



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 8

GENERAL

Interpretation

270 Officer

The Table gives the meaning of “officer” in relation to registered providers.

<i>[^{F1}private registered provider]</i>	<i>Meaning of “officer”</i>
Registered charity which is not a registered company	Trustee, secretary or treasurer
<i>[^{F2}Registered society]</i>	“Officer” within the meaning given by <i>[^{F3}section 149 of the Co-operative and Community Benefit Societies Act 2014]</i> (including a person co-opted to serve on the society's committee)
Registered company	“Officer” within the meaning given by section 1173 of the Companies Act 2006

Textual Amendments

- F1** Words in s. 270 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. 75](#)

Status: Point in time view as at 21/03/2024.

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- F2** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 123](#) (with [Sch. 5](#))
- F3** Words in s. 270 substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 134](#) (with [Sch. 5](#))

Commencement Information

- I1** S. 270 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

271 Subsidiary and associate

- (1) A company is a “subsidiary” of a person if any of the following conditions is satisfied.
- (2) Condition 1 is that the person—
- (a) is a member of the company, and
 - (b) has power, independent of any other person, to appoint or remove all or a majority of the board of directors.
- (3) Condition 2 is that the person holds more than half in nominal value of the company's equity share capital.
- (4) Condition 3 is that the company is a subsidiary, within the meaning of the Companies Act 2006 (c. 46) or [^{F4}Part 7 of the [Co-operative and Community Benefit Societies Act 2014](#)], of a company which is a subsidiary of the person by virtue of Condition 1 or 2.
- (5) In relation to a company which is [^{F5}a registered society] a reference to the board of directors is a reference to the committee of management.
- (6) “Associate” of a provider means—
- (a) a body of which the provider is a subsidiary, and
 - (b) any other subsidiary of that body.

Textual Amendments

- F4** Words in s. 271(4) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 135](#) (with [Sch. 5](#))
- F5** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 122](#) (with [Sch. 5](#))

Commencement Information

- I2** S. 271 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

272 Family

- (1) For the purposes of this Part one person is a member of the family of another if—
- (a) they are, or live together as if they were, spouses or civil partners, or
 - (b) one is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other.
- (2) For those purposes—
- (a) a relationship by marriage or civil partnership shall be treated as a relationship by blood (and, in particular, P's stepchild shall be treated as P's child), and
 - (b) a relationship by half-blood shall be treated as a relationship by whole blood.

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Commencement Information

I3 S. 272 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

273 Disposal

(1) In this Part a reference to disposing of property is a reference to—

- (a) selling it,
- (b) leasing it,
- (c) mortgaging it,
- (d) making it subject to a charge, and
- (e) disposing of it, or of any interest in it, in any other way.

(2) Granting an option to require a disposal shall be treated as making a disposal.

Commencement Information

I4 S. 273 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

^{F6}274 Charities that have “received public assistance”

.....

Textual Amendments

F6 S. 274 omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023](#) (c. 36), s. 46(3), [Sch. 5 para. 41](#); [S.I. 2023/1001](#), [reg. 2\(y\)\(xi\)](#)

275 General

In this Part, except where the context requires otherwise—

“action” includes inaction, proposed action and decision,

“assured agricultural occupancy” has the same meaning as in Part 1 of the Housing Act 1988,

“assured tenancy” has the same meaning as in that Part,

“the Charity Commission” means the Charity Commission for England and Wales,

“committee”, in relation to [^{F7}a registered society], means the committee of management or other directing body of the society (including any person co-opted to serve on the committee, whether a member of the society or not),

“consent” means written consent,

“constitution” includes rules,

[^{F8}“contract-holder” has the meaning given in section 7 (see also section 48) of the Renting Homes (Wales) Act 2016 ([anaw 1](#)),]

“conveyance” includes grant, assignment and any other instrument,

“district valuer” has the meaning given by section 622 of the Housing Act 1985 (c. 68),

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“dwelling”—

- (a) means a house, flat or other building or part of a building occupied or intended to be occupied as a separate dwelling, and
- (b) includes any garden, yard, outhouse or other appurtenance belonging to, or usually enjoyed with, the dwelling,

“the HCA” means the Homes and Communities Agency,

[^{F9}“housing ombudsman” means a housing ombudsman appointed in accordance with a scheme approved under Schedule 2 to the Housing Act 1996,]

^{F10}

[^{F11}“local authority” means—

- (a) the council of a county in England,
- (b) a district council,
- (c) a London borough council,
- (d) the Common Council of the City of London, or
- (e) the Council of the Isles of Scilly;]

“local housing authority” has the same meaning as in the Housing Act 1985,

“maintenance” includes repair,

[^{F12}“mismanagement”, in relation to the affairs of a registered provider, means managed in breach of any legal requirements (imposed by or under an Act or otherwise);]

“non-registrable charity” means a charity which is not required to be registered, in accordance with [^{F13}section 30 of the Charities Act 2011,]

“notice” means written notice (and to “notify” means to give written notice),

[^{F8}“occupation contract” has the meaning given in section 7 of the Renting Homes (Wales) Act 2016,]

[^{F14}“preferential creditor”, “preferential debt”, “ordinary preferential debt” [^{F15} “ordinary non-preferential debt”, “secondary preferential debt”, “secondary non-preferential debt”, “tertiary non-preferential debt” and “relevant financial institution”]] have the same meaning as in the Insolvency Act 1986 (c. 45),

“price” includes premium,

“registered charity” means a charity registered under [^{F16}the Charities Act 2011,]

“registered company” means a company within the meaning of the Companies Act 2006 (c. 46),

[^{F17}“registered society” has the same meaning as in the Co-operative and Community Benefit Societies Act 2014,]

“rent” includes payments under a licence to occupy accommodation,

“representations” means written representations,

“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985 (c. 68),

“secured creditor” means a creditor who holds a mortgage or charge (including a floating charge) over—

- (a) land held by a registered provider, or
- (b) a present or future interest of a registered provider in rents or other receipts from land,

“tenant” in relation to social housing includes other occupiers, and

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F18

Textual Amendments

- F7** Words in Act substituted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), Sch. 4 para. 122 (with Sch. 5)
- F8** Words in s. 275 inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **29(4)**
- F9** Words in s. 275 inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), ss. **5(5)**, 46(3); S.I. 2023/1001, reg. 2(d)
- F10** Words in s. 275 omitted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by virtue of [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 136(a)** (with Sch. 5)
- F11** Words in s. 275 substituted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 42**; S.I. 2023/1001, reg. 2(y)(xii)
- F12** Words in s. 275 substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 38**; S.I. 2017/75, reg. 4
- F13** Words in s. 275 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 135(a)** (with s. 20(2), Sch. 8)
- F14** Words in s. 275 substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(3)** (with art. 3)
- F15** Words in s. 275 substituted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **40(3)** (with art. 3)
- F16** Words in s. 275 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 135(b)** (with s. 20(2), Sch. 8)
- F17** Words in s. 275 inserted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 136(b)** (with Sch. 5)
- F18** Words in s. 275 omitted (5.7.2018) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 6 para. 9**; S.I. 2018/805, reg. 3(c) (with reg. 4)

Modifications etc. (not altering text)

- C1** [S. 275](#) modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by [The Bank Recovery and Resolution \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1350\)](#), regs. 1(4), **124(b)** (with reg. 108)

Commencement Information

- I5** [S. 275](#) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**
- I6** [S. 275](#) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with Sch.)

276 Index of defined terms

The Table lists expressions defined in this Part.

<i>Expression</i>	<i>Section</i>
F19	F19
...	...
[^{F20} Appointed member]	[^{F20} Section 80B]

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Associate	Section 271
Assured agricultural occupancy	Section 275
Assured tenancy	Section 275
[^{F21} Censure notice]	[^{F21} Section 269A]
[^{F22} The chair]	[^{F22} Section][^{F23} 80B]
Charity Commission	Section 275
Committee ([^{F24} registered society])	Section 275
Compensation notice	Section 240
Consent	Section 275
Constitution	Section 275
[^{F25} Contract-holder]	Section 275]
Conveyance	Section 275
Disposal	Section 273
District valuer	Section 275
Dwelling	Section 275
Enforcement notice	Sections 219 to 225
[^{F26} English body]	section 79]
Equity percentage arrangements	Section 70(5)
^{F27}	^{F27}
.
Family	Section 272
Financial year	Section 104
[^{F28} Financial Year]	[^{F28} Section 100E]
Fundamental objectives	[^{F29} Section 92K]
The HCA	Section 275
[^{F30} Housing ombudsman]	section 275]
^{F31}	^{F31}
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^{F27}	^{F27}
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Local authority	Section 275
Local housing authority	Section 275
Low cost home ownership accommodation	Section 70
Low cost rental accommodation	Section 69
Maintenance	Section 275

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Mismanagement	Section 275
Non-profit organisation	Section 115
Non-registrable charity	Section 275
Notice	Section 275
[^{F25} Occupation contract	Section 275]
Officer	Section 270
[^{F32} Ordinary non-preferential debt	Section 275]
[^{F33} Ordinary preferential debt	Section 275]
Penalty notice	Section 228
Pre-compensation warning	Section 242
Pre-penalty warning	Section 230
Preferential creditor	Section 275
Preferential debt	Section 275
Price	Section 275
[^{F21} Private registered provider (of social housing)]	[^{F21} Section 80]
Profit-making organisation	Section 115
Provider (of social housing)	Section 80
^{F34}	^{F34}
...	...
Registered charity	Section 275
Registered company	Section 275
Registered provider (of social housing)	Section 80
[^{F35} Registered society	Section 275]
The regulator	[^{F36} Section][^{F37} 80A]
The Regulator of Social Housing	[^{F38} Section][^{F39} 80A]
[^{F32} Relevant financial institution	Section 275]
Rent	Section 275
Representations	Section 275
[^{F32} Secondary non-preferential debt	Section 275]
[^{F33} Secondary preferential debt	Section 275]
Secure tenancy	Section 275
Secured creditor	Section 275
Shared ownership arrangements	Section 70(4)
Shared ownership trust	Section 70(6)
Social housing	Section 68

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Subsidiary	Section 271
Tenant	Section 275
[^{F32} Tertiary non-preferential debt	Section 275]
^{F40}	^{F40}
...	...

Textual Amendments

- F19** S. 276 entry repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 53\(2\)](#), **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)
- F20** Words in s. 276 inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 36(a)** (with Pt. 4)
- F21** S. 276 entries 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. 76**
- F22** Words in s. 276 inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 53(6)**; [S.I. 2012/57](#), art. 4(1)(t)(iii) (with arts. 6, 7, 9-11)
- F23** Word in s. 276 substituted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 36(b)** (with Pt. 4)
- F24** Words in Act substituted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), **Sch. 4 para. 123** (with Sch. 5)
- F25** Words in s. 276 inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **29(5)**
- F26** Words in s. 276 inserted (21.3.2024) by [The Social Housing \(Regulation\) Act 2023 \(Consequential and Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/399\)](#), reg. 1(2), **Sch. 1 para. 1(9)(b)**
- F27** Words in s. 276 omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 36(f)** (with Pt. 4)
- F28** Words in s. 276 inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 36(c)** (with Pt. 4)
- F29** Words in s. 276 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 53(3)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F30** Words in s. 276 inserted (21.3.2024) by [The Social Housing \(Regulation\) Act 2023 \(Consequential and Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/399\)](#), reg. 1(2), **Sch. 1 para. 1(9)(c)**
- F31** Words in s. 276 omitted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by virtue of [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 137(a)** (with Sch. 5)
- F32** Words in s. 276 inserted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **40(4)** (with art. 3)
- F33** Words in s. 276 inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(4)** (with art. 3)
- F34** Words in s. 276 omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 43(c)**; [S.I. 2023/1001](#), reg. 2(y)(xiii)
- F35** Words in s. 276 inserted (1.8.2014 immediately after s. 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 comes into force) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 137(b)** (with Sch. 5)
- F36** Words in s. 276 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 53(4)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)
- F37** Word in s. 276 substituted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 36(d)** (with Pt. 4)
- F38** Words in s. 276 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 53(5)**; [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

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- F39** Word in s. 276 substituted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 36\(e\)](#) (with Pt. 4)
- F40** Words in s. 276 omitted (5.7.2018) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 6 para. 10](#); [S.I. 2018/805](#), reg. 3(c)

Modifications etc. (not altering text)

- C2** [S. 276](#) modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by [The Bank Recovery and Resolution \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1350\)](#), regs. 1(4), [124\(c\)](#) (with reg. 108)

Commencement Information

- I7** [S. 276](#) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)
- I8** [S. 276](#) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

Miscellaneous

[^{F41}276A Exercise of powers: land with a Crown or Duchy interest

- (1) The powers in Chapters 6 and 7 are exercisable in relation to premises which are on land in which there is a Crown interest or a Duchy interest.
- (2) A “Crown interest” means—
 - (a) an interest belonging to His Majesty in right of the Crown, or
 - (b) an interest belonging to a government department or held in trust for His Majesty for the purposes of a government department.
- (3) A “Duchy interest” means an interest belonging to His Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.]

Textual Amendments

- F41** [S. 276A](#) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 35](#), 46(3); [S.I. 2023/1001](#), reg. 2(p)

[^{F42}276B Data protection

- (1) This section applies to a duty or power to process information where the duty or power is imposed or conferred by or by virtue of any provision of this Part.
- (2) A duty or power to which this section applies does not operate to require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).
- (3) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

Textual Amendments

- F42** [S. 276B](#) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 44](#); [S.I. 2023/1001](#), reg. 2(y)(xiv)

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277 Consequential amendments

Schedule 9 (which contains amendments of enactments) has effect.

Commencement Information

- I9** S. 277 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358, art. 3\(1\)](#)
I10 S. 277 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068, art. 3](#) (with arts. 6-13)
I11 S. 277 in force at 1.4.2009 for specified purposes by [S.I. 2009/803, art. 8\(1\)](#)
I12 S. 277 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862, art. 2](#) (with [Sch.](#))

278 Transitional

- (1) The regulator shall include in the register under section 111 on its establishment anyone—
- who was registered under section 1 of the Housing Act 1996 (c. 52) (register of social landlords) immediately before section 61 came into force, and
 - in relation to whom the Relevant Authority was the Housing Corporation (in accordance with section 56 of that Act).
- (2) A person registered under this section shall be designated as a non-profit organisation.

Commencement Information

- I13** S. 278 in force at 1.4.2010 by [S.I. 2010/862, art. 2](#) (with [Sch.](#))

[^{F43}278A Power to nominate for consultation purposes

- (1) The Secretary of State may for the purposes of the following provisions of this Part nominate a body appearing to the Secretary of State to represent the interests of tenants of social housing in England—
- section 112(4);
 - ^{F44}.....
 - section 196(1);
 - section 197(4);
 - section 216.
- (2) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) under this section.]

Textual Amendments

- F43** S. 278A inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), ss. 26\(2\), 148\(1\)\(c\)](#)
F44 S. 278A(1)(b) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 5 para. 45; S.I. 2023/1001, reg. 2\(y\)\(xv\)](#)

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