



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2 **E+W**

REGULATION OF SOCIAL HOUSING

CHAPTER 3 **E+W**

REGISTRATION

Eligibility

112 [^{F1}Eligibility for voluntary registration] **E+W**

[^{F2}(1) A body is eligible for registration if—

- (a) it is an English body, and
- (b) it satisfies the following conditions.]

(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 ^{F3}...—

- (a) [^{F4}as to] its financial situation,
- (b) [^{F5}as to] its constitution, ^{F6}...
- (c) [^{F7}as to] other arrangements for its management [^{F8}, and
- (d) to secure that the body would meet, on registration, standards set by the regulator under sections 193, 194, 194A and 194C.]

(4) Before setting criteria the regulator must consult—

- ^{F9}(a)
- [^{F10}(za) the HCA,]
- [^{F11}(aa) the Greater London Authority,]

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- (b) one or more bodies appearing to it to represent the interests of [^{F12}private registered providers],
- [^{F13}(ba) any body for the time being nominated under section 278A,]
and
- (c) one or more [^{F14}other] bodies appearing to it to represent the interests of tenants.

^{F15}(5)

Textual Amendments

- F1** Heading of s. 112 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** S. 112(1) substituted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 7(a)**; S.I. 2023/1001, reg. 2(y)(ii)
- F3** Words in s. 112(3) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 7(a)**, 46(3); S.I. 2023/1001, reg. 2(f)
- F4** Words in s. 112(3)(a) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 7(b)**, 46(3); S.I. 2023/1001, reg. 2(f)
- F5** Words in s. 112(3)(b) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 7(c)(i)**, 46(3); S.I. 2023/1001, reg. 2(f)
- F6** Word in s. 112(3)(b) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 7(c)(ii)**, 46(3); S.I. 2023/1001, reg. 2(f)
- F7** Words in s. 112(3)(c) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 7(d)(i)**, 46(3); S.I. 2023/1001, reg. 2(f)
- F8** S. 112(3)(d) and word inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 7(d)(ii)**, 46(3); S.I. 2023/1001, reg. 2(f)
- F9** S. 112(4)(a) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 36, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F10** S. 112(4)(za) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 21** (with Pt. 4)
- F11** S. 112(4)(aa) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 48**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F12** 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)**
- F13** 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)
- F14** 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)
- F15** S. 112(5) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 7(b)**; S.I. 2023/1001, reg. 2(y)(ii)

Commencement Information

- I1** S. 112(1)(2) in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)
- I2** 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))
- I3** 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.)

^{F17}113 [^{F16}Section 112: exceptions] **E+W**
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Textual Amendments

- F16** 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**
- F17** S. 113 omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 8**; S.I. 2023/1001, reg. 2(y)(ii)

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

- ^{F18}(1)
- (2) The Secretary of State may by order require [^{F19}or permit] the regulator to register—
- (a) a specified local authority, or
 - (b) a specified class of local authority.
- (3) Registration under subsection (2)—
- (a) takes effect in accordance with any provision of the order about timing or other procedural or incidental matters, [^{F20}and]
 - (b) does not require an application for registration, ^{F21}...
 - ^{F22}(c)
- (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—
- (a) provide for a provision of this Part or any other enactment not to apply in relation to registered local authorities;
 - (b) provide for a provision of this Part or any other enactment to apply with specified modifications in relation to registered local authorities;
 - (c) amend a provision of this Part or any other enactment.
- (5) In this section—
- ^{F23}(a)
 - (b) “registered local authorities” means authorities or persons who are registered, registrable or to be registered as a result of an order under subsection ^{F24}... (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.

Textual Amendments

- F18** S. 114(1) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 9(a)**; S.I. 2023/1001, reg. 2(y)(ii)
- F19** Words in s. 114(2) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 9(b)**; S.I. 2023/1001, reg. 2(y)(ii)
- F20** Word in s. 114(3)(a) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 9(c)(i)**; S.I. 2023/1001, reg. 2(y)(ii)
- F21** Word in s. 114(3)(b) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 9(c)(ii)**; S.I. 2023/1001, reg. 2(y)(ii)
- F22** S. 114(3)(c) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 9(c)(iii)**; S.I. 2023/1001, reg. 2(y)(ii)

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- F23** S. 114(5)(a) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 5 para. 9\(d\)\(i\)](#); S.I. 2023/1001, reg. 2(y)(ii)
- F24** Words in s. 114(5)(b) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 5 para. 9\(d\)\(ii\)](#); S.I. 2023/1001, reg. 2(y)(ii)

Commencement Information

- I4** S. 114 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358, art. 3\(1\)](#)
- I5** 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\(1\)](#)

[^{F25} 114A Local authorities: duty to notify **E+W**

- (1) A local authority ^{F26}... 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

- F25** 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](#)
- F26** Words in s. 114A(1) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 5 para. 10](#); S.I. 2023/1001, reg. 2(y)(ii)

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.
- (8) A body which is not a non-profit organisation under subsection (2) or (3) is a profit-making organisation.

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(9) If the regulator thinks that what was a profit-making organisation has become a non-profit organisation [^{F27}or vice versa], the regulator must change the registered designation accordingly [^{F28}and notify the body it has done so.]

[^{F29}(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

F27 Words in s. 115(9) inserted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 23**; S.I. 2017/75, reg. 4

F28 Words in s. 115(9) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 4 para. 2**; S.I. 2023/1001, reg. 2(x)

F29 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

I6 S. 115 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

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