

Changes to legislation: There are currently no known outstanding effects for the Social Housing (Regulation) Act 2023, Schedule 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4 **E+W**

Section 39

APPEALS

1 The Housing and Regeneration Act 2008 is amended as follows.

Commencement Information

- I1** Sch. 4 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
I2 [Sch. 4 para. 1](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

2 In section 115 (profit-making and non-profit organisations), in subsection (9), at the end insert “and notify the body it has done so.”

Commencement Information

- I3** Sch. 4 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)
I4 [Sch. 4 para. 2](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

3 In section 116 (voluntary registration), after subsection (2) insert—
“(2A) The regulator must notify a body of the outcome of its application.”

Commencement Information

- I5** Sch. 4 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)
I6 [Sch. 4 para. 3](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

4 (1) Section 118 (compulsory de-registration) is amended as follows.

(2) For subsection (2) substitute—

“(2) Before acting under subsection (1)(a), (aa) or (b) the regulator must—

- (a) give the private registered provider a notice—
(i) warning the provider that the regulator is considering action under the provision concerned, and
(ii) specifying a period (which must be at least 14 days beginning with the day the provider receives the notice) within which the provider may make representations, and
(b) consider any representations made during that period.”

(3) For subsection (3) substitute—

“(3) The regulator must notify a private registered provider of a decision to remove it from the register under subsection (1)(a), (aa) or (b).”

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- I7** Sch. 4 para. 4 not in force at Royal Assent, see [s. 46\(3\)](#)
I8 Sch. 4 para. 4 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 5 (1) Section 121 (registration decisions: appeals) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), after “it” insert “under section 118(1)”;
 - (b) in that paragraph, omit “or”;
 - (c) at the end of paragraph (c) insert—
 - “(d) to designate it as a non-profit organisation or as a profit-making organisation (as the case may be), or
 - (e) to change its registered designation.”
- (3) After subsection (1) insert—
- “(1A) An appeal under this section must be brought within the period of 28 days beginning with the day on which the body is notified of the decision it is appealing.”
- (4) In subsection (2), for “while an appeal is pending” substitute “during the appeal period”.
- (5) After subsection (2) insert—
- “(2A) The “appeal period” means—
- (a) where an appeal is brought, the period beginning with the day on which notice of the decision appealed against is given and ending with the day on which the appeal is finally determined or withdrawn, and
 - (b) otherwise, the period during which an appeal could be brought.
- (2B) Subsections (1A) to (2A) do not apply to a decision of the regulator to de-register a body under section 118(1)(c).”

Commencement Information

- I9** Sch. 4 para. 5 not in force at Royal Assent, see [s. 46\(3\)](#)
I10 Sch. 4 para. 5 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 6 In section 223 (enforcement notice: appeal)—
- (a) the existing text becomes subsection (1);
 - (b) after that subsection insert—
 - “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the enforcement notice.”

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- I11** Sch. 4 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)

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I12 Sch. 4 para. 6 in force at 20.9.2023 by S.I. 2023/1001, reg. 2(x)

- 7 In section 235 (penalty notice: appeals)—
- (a) the existing text becomes subsection (1);
 - (b) after that subsection insert—
 - “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the penalty notice.
 - (3) The requirement to pay the penalty is suspended during the appeal period.
 - (4) Regulations under section 234(2) may not authorise the regulator to—
 - (a) charge interest in respect of the appeal period, or
 - (b) impose additional penalties during that period.
 - (5) The “appeal period” means—
 - (a) where an appeal is brought, the period beginning with the day on which the penalty notice is given and ending with the day on which the appeal is finally determined or withdrawn, and
 - (b) otherwise, the period during which an appeal could be brought.”

Commencement Information

I13 Sch. 4 para. 7 not in force at Royal Assent, see s. 46(3)

I14 Sch. 4 para. 7 in force at 20.9.2023 by S.I. 2023/1001, reg. 2(x)

- 8 In section 245 (compensation notice: appeals)—
- (a) the existing text becomes subsection (1);
 - (b) after that subsection insert—
 - “(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider is given the compensation notice.
 - (3) The requirement to pay the compensation is suspended during the appeal period.
 - (4) Regulations under section 244(2) may not authorise the regulator to—
 - (a) award interest in respect of the appeal period, or
 - (b) award additional compensation during that period.
 - (5) The “appeal period” means—
 - (a) where an appeal is brought, the period beginning with the day on which the compensation notice is given and ending with the day on which the appeal is finally determined or withdrawn, and

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- (b) otherwise, the period during which an appeal could be brought.”

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I15 Sch. 4 para. 8 not in force at Royal Assent, see [s. 46\(3\)](#)

I16 Sch. 4 para. 8 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 9 In section 247 (management tender), in subsection (2), after “may” insert “by notice”.

Commencement Information

I17 Sch. 4 para. 9 not in force at Royal Assent, see [s. 46\(3\)](#)

I18 Sch. 4 para. 9 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 10 In section 248 (management tender: procedure and appeals), after subsection (9) insert—

“(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which the regulator notifies the registered provider of the imposition of a requirement on the provider under section 247(2).”

Commencement Information

I19 Sch. 4 para. 10 not in force at Royal Assent, see [s. 46\(3\)](#)

I20 Sch. 4 para. 10 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 11 In section 249 (management transfer), in subsection (2), after “may” insert “by notice”.

Commencement Information

I21 Sch. 4 para. 11 not in force at Royal Assent, see [s. 46\(3\)](#)

I22 Sch. 4 para. 11 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 12 In section 250 (management transfer: procedure and appeals), after subsection (9) insert—

“(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which the regulator notifies the registered provider of the imposition of a requirement on the provider under section 249(2).”

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I23 Sch. 4 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

I24 Sch. 4 para. 12 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 13 In section 251 (appointment of manager), in subsection (2), after “may” insert “by notice to the registered provider”.

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- I25** Sch. 4 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)
I26 [Sch. 4 para. 13](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 14 In section 252 (appointment of manager: procedure and appeals), after subsection (9) insert—

“(10) An appeal under this section must be brought within the period of 28 days beginning with the day on which—

- (a) the regulator notifies the registered provider of an appointment made under section 251(2)(a) (in the case of an appeal against an appointment), or
- (b) the regulator notifies the registered provider of the imposition of a requirement on the provider under section 251(2)(b) (in the case of an appeal against a requirement).”

Commencement Information

- I27** Sch. 4 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)
I28 [Sch. 4 para. 14](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 15 In section 259 (suspension of officer etc during inquiry), after subsection (7) insert—

“(7A) If the regulator makes an order, the regulator must—

- (a) take all reasonable steps to notify the person suspended, and
- (b) notify the registered provider.”

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- I29** Sch. 4 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)
I30 [Sch. 4 para. 15](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 16 In section 260 (removal or suspension of officer etc following inquiry), after subsection (5) insert—

“(5A) If the regulator makes an order, the regulator must—

- (a) take all reasonable steps to notify the person removed or suspended, and
- (b) notify the registered provider.”

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- I31** Sch. 4 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)
I32 [Sch. 4 para. 16](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

- 17 In section 267 (removal of officers: supplemental), after subsection (1) insert—

“(1A) If the regulator makes an order, the regulator must—

- (a) take all reasonable steps to notify the person removed, and

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(b) notify the registered provider.”

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I33 Sch. 4 para. 17 not in force at Royal Assent, see [s. 46\(3\)](#)

I34 [Sch. 4 para. 17](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

18 In section 268 (removal or suspension of officer etc: appeals)—

(a) the existing text becomes subsection (1);

(b) after that subsection insert—

“(2) An appeal under this section must be brought within the period of 28 days beginning with the day on which the registered provider concerned is notified of the removal or suspension.”

Commencement Information

I35 Sch. 4 para. 18 not in force at Royal Assent, see [s. 46\(3\)](#)

I36 [Sch. 4 para. 18](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

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