



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 7

ENFORCEMENT POWERS

Penalty

227 Grounds for imposition

- (1) The regulator may require a [^{F1F2}... registered provider] to pay a penalty if the regulator is satisfied that—
 - (a) any of the following cases applies, and
 - (b) the imposition of a penalty is appropriate (whether or not as part of a response including other action).
- (2) Case 1 is where the registered provider has failed to meet a standard under section [^{F3}193, 194 or 194C].
- (3) Case 2 is where the affairs of the registered provider have been mismanaged.
- (4) Case 3 is where the registered provider has failed to comply with an enforcement notice.
- (5) Case 4 is where the registered provider has given an undertaking under section 125 and failed to comply with it.
- (6) Case 5 is where the registered provider has failed to pay an annual fee under section [^{F4}117(1)(b)].

Status: Point in time view as at 01/04/2024.

Changes to legislation: Housing and Regeneration Act 2008, Section 227 is up to date with all changes known to be in force on or before 07 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)

(7) Case 6 is where an offence under this Part has been committed by the registered provider.

^{F5}(7A)

^{F6}(7B) Case 8 is where—

- (a) the registered provider—
 - (i) does not have a health and safety lead designated under section 126A, or
 - (ii) has failed to meet a requirement under section 126C, or
- (b) the functions of the health and safety lead are not being carried out.]

^{F7}(7C) Case 9 is where the registered provider has failed to comply with directions or a request under section 198C.]

^{F8}(7D) Case 10 is where the registered provider has failed to comply with a performance improvement plan notice.

(7E) Case 11 is where the registered provider has failed to comply with the duty in section 218B(4) (duty to provide copy of performance improvement plan).]

(8) Where the regulator is satisfied that an offence under this Part has been committed in respect of a registered provider but by another person (such as a member, employee or agent of the registered provider)—

- (a) Case 6 applies,
- (b) the regulator may require the other person to pay a penalty, and
- (c) this Chapter applies with the substitution of references to that other person for references to the registered provider.

(9) In order to rely on Case 6 the regulator must be satisfied beyond reasonable doubt that it applies.

Textual Amendments

- F1** Words in s. 227(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. 59(2)**
- F2** Word in s. 227(1) omitted (1.4.2024) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 3 para. 5**; S.I. 2024/437, reg. 2(y)
- F3** Words in s. 227(2) substituted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 22(4)**, 46(3); S.I. 2023/1001, reg. 2(j)
- F4** Word in s. 227(6) 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. 59(3)**
- F5** S. 227(7A) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), **Sch. 5 para. 28**; S.I. 2023/1001, reg. 2(y)(viii) (with reg. 3)
- F6** S. 227(7B) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 10(4)**, 46(3); S.I. 2024/437, reg. 2(d)
- F7** S. 227(7C) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 27(4)**, 46(3); S.I. 2023/1001, reg. 2(m)
- F8** S. 227(7D)(7E) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 31(4)**, 46(3); S.I. 2024/437, reg. 2(r)

Status: Point in time view as at 01/04/2024.

Changes to legislation: Housing and Regeneration Act 2008, Section 227 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

II S. 227 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

Status:

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Changes to legislation:

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