



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 6

REGULATORY POWERS

Standards

193 Provision of social housing

- (1) The regulator may set standards for registered providers as to the nature, extent and quality of accommodation, facilities or services provided by them in connection with social housing.
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—
 - (a) criteria for allocating accommodation,
 - (b) terms of tenancies,
 - (c) levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent),
 - (d) maintenance,
 - (e) procedures for addressing complaints by tenants against landlords,
 - (f) methods for consulting and informing tenants,
 - (g) methods of enabling tenants to influence or control the management of their accommodation and environment,
 - (h) policies and procedures required by section 218A of the Housing Act 1996 (c. 52) in connection with anti-social behaviour,

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- (i) landlords' contribution to the environmental, social and economic well-being of the areas in which their property is situated, and
 - (j) estate management.
- (3) In setting standards the regulator shall have regard to the desirability of registered providers being free to choose how to provide services and conduct business.

Commencement Information

I1 S. 193 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

194 Management

- (1) The regulator may set standards for [^{F1}private registered providers] in matters relating to the management of their financial and other affairs.
- (2) In respect of profit-making registered providers, standards may be made in relation to the management of their affairs only so far as relating to the provision of social housing.
- (3) In setting standards the regulator shall have regard to the desirability of registered providers being free to choose how to provide services and conduct business.

Textual Amendments

F1 Words in [s. 194\(1\)](#) 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. 51](#)

Commencement Information

I2 S. 194 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

195 Code of practice

- (1) The regulator may issue a code of practice which—
- (a) relates to a matter addressed by a standard, and
 - (b) amplifies the standard.
- (2) In considering whether standards have been met the regulator may have regard to a code of practice.
- (3) The regulator may revise or withdraw a code of practice.
- (4) The regulator shall make arrangements for bringing a code of practice to the attention of registered providers.

Commencement Information

I3 S. 195 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

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196 Consultation

- (1) Before setting standards, or issuing, revising or withdrawing a code of practice, the regulator shall consult the following or ensure that they have been consulted—
 - (a) one or more bodies appearing to it to represent the interests of registered providers,
 - (b) one or more bodies appearing to it to represent the interests of secured creditors of registered providers,
 - [^{F2}(ba) any body for the time being nominated under section 278A,]
 - (c) one or more [^{F3}other] bodies appearing to it to represent the interests of tenants of social housing,
 - (d) the Audit Commission for Local Authorities and the National Health Service in England,
 - (e) one or more bodies appearing to it to represent the interests of local housing authorities,
 - (f) the HCA, and
 - (g) the Secretary of State.
- (2) Before setting a standard which would apply to charities, or issuing, revising or withdrawing a code of practice which applies or would apply to charities, the regulator must consult the Charity Commission.

Textual Amendments

- F2** S. 196(1)(ba) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), ss. 26\(4\)\(a\), 148\(1\)\(c\)](#)
- F3** Word in s. 196(1)(c) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), ss. 26\(4\)\(b\), 148\(1\)\(c\)](#)

Commencement Information

- I4** S. 196 in force at 8.9.2008 by [S.I. 2008/2358, art. 3\(1\)](#) (with [art. 3\(3\)\(4\)](#))

197 Direction by Secretary of State

- (1) The Secretary of State may direct the regulator—
 - (a) to set a standard under section 193,
 - (b) about the content of standards under section 193, or
 - (c) to have regard to specified objectives when setting standards under section 193 or 194.
- (2) The Secretary of State may give a direction under subsection (1)(a) or (b) only if it relates, in the Secretary of State's opinion, to—
 - (a) quality of accommodation,
 - (b) rent, or
 - (c) involvement by tenants in the management by registered providers of accommodation.
- (3) In deciding whether to give a direction the Secretary of State shall, in particular, have regard to the regulator's fundamental objectives.
- (4) Before giving a direction the Secretary of State must consult—

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- (a) the regulator,
 - (b) the HCA,
 - (c) the Audit Commission for Local Authorities and the National Health Service in England,
 - (d) one or more bodies appearing to the Secretary of State to represent the interests of local housing authorities,
 - [^{F4}(da) any body for the time being nominated under section 278A,]
 - (e) one or more [^{F5}other] bodies appearing to the Secretary of State to represent the interests of tenants of social housing, and
 - (f) one or more bodies appearing to the Secretary of State to represent the interests of registered providers.
- (5) Before giving a direction about a standard which would apply to charities the Secretary of State must consult the Charity Commission.
- (6) A direction may disapply the requirement to consult under section 196 in relation to specified matters.
- (7) The regulator shall comply with any direction.
- (8) The Secretary of State shall publish—
- (a) each proposed direction that is the subject of a consultation,
 - (b) each response to a consultation, and
 - (c) each direction.

Textual Amendments

- F4** S. 197(4)(da) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(5\)\(a\)](#), [148\(1\)\(c\)](#)
- F5** Word in s. 197(4)(e) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(5\)\(b\)](#), [148\(1\)\(c\)](#)

Commencement Information

- I5** S. 197 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#) (with [art. 3\(3\)\(4\)](#))

198 Supplemental

- (1) Failure to meet a standard is a ground for exercising a power in this Chapter or Chapter 7.
- (2) The regulator shall make arrangements for bringing standards to the attention of registered providers.
- (3) The regulator may revise or withdraw standards; and section 196 applies to revising or withdrawing standards as to setting standards.
- (4) Standards may be expressed by reference to documents prepared by others.
- (5) Standards—
 - (a) may make provision generally or only in relation to specified cases, circumstances or areas, and
 - (b) may make different provision for different cases, circumstances or areas.

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Commencement Information

I6 S. 198(1) in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

I7 S. 198(2)-(5) in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

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