



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

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

#### REGULATION OF SOCIAL HOUSING

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

#### REGISTRATION

##### *Procedure*

#### 116 [<sup>F1</sup>Entry in the register: voluntary registration] **E+W**

- (1) The regulator shall register anyone who—
  - (a) is eligible for registration [<sup>F2</sup>under section 112(1)], and
  - (b) applies to be registered.
- (2) The regulator may make provision about—
  - (a) the form of an application;
  - (b) the information to be contained in it or provided with it;
  - (c) the manner in which an application is to be submitted;
  - (d) 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>F3</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>F4</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).

*Status: Point in time view as at 01/04/2010.*

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[<sup>F5</sup>(6) This section deals with voluntary registration; for the registration of local housing authorities and county councils, see section 114.]

#### Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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

- I1** S. 116(1)(3)-(5) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- I2** S. 116(2) in force at 8.9.2008 by [S.I. 2008/2358](#), **art. 3(1)**

## 117 Fees **E+W**

- [<sup>F6</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.

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- (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.

#### Textual Amendments

**F6** 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

**I3** S. 117 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**

**I4** 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>F7</sup>private registered provider] which the regulator thinks—
- (a) is no longer eligible for registration,
  - (b) has ceased to carry out activities, or
  - (c) has ceased to exist.
- (2) Before removing a body under subsection (1)(a) or (b) the regulator must—
- (a) take all reasonable steps to give the body at least 14 days' notice, and
  - (b) 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>F8</sup>(4) The regulator shall remove a local authority from the register if the regulator becomes aware that the authority—
- (a) is no longer a provider of social housing, or
  - (b) 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

**F7** 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)**

**F8** 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

**I5** 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>F9</sup>private registered provider] may ask the regulator to remove it from the register.

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- (2) The regulator may comply with a request—
  - (a) on the grounds that the registered provider no longer is or intends to be a provider of social housing in England,
  - (b) on the grounds that the registered provider is subject to regulation by another authority whose control is likely to be sufficient, or
  - (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

- F9** 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

- I6** S. 119(1)(3)-(6) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))
- I7** S. 119(2)(7) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**
- I8** 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>F10</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>F11</sup>, and
  - (d) in the case of a local authority, the Secretary of State.]

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- (2) [<sup>F12</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.

#### Textual Amendments

- F10** 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\(2\)\(a\)](#)
- F11** 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\(2\)\(b\)](#)
- F12** 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

- I9** 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

- I10** S. 121 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

**Status:**

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**Changes to legislation:**

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