



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 6

REGULATORY POWERS

Standards

193 [^{F1}Standards relating to consumer matters]

- (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,
 - ^{F2}(c)
 - (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,
 - ^{F3}(ga) methods of assisting tenants to exchange tenancies,]
 - (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.

Textual Amendments

- F1** S. 193 heading substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 4\(2\)](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F2** S. 193(2)(c) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 4\(3\)](#), [Sch. 25 Pt. 27](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F3** S. 193(2)(ga) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 176\(1\)](#), 240(2); [S.I. 2012/57](#), art. 4(1)(s) (with arts. 6,7,9-11)

Commencement Information

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

194 [^{F4}Standards relating to economic matters]

- (1) The regulator may set standards for [^{F5}private registered providers] in matters relating to ^{F6}... their financial and other affairs.
- [^{F7}(1A) Standards under subsection (1) may, in particular, require private registered providers to comply with specified rules about—
- (a) the management of their financial and other affairs, and
 - (b) their efficiency in carrying on 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.
- [^{F8}(2A) The regulator may set standards for registered providers requiring them to comply with specified rules about their 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).]
- (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

- F4** S. 194 heading substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 5\(2\)](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F5** 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](#)
- F6** Words in s. 194(1) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 5\(3\)](#), [Sch. 25 Pt. 27](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F7** S. 194(1A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 5\(4\)](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

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F8 S. 194(2A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 5(5)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

Modifications etc. (not altering text)

C1 S. 194(2A) modified (16.3.2016 for specified purposes, 1.4.2016 in so far as not already in force) by Welfare Reform and Work Act 2016 (c. 7), **ss. 32, 36(5)**; S.I. 2016/394, reg. 4

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 [^{F9}under section 194], and
 - (b) amplifies the standard.
- (2) In considering whether standards [^{F10}under that section] 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.

Textual Amendments

F9 Words in s. 195(1)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 6(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

F10 Words in s. 195(2) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 6(3)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

Commencement Information

I3 S. 195 in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

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,
 - [^{F11}(ba) any body for the time being nominated under section 278A,]
 - (c) one or more [^{F12}other] bodies appearing to it to represent the interests of tenants of social housing,
 - [^{F13}(d)
 - (e) one or more bodies appearing to it to represent the interests of local housing authorities,
 - [^{F14}(ea) the Greater London Authority,]
 - [^{F15}(f), and

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(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

- F11** 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)
- F12** 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)
- F13** S. 196(1)(d) omitted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 92; S.I. 2015/841, art. 3(x)
- F14** S. 196(1)(ea) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 19 para. 55; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F15** S. 196(1)(f) (but not the word "and" at the end of that paragraph) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 42, Sch. 25 Pt. 26; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

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 [^{F16}or 194],
 - (b) about the content of standards under section 193 [^{F17}or 194], 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,
 - [^{F18}(aa) tenure,]
 - (b) rent, ^{F19}...
 - (c) involvement by tenants in the management by registered providers of accommodation [^{F20}, or
 - (d) methods of assisting tenants to exchange tenancies.]
- (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—
- (a) the regulator,
 - [^{F21}(aa) the Greater London Authority,]
 - ^{F22}(b)
 - ^{F23}(c)
 - (d) one or more bodies appearing to the Secretary of State to represent the interests of local housing authorities,
 - [^{F24}(da) any body for the time being nominated under section 278A,]

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- (e) one or more^{F25} 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

- F16** Words in s. 197(1)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 17 para. 7](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F17** Words in s. 197(1)(b) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 17 para. 7](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F18** S. 197(2)(aa) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\), ss. 152, 240\(2\)](#); S.I. 2012/57, art. 4(1)(n) (with arts. 6, 7,9-11)
- F19** Word in s. 197(2)(b) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 25 Pt. 25](#); S.I. 2012/57, art. 4(1)(ee)(iv)
- F20** S. 197(2)(d) and word inserted (15.1.2012) by [Localism Act 2011 \(c. 20\), ss. 176\(2\), 240\(2\)](#); S.I. 2012/57, art. 4(1)(s) (with arts. 6, 7,9-11)
- F21** S. 197(4)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 19 para. 56](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F22** S. 197(4)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 16 para. 43, Sch. 25 Pt. 26](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F23** S. 197(4)(c) omitted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 93](#); S.I. 2015/841, art. 3(x)
- F24** S. 197(4)(da) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), ss. 26\(5\)\(a\), 148\(1\)\(c\)](#)
- F25** 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

^{F26}(1)

- (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.

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(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.

Textual Amendments

F26 S. 198(1) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 17 para. 8, **Sch. 25 Pt. 27**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

Modifications etc. (not altering text)

C2 [S. 198\(3\)](#) modified (16.3.2016 for specified purposes, 1.4.2016 in so far as not already in force) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), ss. 32, 36(5); [S.I. 2016/394](#), reg. 4

Commencement Information

I6 S. 198(2)-(5) in force at 8.9.2008 by [S.I. 2008/2358](#), art. 3(1)

[^{F27}198A Failure to meet standard under section 193

- (1) Failure by a registered provider to meet a standard under section 193 (standards relating to consumers matters) is a ground for exercising a power in this Chapter or Chapter 7.
- (2) But a power to which this subsection applies may be exercised on that ground only if the regulator thinks there are reasonable grounds to suspect that—
 - (a) the failure has resulted in a serious detriment to the registered provider's tenants or potential tenants, or
 - (b) there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the registered provider's tenants or potential tenants.
- (3) Subsection (2) applies to the powers conferred by any of the following—
 - (a) section 199 (surveys);
 - (b) section 201 (inspections);
 - (c) section 206 (inquiries);
 - (d) section 220 (enforcement notices);
 - (e) section 227 (penalties);
 - (f) section 237 (compensation);
 - (g) section 247 (management tender);
 - (h) section 251 (appointment of manager).
- (4) The risk that, if no action is taken by a registered provider or the regulator, the registered provider will fail to meet a standard under section 193 is a ground for exercising a power in this Chapter.
- (5) But a power in this Chapter may be exercised on that ground only if the regulator thinks there are reasonable grounds to suspect that, if the failure occurs—
 - (a) the failure will result in a serious detriment to the registered provider's tenants or potential tenants, or

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- (b) there will be a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the registered provider's tenants or potential tenants.
- (6) In considering whether to exercise a power within subsection (1) or (4) on the ground mentioned in that subsection, the regulator must have regard to any information it has received from any of the following—
- (a) the Commission for Local Administration in England;
 - (b) a housing ombudsman appointed in accordance with a scheme approved under Schedule 2 to the Housing Act 1996;
 - (c) any body appearing to the regulator to represent the interests of tenants of social housing in England;
 - (d) a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly or a parish council;
 - (e) a member of any of the bodies listed in paragraph (d);
 - (f) the Greater London Authority;
 - (g) a Member of Parliament;
 - (h) a fire and rescue authority under the Fire and Rescue Services Act 2004;
 - (i) the Health and Safety Executive;
 - (j) the Secretary of State.

Textual Amendments

F27 Ss. 198A, 198B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 9](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)

198B Failure to meet standard under section 194

- (1) Failure by a registered provider to meet a standard under section 194 (standards relating to economic matters) is a ground for exercising a power in this Chapter or Chapter 7 (if the power is otherwise exercisable in relation to a registered provider of that kind).
- (2) The risk that, if no action is taken by a registered provider or the regulator, the registered provider will fail to meet a standard under section 194 is a ground for exercising a power in this Chapter.]

Textual Amendments

F27 Ss. 198A, 198B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 9](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)

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