



# Social Housing (Regulation) Act 2023

## 2023 CHAPTER 36

### *The Regulator of Social Housing*

#### **1 Fundamental objectives**

In section 92K of the Housing and Regeneration Act 2008 (fundamental objectives), in subsection (3)—

- (a) in paragraph (a), after “well-managed” insert “, safe, energy efficient”;
- (b) in paragraph (c), omit the final “and”;
- (c) after paragraph (c) insert—
  - “(ca) to ensure that registered providers act in a transparent manner in relation to their tenants of social housing, and”.

#### **Commencement Information**

- I1** S. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
- I2** S. 1 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(a\)](#)

#### **2 Advisory panel**

After section 96 of the Housing and Regeneration Act 2008 insert—

##### **“96A Advisory panel**

- (1) The regulator must establish a panel of persons called “the Advisory Panel”.
- (2) The Panel may provide information and advice to the regulator about, or on matters connected with, the regulator’s functions (whether or not it is requested to do so by the regulator).
- (3) The reference in subsection (2) to matters connected with the regulator’s functions includes anything which could have a significant impact on registered providers or the provision of social housing.

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- (4) The regulator must appoint the following persons to the Panel—
- (a) persons appearing to the regulator to represent the interests of—
    - (i) registered providers;
    - (ii) secured creditors of registered providers;
    - (iii) tenants of social housing;
    - (iv) local housing authorities,
  - (b) the Greater London Authority,
  - (c) the HCA, and
  - (d) the Secretary of State.
- (5) The regulator may appoint such other persons to the Panel as it thinks fit to appoint.
- (6) The regulator may make payments to persons who are members of the Panel in respect of any expenses they incur in connection with their appointment to the Panel.
- (7) The regulator must make arrangements requiring any person who is a member of the Panel to declare any financial or other personal interest relevant to the regulator’s functions.”

**Commencement Information**

- I3** S. 2 not in force at Royal Assent, see **s. 46(3)**
- I4** S. 2 in force at 20.9.2023 by **S.I. 2023/1001, reg. 2(b)**

**3 Collection of information**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 107 (collection)—
- (a) for subsection (1) substitute—
 

“(1) The regulator, or a person authorised under subsection (4A), may for a purpose connected with the regulator’s functions require a person to provide documents or information which the regulator or person authorised (as the case may be) has reason to believe is or may be in the person’s possession.”;
  - (b) omit subsection (2);
  - (c) before subsection (3), insert—
 

“(2A) A requirement under subsection (1) may also require the person to provide an explanation of any document or information required under that subsection.”;
  - (d) in subsection (3)—
    - (i) in the opening words, after “requirement” insert “under subsection (1)”;
    - (ii) in paragraph (a), for “document or information” substitute “document, information or an explanation”;
  - (e) in subsection (4), for “documents or information” substitute “documents, information or explanations”;

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- (f) after subsection (4) insert—
- “(4A) The regulator may in writing authorise a person to exercise any of its powers under this section.
- (4B) An authorisation—
- (a) must specify the extent to which the person is authorised to exercise the powers, and
- (b) may provide that the person is to be authorised for a particular period.”;
- (g) in subsection (5), after “requirement” insert “under subsection (1)”;
- (h) in subsection (6), for “to which a requirement relates” substitute “required under subsection (1)”;
- (i) after subsection (6) insert—
- “(6A) Knowingly or recklessly providing the regulator, or a person authorised under subsection (4A), with a document, information or an explanation which is false or misleading in purported compliance with a requirement under subsection (1) is an offence.”;
- (j) in subsection (7), after “requirement” insert “under subsection (1)”.
- (3) In section 108 (section 107: supplemental)—
- (a) in subsection (1), after “requirement” insert “under section 107(1)”;
- (b) for subsection (2) substitute—
- “(2) A requirement under section 107(1) does not require a banker to breach a duty of confidentiality owed to a person who is not—
- (a) a registered provider,
- (b) a subsidiary of a registered provider,
- (c) an associate of a registered provider, or
- (d) a person who is certified in writing by the regulator as being—
- (i) a person who has applied to be entered in the register of providers of social housing, or
- (ii) a local authority which the regulator thinks may be, or may become, a provider of social housing.”;
- (c) in subsection (3), omit the words from “not” to the end;
- (d) in subsection (4)—
- (i) in the words before paragraph (a), after “107(6)” insert “or (6A)”;
- (ii) in paragraph (a) omit the words from “not” to the end;
- (e) in subsection (5), for “or (6)” substitute “, (6) or (6A)”.

#### Commencement Information

- I5** S. 3 not in force at Royal Assent, see [s. 46\(3\)](#)
- I6** [S. 3\(1\)](#) in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(c\)\(i\)](#)
- I7** [S. 3\(1\)\(3\)](#) in force at 1.4.2024 in so far as not already in force by [S.I. 2024/437](#), [reg. 2\(a\)](#)
- I8** [S. 3\(2\)](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(a\)](#)
- I9** [S. 3\(3\)](#) in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(c\)\(ii\)\(aa\)](#)
- I10** [S. 3\(3\)\(c\)\(d\)\(ii\)](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(c\)\(ii\)\(bb\)](#)

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#### 4 Power to charge fees

- (1) Section 117 of the Housing and Regeneration Act 2008 (fees) is amended as set out in subsections (2) to (6).
- (2) In subsection (1)(a), after “fee” insert “for dealing with an application”.
- (3) After subsection (1) insert—
 

“(1A) The regulator may make dealing with an application for initial registration conditional upon the payment of the fee.”
- (4) In subsection (2) omit “initial or”.
- (5) After subsection (4) insert—
 

“(4A) The amount of a fee payable under this section may be calculated by reference to costs incurred, or likely to be incurred, by the regulator in the performance of any of its functions, including costs unconnected with the fee-payer and costs unconnected with registration or regulation under this Part.”
- (6) In subsection (5)—
  - (a) in paragraph (a), for “expenditure on” substitute “the costs incurred in”;
  - (b) omit paragraph (b) (but not the “and” following it);
  - (c) in paragraph (c), for “to which it relates” substitute “incurred, or likely to be incurred, in the performance of the regulator’s functions”.
- (7) In section 202 of the Housing and Regeneration Act 2008 (inspections: supplemental) omit subsections (4) to (7).

#### Commencement Information

**I11** S. 4 not in force at Royal Assent, see [s. 46\(3\)](#)

**I12** S. 4 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(b\)](#) (with [reg. 3](#))

#### 5 Relationship between regulator and housing ombudsman

- (1) The Housing and Regeneration Act 2008 is amended as set out in subsections (2) to (5).
- (2) After section 100G insert—

*“Relationship with housing ombudsman*

##### **100H Relationship with housing ombudsman**

- (1) The regulator and a housing ombudsman must each take such steps as it considers appropriate to co-operate in the exercise of their respective functions.
- (2) The regulator and a housing ombudsman must prepare and maintain a memorandum describing how they intend to comply with subsection (1).

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- (3) The regulator and a housing ombudsman must ensure that the memorandum between them as currently in force is published in the way appearing to them to be best calculated to bring it to the attention of the public.”
- (3) In section 196 (consultation), in subsection (1), after paragraph (ea) insert—  
“(eb) any housing ombudsman,”.
- (4) In section 197 (direction by Secretary of State), in subsection (4), after paragraph (aa) insert—  
“(ab) any housing ombudsman,”.
- (5) In section 275 (general interpretation), after the entry relating to the HCA insert—  
““housing ombudsman” means a housing ombudsman appointed in accordance with a scheme approved under Schedule 2 to the Housing Act 1996,”.
- (6) In Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints), in paragraph 3 (approval of scheme etc), in sub-paragraph (1), for the words from “shall be made” to the end substitute—  
“(a) may only be made after the applicant has consulted the Regulator of Social Housing,  
(b) shall be made in such manner as the Secretary of State may determine, and  
(c) shall be accompanied by such information as the Secretary of State may require.”

#### **Commencement Information**

**I13** S. 5 not in force at Royal Assent, see **s. 46(3)**

**I14** S. 5 in force at 20.9.2023 by **S.I. 2023/1001, reg. 2(d)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023,  
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