



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 6

REGULATORY POWERS

Monitoring

[^{F1}199B Survey: power to enter with warrant

- (1) This section applies where a justice of the peace is satisfied, on sworn information in writing by an authorised person, that entry to premises specified in the information is reasonably required to carry out a survey under section 199.
- (2) The justice may issue a warrant authorising the authorised person who is named in it to enter the premises to carry out the survey where the justice is satisfied that—
 - (a) entry to the premises has been sought under section 199A but has been refused,
 - (b) the premises are unoccupied or that the occupier is temporarily absent, or
 - (c) there are reasonable grounds to believe that the authorised person will not be able to obtain entry to the premises without a warrant.
- (3) A warrant under this section authorises the authorised person to enter the premises at any reasonable time, or times, using reasonable force if necessary.
- (4) A warrant under this section authorises an authorised person entering premises to take onto the premises such equipment or materials as the authorised person thinks necessary for the purposes of carrying out the survey.

Changes to legislation: Housing and Regeneration Act 2008, Section 199B is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes

- (5) Equipment or materials taken onto premises by virtue of subsection (4) may be left in a place on the premises until the survey has been carried out provided that—
- (a) leaving the equipment or the materials in that place does not significantly impair the ability of an occupier to use the premises, or
 - (b) leaving the equipment or the materials on the premises is necessary for the purposes of carrying out the survey and it is not possible to leave it or them in a place that does not significantly impair the ability of an occupier to use the premises.
- (6) Where the premises include common parts of a building (as defined in section 199A), references in subsection (5) to the ability of an occupier to use the premises include the ability of an occupier of a dwelling that has use of the common parts to use those parts or the dwelling.
- (7) A warrant under this section may authorise persons (“accompanying persons”) to accompany the authorised person.
- (8) Accompanying persons—
- (a) have the same powers as the authorised person in respect of execution of the warrant, but
 - (b) must exercise those powers only in the company, and under the supervision, of the authorised person.
- (9) An authorised person who has entered, or who is seeking to enter, premises under a warrant under this section must produce on request by any person—
- (a) a copy of the warrant;
 - (b) a copy of the authorisation mentioned in section 199(3).
- (10) A warrant under this section continues in force until the survey is carried out.
- (11) If the premises are unoccupied or the occupier is temporarily absent, the authorised person who has entered the premises under a warrant under this section must leave the premises as effectively secured against trespassers as the authorised person found them.]

Textual Amendments

- F1** Ss. 199A, 199B inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 28\(3\)](#), 46(3); [S.I. 2024/437](#), [reg. 2\(o\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)