



Supported Housing (Regulatory Oversight) Act 2023

2023 CHAPTER 26

Licensing

4 Licensing regulations

- (1) The Secretary of State may by regulations make provision under which a person having control of, or managing, supported exempt accommodation—
 - (a) that is within [section 12\(2\)](#), and
 - (b) that is located in a district that is designated for the purposes of the regulations, must obtain and comply with a licence granted by the local housing authority for the district.
- (2) If, at the end of the period of one year beginning with the day on which this Act is passed, the power in subsection (1) is yet to be exercised, the Secretary of State must publish, in such manner as the Secretary of State thinks fit, a report setting out the progress that has been made towards doing so.
- (3) The Secretary of State may by regulations make provision under which a person having control of, or managing, supported exempt accommodation—
 - (a) that is not within [section 12\(2\)](#), and
 - (b) that is located in a district that is designated for the purposes of the regulations, must obtain and comply with a licence granted by the local housing authority for the district.
- (4) Regulations under subsection (1) or (3)—
 - (a) must include provision under which a local housing authority may designate its district for the purposes of the regulations,
 - (b) may include provision requiring a local authority to designate its district for the purposes of the regulations if conditions specified in the regulations are met, and

- (c) may include provision under which the Secretary of State may designate, or revoke a designation of, a local housing authority's district for the purposes of the regulations.
- (5) The provision that may be made by virtue of [subsection \(4\)\(c\)](#) includes provision for the Secretary of State to designate the district of every local housing authority in England.
- (6) Regulations under [subsection \(1\)](#) or [\(3\)](#) must be made with a view to securing that National Supported Housing Standards (if any) are met.
- (7) A statutory instrument containing regulations under [this section](#) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (8) In this Act—
 - “the licensing authority” means the local housing authority for a district designated for the purposes of licensing regulations;
 - “licensing regulations” means regulations under [subsection \(1\)](#) or [\(3\)](#).

5 Further provision about licensing regulations

- (1) Licensing regulations may include—
 - (a) provision about how a district is to be designated for the purposes of the regulations, and the duration, review and revocation of a designation;
 - (b) provision about how an application for a licence is to be made, and the circumstances in which a licence may be granted, varied or revoked;
 - (c) provision about conditions that may be attached to a licence;
 - (d) provision about the enforcement of the regulations and of the conditions attached to licences, including provision creating criminal offences punishable with a fine;
 - (e) provision about other consequences of compliance or non-compliance with the regulations or with conditions attached to licences;
 - (f) provision about exemptions from requirements that would otherwise be imposed under or by virtue of the regulations;
 - (g) provision requiring or permitting the licensing authority to charge fees sufficient to meet the costs of performing any of the authority's functions under or by virtue of the regulations;
 - (h) provision conferring a discretion on the licensing authority;
 - (i) provision about appeals against decisions made by the licensing authority;
 - (j) any other provision corresponding or similar to any provision relating to licences contained in Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation) or Part 3 of that Act (licensing of other residential accommodation).
- (2) The provision that may be made by virtue of [subsection \(1\)\(b\)](#) includes—
 - (a) provision requiring an application for a licence to be refused unless the licensing authority is satisfied that the applicant is a fit and proper person to be a person having control of, or managing, the accommodation to which the licence relates;
 - (b) provision requiring a licence to be revoked if the licensing authority ceases to be so satisfied.

- (3) The conditions that may be attached to a licence by virtue of [subsection \(1\)\(c\)](#) include—
 - (a) conditions relating to the standard of accommodation;
 - (b) conditions relating to the use of accommodation;
 - (c) conditions requiring the carrying out of assessments of the needs of residents (or potential residents) and relating to the conduct of such assessments;
 - (d) conditions relating to the provision of care, support or supervision;
 - (e) conditions requiring compliance with National Supported Housing Standards (whenever published).
- (4) The provision that may be made by virtue of [subsection \(1\)\(d\)](#) includes provision for an offence under the regulations to be—
 - (a) a relevant housing offence for the purposes of section 249A of the Housing Act 2004 (financial penalties for certain housing offences in England);
 - (b) a banning order offence for the purposes of Chapters 2 and 3 of Part 2 of the Housing and Planning Act 2016 (banning orders and database of rogue landlords etc);
 - (c) an offence to which Chapter 4 of that Part of that Act (rent repayment orders) applies.
- (5) The provision that may be made by virtue of [subsection \(1\)\(e\)](#) includes provision—
 - (a) disapplying any requirement relating to licences imposed by or under Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation) or Part 3 of that Act (licensing of other residential accommodation),
 - (b) removing or restricting an entitlement to housing benefit, or
 - (c) limiting the rent that may be determined under section 14 of the Housing Act 1988 (determination of rent by tribunal) in respect of such accommodation.
- (6) Subsection [\(5\)\(b\)](#) is without prejudice to any other power to make subordinate legislation relating to housing benefit.
- (7) Licensing regulations may—
 - (a) amend, repeal or revoke any enactment;
 - (b) make different provision for different purposes or different areas;
 - (c) make supplementary, incidental, consequential, transitional or saving provision.

6 Consultation

- (1) The Secretary of State must consult the statutory consultees—
 - (a) before first exercising the power in [section 4\(1\)](#) to make licensing regulations, and
 - (b) before first exercising the power in [section 4\(3\)](#) to make licensing regulations.
- (2) The Secretary of State must, as part of a consultation under [subsection \(1\)](#)—
 - (a) set out how the Secretary of State proposes to approach the matters referred to in [section 5\(1\)\(a\)](#) to [\(i\)](#) when making the licensing regulations, and
 - (b) ask the statutory consultees for their views on those proposals.
- (3) The Secretary of State must also, as part of a consultation under [subsection \(1\)](#), ask the statutory consultees for their views on—

- (a) whether the proposed regulations are likely to be an effective means of securing that National Supported Housing Standards are met, and
 - (b) any additional mechanisms for securing compliance with such standards.
- (4) In [this section](#) “the statutory consultees” means—
- (a) each local housing authority in England,
 - (b) each social services authority in England,
 - (c) the National Housing Federation, and
 - (d) the Regulator of Social Housing.

7 **Local housing authority functions**

A local housing authority must, in the exercise of its functions under licensing regulations, have regard to—

- (a) National Supported Housing Standards (if any), and
- (b) any guidance issued by the Secretary of State for the purposes of [this section](#).