **E+W**

#### REGISTRATION

##### *Introduction*

#### 110 Overview **E+W**

This Chapter provides for the establishment of a register of providers of social housing.

##### **Commencement Information**

**11** [S. 110](#) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

#### 111 The register **E+W**

- (1) The regulator shall maintain a register of providers of social housing.
- (2) The regulator shall make the register available for inspection by the public.

##### **Commencement Information**

**12** [S. 111](#) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

## Eligibility

### 112 [F1Eligibility for voluntary registration] E+W

- (1) An English body is eligible for registration if—
  - (a) it satisfies the following conditions, and
  - (b) it does not fall within the exceptions in section 113.
- (2) Condition 1 is that the body—
  - (a) is a provider of social housing in England, or
  - (b) intends to become a provider of social housing in England.
- (3) Condition 2 is that the body satisfies any relevant criteria set by the regulator as to—
  - (a) its financial situation,
  - (b) its constitution, and
  - (c) other arrangements for its management.
- (4) Before setting criteria the regulator must consult—
  - (a) the HCA,
  - (b) one or more bodies appearing to it to represent the interests of [F2private registered providers],
  - [F3(ba) any body for the time being nominated under section 278A,]
  - and
  - (c) one or more [F4other] bodies appearing to it to represent the interests of tenants.
- [F5(5) Section 114 deals with bodies falling within the exceptions in section 113.]

#### Textual Amendments

- F1** S. 112 heading 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. 1 para. 11(4)**
- F2** Words in s. 112(4)(b) 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. 1 para. 11(2)**
- F3** S. 112(4)(ba) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 26(3)(a)**, 148(1)(c)
- F4** Word in s. 112(4)(c) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 26(3)(b)**, 148(1)(c)
- F5** S. 112(5) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 11(3)**

#### Commencement Information

- I3** S. 112(1)(2) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- I4** S. 112(3)(4) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)** (with [art. 3\(3\)\(4\)](#))
- I5** S. 112(3)(4) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

### 113 [F6Section 112: exceptions] E+W

- (1) This section sets out the exceptions to section 112(1).
- (2) Exception 1 is a local housing authority.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

(3) Exception 2 is a county council.

<sup>F7</sup>(4) .....

<sup>F8</sup>(5) .....

<sup>F9</sup>(6) .....

#### Textual Amendments

- F6** S. 113 heading 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. 1 para. 12**
- F7** S. 113(4) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), arts. 1(2), **4**
- F8** S. 113(5) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), arts. 1(2), **4**
- F9** S. 113(6) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), arts. 1(2), **4**

#### Commencement Information

- I6** S. 113(1)-(4) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

## 114 Registration of local authorities **E+W**

- (1) The Secretary of State may by order—
- repeal section 113, or
  - amend it so as to permit the registration of specified classes of local authority.
- (2) The Secretary of State may by order require the regulator to register—
- a specified local authority, or
  - a specified class of local authority.
- (3) Registration under subsection (2)—
- takes effect in accordance with any provision of the order about timing or other procedural or incidental matters,
  - does not require an application for registration, and
  - may apply to a local authority whether or not it is eligible for registration by virtue of subsection (1).
- (4) If the Secretary of State thinks it necessary or desirable in connection with the registration of local authorities, the Secretary of State may by order—
- provide for a provision of this Part or any other enactment not to apply in relation to registered local authorities;
  - provide for a provision of this Part or any other enactment to apply with specified modifications in relation to registered local authorities;
  - amend a provision of this Part or any other enactment.
- (5) In this section—
- “local authority” means an authority or person to whom section 113 applies or has applied, and

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

- (b) “registered local authorities” means authorities or persons who are registered, registrable or to be registered as a result of an order under subsection (1) or (2) above.
- (6) Before making an order under this section the Secretary of State shall consult—
  - (a) any authority or person likely to be affected by it, and
  - (b) such other persons as the Secretary of State thinks fit.

#### Commencement Information

**I7** S. 114 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)

**I8** S. 114 in force at 7.9.2009 for E. in so far as not already in force by [S.I. 2009/2096](#), [art. 2\(1\)](#)

#### [<sup>F10</sup>114A Local authorities: duty to notify **E+W**

- (1) A local authority in England which is not subject to compulsory registration must notify the regulator as soon as it becomes subject to compulsory registration.
- (2) For these purposes, an authority is subject to compulsory registration if—
  - (a) it is a provider of social housing, or
  - (b) it intends to become a provider of social housing.]

#### Textual Amendments

**F10** [S. 114A](#) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), [art. 1\(2\)](#), [Sch. 1 para. 13](#)

#### 115 Profit-making and non-profit organisations **E+W**

- (1) Each entry in the register shall designate the body registered as either—
  - (a) a non-profit organisation, or
  - (b) a profit-making organisation.
- (2) A body is a non-profit organisation if it is a registered or non-registrable charity.
- (3) A body is also a non-profit organisation if it satisfies the following conditions.
- (4) Condition 1 is that the body—
  - (a) does not trade for profit, or
  - (b) is prohibited by its constitution from issuing capital with interest or dividend at a rate exceeding that prescribed under section 1(1)(b) of the Housing Associations Act 1985 (c. 69).
- (5) Condition 2 is that a purpose of the body is the provision or management of housing.
- (6) Condition 3 is that any other purposes of the body are connected with or incidental to the provision of housing.
- (7) The Secretary of State may make regulations providing that a specified purpose is to be, or not to be, treated as connected with or incidental to the provision of housing.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

- (8) A body which is not a non-profit organisation under subsection (2) or (3) is a profit-making organisation.
- (9) If the regulator thinks that what was a profit-making organisation has become a non-profit organisation, the regulator must change the registered designation accordingly.
- [<sup>F11</sup>(10) Subsection (1) does not apply to the entry of a local authority in the register (and, accordingly, references to “profit-making” and “non-profit” in connection with a registered provider do not refer to a local authority).]

#### Textual Amendments

- F11** S. 115(10) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 14](#)

#### Commencement Information

- I9** S. 115 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### Procedure

#### 116 [<sup>F12</sup>Entry in the register: voluntary registration] **E+W**

- (1) The regulator shall register anyone who—
- is eligible for registration [<sup>F13</sup>under section 112(1)], and
  - applies to be registered.
- (2) The regulator may make provision about—
- the form of an application;
  - the information to be contained in it or provided with it;
  - the manner in which an application is to be submitted;
  - the consequences of failure to comply with provision under paragraphs (a) to (c).
- (3) This section is subject to section 117 (fees).
- (4) Once entered [<sup>F14</sup>in the register under this section] a body remains registered unless and until removed under section 118 or 119.
- (5) It shall be presumed for all purposes that a person entered in the register [<sup>F15</sup>under this section] is eligible for registration while the registration lasts (irrespective of whether and why the person is later removed from the register).
- [<sup>F16</sup>(6) This section deals with voluntary registration; for the registration of local housing authorities and county councils, see section 114.]

#### Textual Amendments

- F12** S. 116 heading 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. 1 para. 15\(6\)](#)
- F13** Words in s. 116(1)(a) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 15\(2\)](#)

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

- F14** Words in s. 116(4) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 15(3)**
- F15** Words in s. 116(5) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 15(4)**
- F16** S. 116(6) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 15(5)**

#### Commencement Information

- I10** S. 116(1)(3)-(5) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)
- I11** S. 116(2) in force at 8.9.2008 by [S.I. 2008/2358](#), **art. 3(1)**

## 117 Fees **E+W**

- [<sup>F17</sup>(1) The regulator may charge—
- (a) a fee for initial registration, and
  - (b) an annual fee for continued registration.
- (2) Except in the case of a local authority, the regulator may make initial or continued registration conditional upon payment of the fee.]
- (3) The regulator shall—
- (a) prescribe the amount of a fee, and
  - (b) make provision about the periods during which and in respect of which annual fees are payable.
- (4) The regulator may set different fees, and make different provision, for different cases or circumstances.
- (5) Fees must be set in accordance with principles which the regulator prepares and publishes and which are designed to ensure that so far as is reasonably practicable—
- (a) fee income matches expenditure on the performance of functions,
  - (b) each fee is reasonable and proportionate to the costs to which it relates, and
  - (c) actual or potential registered providers can see the relationship between the amount of a fee and the costs to which it relates.
- (6) The principles—
- (a) shall provide for section 95(3) to be disregarded for the purpose of subsection (5)(a), and
  - (b) may provide for specified expenditure or potential expenditure under section 95 or otherwise to be disregarded for the purpose of subsection (5)(a).
- (7) Principles do not have effect until approved by the Secretary of State.
- (8) In preparing (or revising) the principles the regulator shall consult persons appearing to the regulator to represent the interests of fee-payers.
- (9) The regulator's accounts shall show—
- (a) fees received, and
  - (b) fees outstanding.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

#### Textual Amendments

- F17** S. 117(1)(2) 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. 1 para. 16**

#### Commencement Information

- I12** S. 117 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**  
**I13** S. 117 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

### 118 De-registration: compulsory **E+W**

- (1) The regulator may remove from the register a [<sup>F18</sup>private registered provider] which the regulator thinks—
- is no longer eligible for registration,
  - has ceased to carry out activities, or
  - has ceased to exist.
- (2) Before removing a body under subsection (1)(a) or (b) the regulator must—
- take all reasonable steps to give the body at least 14 days' notice, and
  - consider any representations it makes in that period.
- (3) After removing a body under subsection (1)(a) or (b) the regulator must take all reasonable steps to notify the body.
- [<sup>F19</sup>(4) The regulator shall remove a local authority from the register if the regulator becomes aware that the authority—
- is no longer a provider of social housing, or
  - no longer intends to become a provider of social housing (in the case of an authority which intended to become one but did not in fact do so).]

#### Textual Amendments

- F18** Words in [s. 118\(1\)](#) 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. 1 para. 17(2)**  
**F19** [S. 118\(4\)](#) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 17(3)**

#### Commencement Information

- I14** S. 118 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

### 119 De-registration: voluntary **E+W**

- (1) A [<sup>F20</sup>private registered provider] may ask the regulator to remove it from the register.
- (2) The regulator may comply with a request—
- on the grounds that the registered provider no longer is or intends to be a provider of social housing in England,
  - on the grounds that the registered provider is subject to regulation by another authority whose control is likely to be sufficient, or

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

- (c) on the grounds that the registered provider meets any relevant criteria for de-registration set by the regulator.
- (3) Before deciding whether or not to comply, the regulator must consult such local authorities in whose area the registered provider acts as it thinks appropriate.
- (4) The regulator shall not comply with a request by a non-profit registered provider if it thinks that removal is sought with a view to enabling the registered provider to distribute assets to members.
- (5) In deciding whether or not to comply, the regulator must (in particular) have regard to—
  - (a) any conditions imposed in connection with disposal consents given to the registered provider under Chapter 5, and
  - (b) any conditions imposed in connection with financial assistance given to the registered provider under any enactment.
- (6) Having decided whether or not to remove the registered provider the regulator must notify—
  - (a) the provider, and
  - (b) any authority consulted.
- (7) The regulator shall publish criteria set for the purposes of subsection (2)(c).

#### Textual Amendments

**F20** Words in s. 119(1) 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. 1 para. 18**

#### Commencement Information

**I15** S. 119(1)(3)-(6) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

**I16** S. 119(2)(7) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**

**I17** S. 119(2)(7) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

## 120 Notice **E+W**

- (1) As soon as is reasonably practicable after registering or de-registering a body the regulator shall notify—
  - (a) in the case of a registered charity, the Charity Commission,
  - (b) in the case of an industrial and provident society, the Financial Services Authority,<sup>F21</sup> ...
  - (c) in the case of a registered company (whether or not also a registered charity), the registrar of companies for England and Wales<sup>F22</sup>, and
  - (d) in the case of a local authority, the Secretary of State.]
- (2) [<sup>F23</sup>Except in the case of a local authority,] a notice of registration shall specify whether the person registered is designated as a non-profit or profit-making organisation.
- (3) If the designation changes, the regulator shall notify any person notified of the registration.
- (4) A person to whom notice is given under this section must keep a record of it.



*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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)*

#### Textual Amendments

- F21** Word in s. 120(1)(b) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 19\(2\)\(a\)](#)
- F22** S. 120(1)(d) and word inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 19\(2\)\(b\)](#)
- F23** Words in s. 120(2) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 19\(3\)](#)

#### Commencement Information

- I18** S. 120 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

## 121 Appeal **E+W**

- (1) A body may appeal to the High Court against a decision of the regulator—
  - (a) to refuse to register it,
  - (b) to de-register it, or
  - (c) to refuse to de-register it.
- (2) The regulator shall not de-register a body while an appeal is pending.
- (3) The Secretary of State may by order provide for the First-tier Tribunal to have jurisdiction under this section instead of the High Court.

#### Commencement Information

- I19** S. 121 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

Housing and Regeneration Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 14 June 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.