



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 6

REGULATORY POWERS

Standards

[^{F1}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);

Status: Point in time view as at 26/01/2019. This version of this provision has been superseded.

Changes to legislation: Housing and Regeneration Act 2008, Section 198A is up to date with all changes known to be in force on or before 10 July 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. (See end of Document for details)

- (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
 - (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

- F1** 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)

Status:

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