



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2 **E+W**

REGULATION OF SOCIAL HOUSING

CHAPTER 7 **E+W**

ENFORCEMENT POWERS

Management etc.

246 Overview **E+W**

This group of sections gives the regulator various powers in relation to the management and constitution of registered providers.

Commencement Information

II S. 246 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

247 Management tender **E+W**

- (1) This section applies if the regulator is satisfied that—
 - (a) a registered provider has failed to meet a standard [^{F1}applicable to it] under section 193 or 194, or
 - (b) the affairs of a registered provider have been mismanaged in relation to social housing.
- (2) The regulator may require the registered provider to implement a process specified by the regulator for the purpose of—

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- (a) inviting persons to apply to undertake management functions of the registered provider, and
 - (b) selecting from the applications and making an appointment.
- (3) A requirement may relate to—
- (a) the registered provider's affairs generally in so far as they relate to social housing, or
 - (b) specified affairs relating to social housing.
- (4) A requirement must include—
- (a) provision about the constitution of a selection panel (which must include provision for ensuring representation of tenants' interests),
 - (b) provision for ensuring best procurement practice [^{F2}(and consistent with any applicable procurement law)], and
 - (c) provision about the terms and conditions on which the manager is to be appointed (including provision about—
 - (i) setting, monitoring and enforcing performance standards, and
 - (ii) resources).

Textual Amendments

- F1** Words in s. 247(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. 64(2)**
- F2** Words in s. 247(4)(b) 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. 64(3)**

Commencement Information

- I2** S. 247 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

248 Section 247: supplemental **E+W**

- (1) Before acting under section 247(2) the regulator must give the registered provider a notice—
- (a) specifying grounds on which action might be taken under that section,
 - (b) warning the provider that the regulator is considering action under that section, and
 - (c) explaining the effect of this section.
- (2) The notice must specify a period during which the registered provider may make representations to the regulator.
- (3) The period must—
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered provider receives the notice.
- (4) The regulator must send a copy of a notice under subsection (1) to—
- ^{F3}(a)
 - [^{F4}(aa) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London),]
 - [^{F5}(b) the Secretary of State (if the notice is given to a local authority), and

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- (c) any other persons the regulator thinks appropriate.]
- (5) A notice under subsection (1) must—
 - (a) refer to section 125 (voluntary undertaking), and
 - (b) indicate whether or to what extent the regulator would accept a voluntary undertaking instead of, or in mitigation of, action under section 247(2).
- (6) Notice under subsection (1) may be combined with notice under one or more of sections 230, 242, 250 and 252.
- (7) In imposing a requirement the regulator must have regard to views of—
 - (a) relevant tenants,
 - (b) the registered provider,
 - ^{F6}(c)
 - ^{F7}(ca) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London),]
 - ^{F8}(d) the Secretary of State (if the registered provider is a local authority), and
 - (e) if the regulator thinks it appropriate, any relevant local housing authority.]
- ^{F9}(8) If the regulator imposes a requirement it must send a copy—
 - ^{F10}(a)
 - ^{F11}(aa) in the case of a requirement imposed on a registered provider who owns land in Greater London, to the Greater London Authority, and]
 - (b) in the case of a requirement imposed on a local authority, to the Secretary of State.]
- (9) A registered provider may appeal to the High Court against a requirement under section 247(2).

Textual Amendments

- F3** S. 248(4)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 50\(2\)](#), **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F4** S. 248(4)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 62(2)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F5** S. 248(4)(b)(c) substituted for s. 248(4)(b) (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. 65(2)(b)**
- F6** S. 248(7)(c) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 50\(3\)](#), **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F7** S. 248(7)(ca) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 62(3)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F8** S. 248(7)(d)(e) substituted for s. 248(7)(d) (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. 65(3)(b)**
- F9** S. 248(8) 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. 65(4)**
- F10** S. 248(8)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 50\(4\)](#), **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F11** S. 248(8)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 62(4)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

Commencement Information

- I3** S. 248 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

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249 Management transfer **E+W**

- (1) This section applies if as a result of an inquiry under section 206 or an audit under section 210 the regulator is satisfied that—
 - (a) the affairs of a registered provider have been mismanaged in relation to social housing, or
 - (b) a transfer of certain of a registered provider's management functions would be likely to improve the management of some or all of its social housing.
- (2) The regulator may require the registered provider to transfer management functions to a specified person.
- (3) A requirement to transfer management functions may be imposed only with the Secretary of State's consent (both as to the transfer and the terms).
- (4) A requirement may relate to—
 - (a) the registered provider's affairs generally in so far as they relate to social housing, or
 - (b) specified affairs relating to social housing.
- (5) Transfer shall be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the requirement.
- (6) A transferee manager shall have—
 - (a) any power specified in the requirement, and
 - (b) any other power in relation to the registered provider's affairs required by the manager for the purposes specified in the requirement (including the power to enter into agreements and take other action on behalf of the registered provider).

Commencement Information

I4 S. 249 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

250 Section 249: supplemental **E+W**

- (1) Before acting under section 249(2) the regulator must give the registered provider a notice—
 - (a) specifying grounds on which action might be taken under that section,
 - (b) warning the provider that the regulator is considering action under that section, and
 - (c) explaining the effect of this section.
- (2) The notice must specify a period during which the registered provider may make representations to the regulator.
- (3) The period must—
 - (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered provider receives the notice.
- (4) The regulator must send a copy of a notice under subsection (1) to—
 - ^{F12}(a)

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- [^{F13}(aa) in the case of a notice given to a registered provider who owns land in Greater London, the Greater London Authority,]
- [^{F14}(b) in the case of a notice given to a local authority, the Secretary of State, and
 - (c) any other persons the regulator thinks appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).]
- (5) A notice under subsection (1) must—
 - (a) refer to section 125, and
 - (b) indicate whether or to what extent the regulator would accept a voluntary undertaking under that section instead of, or in mitigation of, action under section 249(2).
- (6) Notice under subsection (1) may be combined with notice under one or more of sections 230, 242, 248 and 252.
- (7) In imposing a requirement the regulator must have regard to views of—
 - (a) relevant tenants,
 - (b) the registered provider,
 - [^{F15}(c)
 - [^{F16}(ca) if the requirement would be imposed on a registered provider who owns land in Greater London, the Greater London Authority,]
 - [^{F17}(d) if the requirement would be imposed on a local authority, the Secretary of State, and
 - (e) if the regulator thinks it appropriate, any relevant local housing authority.]
- [^{F18}(8) If the regulator imposes a requirement it must send a copy—
 - [^{F19}(a)
 - [^{F20}(aa) in the case of a requirement imposed on a registered provider who owns land in Greater London, to the Greater London Authority, and]
 - (b) in the case of a requirement imposed on a local authority, to the Secretary of State.]
- (9) A registered provider may appeal to the High Court against a requirement under section 249(2).

Textual Amendments

- F12** S. 250(4)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 51\(2\)](#), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F13** S. 250(4)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 63(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F14** S. 250(4)(b)(c) substituted for s. 250(4)(b) (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. 66(2)(b)**
- F15** S. 250(7)(c) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 51\(3\)](#), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F16** S. 250(7)(ca) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 63(3)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F17** S. 250(7)(d)(e) substituted for s. 250(7)(d) (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. 66(3)(b)**
- F18** S. 250(8) 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. 66(4)**

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- F19** S. 250(8)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 51\(4\)](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F20** S. 250(8)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 63\(4\)](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

Commencement Information

- I5** S. 250 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

[^{F21}250A Sections 247 and 249: local authorities **E+W**

- (1) This section makes further provision about the application of sections 247 and 249 in a case where the registered provider is a local authority.
- (2) The regulator may act under those sections even if the local authority already has a management agreement in place.
- (3) But while a section 247 or 249 arrangement is in force, the local authority may not give effect to a management agreement as respects functions of the authority which are the subject of the arrangement.
- (4) Any duty the local authority may have to consult with respect to the exercise of its management functions (for example, a duty arising by virtue of section 27BA of the Housing Act 1985) does not apply so far as it is acting pursuant to a requirement imposed on it under section 247 or 249.
- (5) A section 247 or 249 arrangement—
 - (a) is not to be considered a management agreement, but
 - (b) subsections (13) and (15) of section 27 of the Housing Act 1985 apply to it as they apply to a management agreement.
- (6) In this section—

“management agreement” has the meaning given by section 27(2)(a) and 27B(4) of the Housing Act 1985;

“section 247 or 249 arrangement” means an arrangement which is entered into pursuant to a requirement imposed on a local authority under section 247 or 249 and by which functions of the authority are to be exercised by a manager on its behalf.]

Textual Amendments

- F21** S. 250A 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. 67](#)

251 Appointment of manager [^{F22}of private registered provider] **E+W**

- (1) This section applies if the regulator is satisfied that—
 - (a) a [^{F23}private registered provider] has failed to meet a standard under section 193 or 194, or
 - (b) the affairs of a [^{F24}private registered provider] have been mismanaged in relation to social housing.
- (2) The regulator may—

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- (a) appoint an individual as a manager of the registered provider, or
 - (b) require the registered provider to appoint an individual as a manager.
- (3) An appointment or requirement may relate to a manager—
- (a) of the registered provider's affairs generally in so far as they relate to social housing, or
 - (b) of specified affairs relating to social housing.
- (4) Appointment shall be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment or requirement.
- (5) A manager shall have—
- (a) any power specified in the appointment or requirement, and
 - (b) any other power in relation to the registered provider's affairs required by the manager for the purposes specified in the appointment or requirement (including the power to enter into agreements and take other action on behalf of the registered provider).

Textual Amendments

F22 Words in s. 251(1)(b) 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. 68\(b\)](#)

F23 Words in s. 251(1)(a) 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. 68\(a\)](#)

F24 Words in s. 251(1)(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. 68\(a\)](#)

Commencement Information

I6 S. 251 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

252 Section 251: supplemental **E+W**

- (1) Before acting under section 251(2) the regulator must give the registered provider a notice—
- (a) specifying grounds on which action might be taken under that section,
 - (b) warning the provider that the regulator is considering action under that section, and
 - (c) explaining the effect of this section.
- (2) The notice must specify a period during which the registered provider may make representations to the regulator.
- (3) The period must—
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered provider receives the notice.
- (4) The regulator must send a copy of a notice under subsection (1) to—
- ^{F25}(a)
 - ^{F26}(aa) the Greater London Authority (if the notice is given to a registered provider who owns land in Greater London), and]

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- (b) any other persons it thinks appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under subsection (1) must—
 - (a) refer to section 125 (voluntary undertaking), and
 - (b) indicate whether or to what extent the regulator would accept a voluntary undertaking instead of, or in mitigation of, action under section 251(2).
- (6) Notice under subsection (1) may be combined with notice under one or more of sections 230, 242, 248 and 250.
- ^{F27}(7)
- [^{F28}(7A) The regulator must notify the Greater London Authority of an appointment or requirement under section 251(2) in respect of a registered provider who owns land in Greater London.]
- (8) The regulator may require a manager to report to the regulator on the affairs specified in the appointment or requirement under section 251(3).
- (9) A [^{F29}private registered provider] may appeal to the High Court against an appointment or requirement under section 251(2).

Textual Amendments

- F25** S. 252(4)(a) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 52(2), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F26** S. 252(4)(aa) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 64(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F27** S. 252(7) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 52(3), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F28** S. 252(7A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 64(3)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F29** Words in s. 252(9) 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. 69**

Commencement Information

- I7** S. 252 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

[^{F30}252A Appointment of advisers to local authorities **E+W**

- (1) This section applies to a registered provider which is a local authority.
- (2) The power in subsection (3) is exercisable if the regulator thinks—
 - (a) that it is necessary to exercise it for the proper management of the authority’s affairs so far as they relate to the provision of social housing (its “social housing affairs”), or
 - (b) that it is desirable to exercise it in the interests of securing better services for the authority’s tenants.
- (3) The regulator may—
 - (a) appoint one or more advisers to assist the authority in relation to its social housing affairs (or a particular aspect of those affairs), or

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- (b) require the authority to appoint one or more advisers for that purpose.
- (4) Appointment shall be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment or requirement.
- (5) A requirement under subsection (3)(b) may specify a process which the authority is required to implement for selecting and appointing advisers.
- (6) The authority must cooperate with any advisers appointed by virtue of this section.]

Textual Amendments

F30 S. 252A 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. 70](#)

253 **Transfer of land** [^{F31}by private registered provider] **E+W**

- (1) This section applies if as a result of an inquiry under section 206 or an audit under section 210 the regulator is satisfied that—
 - (a) the affairs of a [^{F32}private registered provider] have been mismanaged in relation to social housing, or
 - (b) a transfer of land by a [^{F33}private registered provider] would be likely to improve the management of the land.
- (2) The regulator may require the registered provider to transfer specified land—
 - (a) to the regulator, or
 - (b) to another specified [^{F34}private registered provider].
- (3) A requirement may be imposed on a profit-making registered provider only in relation to its social housing and associated land.
- (4) For the purposes of subsection (3) land is associated with social housing if the regulator thinks that it is used in connection with the social housing or its management.
- (5) A requirement may not be imposed on a non-profit registered provider requiring it to transfer land to a profit-making registered provider.
- (6) A requirement may not be imposed on a registered charity.
- (7) A requirement may be imposed on a charity which is not registered (C1), but only for transfer to another charity (C2) whose objects the regulator thinks are similar to those of C1.

Textual Amendments

F31 Words in s. 253 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. 71\(c\)](#)

F32 Words in s. 253(1)(a) 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. 71\(a\)](#)

F33 Words in s. 253(1)(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. 71\(a\)](#)

F34 Words in s. 253(2)(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. 71\(b\)](#)

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Commencement Information

18 S. 253 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

254 Section 253: supplemental **E+W**

- (1) A transfer under section 253 shall be on terms specified in, or determined in accordance with, the requirement.
- (2) The price shall be not less than an amount certified by the district valuer as the amount the property would fetch if sold by a willing seller to another registered provider.
- (3) The terms shall include provision as to the payment of any debts or liabilities in respect of the land (whether or not secured on it).
- (4) A requirement to transfer land may be imposed only with the Secretary of State's consent (both as to the transfer and the terms).
- (5) Where land is transferred to the regulator under section 253(2)(a)—
 - (a) the regulator may dispose of it only to a registered provider, and
 - (b) if it is transferred by a non-profit registered provider, the regulator may dispose of it only to a non-profit registered provider.

Commencement Information

19 S. 254 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

255 Amalgamation **E+W**

- (1) This section applies if as a result of an inquiry under section 206 or an audit under section 210 the regulator is satisfied that—
 - (a) the affairs of a non-profit registered provider which is an industrial and provident society have been mismanaged in relation to social housing, or
 - (b) the management of social housing owned by a non-profit registered provider which is an industrial and provident society would be improved if the provider were amalgamated with another industrial and provident society.
- (2) The regulator may make and execute on behalf of the society an instrument providing for the amalgamation of the society with another industrial and provident society.
- (3) The regulator may act under subsection (2) only with the Secretary of State's consent.
- (4) An instrument providing for the amalgamation of a society (“S1”) with another has the same effect as a resolution by S1 under section 50 of the Industrial and Provident Societies Act 1965 (c. 12) (amalgamation of societies by special resolution).
- (5) A copy of an instrument shall be sent to and registered by the [^{F35}Financial Conduct Authority].
- (6) An instrument does not take effect until the copy is registered.
- (7) The copy must be sent for registration during the period of 14 days beginning with the date of execution; but a copy registered after that period is valid.
- (8) Any body created by virtue of an amalgamation—

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- (a) must be registered by the regulator and designated as a non-profit organisation, and
- (b) pending registration shall be treated as registered and designated as a non-profit organisation.

Textual Amendments

F35 Words in s. 255(5) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), Sch. 11 para. 8(2), **(3)(f)** (with Sch. 12)

Commencement Information

I10 S. 255 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

Housing and Regeneration Act 2008, Cross Heading: Management etc. is up to date with all changes known to be in force on or before 24 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.