

Status: Point in time view as at 01/04/2024.

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

SCHEDULES

SCHEDULE 1

Section 13

LIMITED LIABILITY PARTNERSHIPS

PART 1

AMENDMENTS OF THE HOUSING AND PLANNING ACT 2016

Introductory

1 The Housing and Planning Act 2016 is amended as set out in paragraphs 2 to 9.

Commencement Information

- I1** Sch. 1 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
- I2** [Sch. 1 para. 1](#) in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(i\)\(v\)](#)
- I3** [Sch. 1 para. 1](#) in force at 1.4.2024 for specified purposes by [S.I. 2024/437](#), [reg. 2\(w\)\(i\)](#)

PROSPECTIVE

Extension of housing administration regime

2 In section 95 (housing administration orders), in subsection (1), after paragraph (a) (i) insert—
“(ia) a limited liability partnership.”

Commencement Information

- I4** Sch. 1 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)

3 In section 100 (powers of court: meaning of “relevant officer”), in subsection (7), after paragraph (a) insert—
“(aa) in relation to a limited liability partnership, means a member of the partnership.”

Commencement Information

- I5** Sch. 1 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)

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- I4** Sch. 1 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)
I5 Sch. 1 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)

Restrictions on insolvency procedures

- 4 In section 102 (power to make regulations applying etc insolvency legislation), in subsections (2) and (3), after “relation to” insert “a limited liability partnership”.

Commencement Information

- I6** Sch. 1 para. 4 not in force at Royal Assent, see [s. 46\(3\)](#)
I7 [Sch. 1 para. 4](#) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(ii\)\(v\)](#)

- 5 In section 104 (winding-up orders), after subsection (1)(a) insert—
“(aa) a limited liability partnership”.

Commencement Information

- I8** Sch. 1 para. 5 not in force at Royal Assent, see [s. 46\(3\)](#)
I9 [Sch. 1 para. 5](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(ii\)](#)

- 6 In section 105 (voluntary winding up), in subsection (1), after paragraph (a), insert—
“(aa) a limited liability partnership”.

Commencement Information

- I10** Sch. 1 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)
I11 [Sch. 1 para. 6](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(ii\)](#)

- 7 In section 106 (ordinary administration orders)—
(a) in subsection (1), in paragraph (a), omit the final “or”;
(b) after that paragraph insert—
“(aa) a limited liability partnership, or”.

Commencement Information

- I12** Sch. 1 para. 7 not in force at Royal Assent, see [s. 46\(3\)](#)
I13 [Sch. 1 para. 7](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(ii\)](#)

- 8 In section 107 (administrator appointments by creditors)—
(a) in subsection (1), in paragraph (a), omit the final “or”;
(b) after that paragraph insert—
“(aa) a limited liability partnership, or”.

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- I14** Sch. 1 para. 8 not in force at Royal Assent, see [s. 46\(3\)](#)
I15 Sch. 1 para. 8 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(ii\)](#)

Interpretation

- 9 In section 116 (interpretation of Chapter 5 of Part 2)—
- (a) in subsection (1), in the definition of “the court”, after “company”, in each place it occurs, insert “, limited liability partnership”;
 - (b) in subsection (7), after paragraph (a) insert—
 - “(aa) in relation to a limited liability partnership, are to that provision as it applies to limited liability partnerships otherwise than by virtue of regulations under section 102 (if at all),”.

Commencement Information

- I16** Sch. 1 para. 9 not in force at Royal Assent, see [s. 46\(3\)](#)
I17 Sch. 1 para. 9 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(ii\)](#)

PART 2

AMENDMENTS OF THE HOUSING AND REGENERATION ACT 2008

Introductory

- 10 The Housing and Regeneration Act 2008 is amended as set out in paragraphs 11 to 20.

Commencement Information

- I18** Sch. 1 para. 10 not in force at Royal Assent, see [s. 46\(3\)](#)
I19 Sch. 1 para. 10 in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(iii\)\(v\)](#)
I20 Sch. 1 para. 10 in force at 1.4.2024 in so far as not already in force by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

Notice of registration or de-registration

- 11 In section 120 (notice), in subsection (1)(c), after “charity” insert “or a limited liability partnership”.

Commencement Information

- I21** Sch. 1 para. 11 not in force at Royal Assent, see [s. 46\(3\)](#)
I22 Sch. 1 para. 11 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

Accounts

- 12 (1) Section 129 (companies exempt from audit) is amended as follows.

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- (2) In the heading, after “companies” insert “or limited liability partnerships”.
- (3) In subsection (1)(a), after “charity” insert “or is a limited liability partnership”.
- (4) In subsection (2)—
 - (a) after “directors of the company” insert “or members of the limited liability partnership”;
 - (b) for “company’s”, in both places, substitute “registered provider’s”;
 - (c) for “which the company” substitute “which the registered provider”.
- (5) In subsection (3), for “has the same meaning as in” substitute “means accounts prepared in accordance with”.

Commencement Information

I23 Sch. 1 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

I24 [Sch. 1 para. 12](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

- 13 (1) Section 130 (exempt companies: accountant’s report) is amended as follows.
 - (2) In the heading, after “companies” insert “or limited liability partnerships”.
 - (3) In subsection (2), for “company’s” substitute “registered provider’s”.
 - (4) In subsection (3)(b), for “company” substitute “registered provider”.
 - (5) For subsection (6) substitute—
 - “(6) In this section and sections 131 and 132—
 - “firm” means any entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association;
 - “body corporate” includes a body incorporated outside the United Kingdom.”

Commencement Information

I25 Sch. 1 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)

I26 [Sch. 1 para. 13](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

- 14 In section 131 (exempt companies: reporting accountant)—
 - (a) in the heading, after “companies” insert “or limited liability partnerships”;
 - (b) in subsection (1), for “company”, in both places, substitute “registered provider”.

Commencement Information

I27 Sch. 1 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)

I28 [Sch. 1 para. 14](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

- 15 (1) Section 132 (application of Companies Act) is amended as follows.
 - (2) In subsection (1)—

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- (a) for “company” substitute “registered provider”;
- (b) for “company’s” substitute “registered provider’s”.

(3) In subsection (2)(e)—

- (a) for “454(4)(b)” substitute “454”;
- (b) for the words from “provision” to the end substitute “section (revised accounts and reports)”.

Commencement Information

I29 Sch. 1 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

I30 Sch. 1 para. 15 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

16 In section 133 (exempt companies: extraordinary audit)—

- (a) in the heading, after “companies” insert “or limited liability partnerships”;
- (b) in subsections (1), (2) and (4), for “company”, in each place, substitute “registered provider”.

Commencement Information

I31 Sch. 1 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)

I32 Sch. 1 para. 16 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

Commencement Information

I23 Sch. 1 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

I24 Sch. 1 para. 12 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

I25 Sch. 1 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)

I26 Sch. 1 para. 13 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

I27 Sch. 1 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)

I28 Sch. 1 para. 14 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

I29 Sch. 1 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

I30 Sch. 1 para. 15 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

I31 Sch. 1 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)

I32 Sch. 1 para. 16 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

17 In section 141 (offences), in subsection (6), omit the words from “not” to the end.

Commencement Information

I33 Sch. 1 para. 17 not in force at Royal Assent, see [s. 46\(3\)](#)

I34 Sch. 1 para. 17 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(iv\)\(v\)](#)

Moratorium on disposal of land

18 In section 154 (implementation of regulator’s proposals), in subsection (2), after paragraph (aa) insert—

- “(ab) in the case of a limited liability partnership, its members.”.

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Commencement Information

- I35** Sch. 1 para. 18 not in force at Royal Assent, see [s. 46\(3\)](#)
I36 Sch. 1 para. 18 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

Arrangements and reconstructions

- 19 In section 160 (arrangements and reconstructions)—
 (a) in the heading, after “company” insert “and limited liability partnership”;
 (b) in subsection (1), after “company” insert “or a limited liability partnership”.

Commencement Information

- I37** Sch. 1 para. 19 not in force at Royal Assent, see [s. 46\(3\)](#)
I38 Sch. 1 para. 19 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

Meaning of “officer”

- 20 In section 270 (meaning of “officer” of a private registered provider), in the Table, after the entry relating to “Registered company” insert—

| | |
|--------------------------------|---|
| “Limited liability partnership | A member of the limited liability partnership”. |
|--------------------------------|---|

Commencement Information

- I39** Sch. 1 para. 20 not in force at Royal Assent, see [s. 46\(3\)](#)
I40 Sch. 1 para. 20 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(w\)\(iii\)](#)

SCHEDULE 2

Section 14

AMENDMENTS TO RESTRICTIONS ON INSOLVENCY PROCEDURES

- 1 The Housing and Planning Act 2016 is amended as follows.

Commencement Information

- I41** Sch. 2 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
I42 Sch. 2 para. 1 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(x\)](#)

- 2 In section 104 (winding-up orders), after subsection (2) insert—
 “(2A) A notice under subsection (2) must—
 (a) be given in writing,
 (b) be signed by, or on behalf of, the petitioner,
 (c) specify the date the petition was presented, and
 (d) contain a copy of the petition.

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(2B) Subsection (2C) applies if a person gives a notice purporting to be a notice under subsection (2) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (2A).

(2C) The Regulator of Social Housing may, by notice in writing to the petitioner, treat the purported notice as notice given under subsection (2)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”

Commencement Information

I43 Sch. 2 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)

I44 Sch. 2 para. 2 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(x\)](#)

3 In section 105 (voluntary winding up), after subsection (4) insert—

“(4A) A notice under subsection (4) must—

- (a) be given in writing,
- (b) be signed by, or on behalf of, the registered provider,
- (c) specify the date the application was made, and
- (d) contain a copy of the application.

(4B) Subsection (4C) applies if a person gives a notice purporting to be a notice under subsection (4) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (4A).

(4C) The Regulator of Social Housing may, by notice in writing to the registered provider, treat the purported notice as notice given under subsection (4)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”

Commencement Information

I45 Sch. 2 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)

I46 Sch. 2 para. 3 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(x\)](#)

4 In section 106 (ordinary administration orders), after subsection (3) insert—

“(3A) A notice under subsection (3) must—

- (a) be given in writing,
- (b) be signed by, or on behalf of, the person who made the ordinary administration application,
- (c) specify the date the application was made, and
- (d) contain a copy of the application.

(3B) Subsection (3C) applies if a person gives a notice purporting to be a notice under subsection (3) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (3A).

(3C) The Regulator of Social Housing may, by notice in writing to the person who made the ordinary administration application, treat the purported notice as

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notice given under subsection (3)(a)(i) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”

Commencement Information

I47 Sch. 2 para. 4 not in force at Royal Assent, see **s. 46(3)**

I48 Sch. 2 para. 4 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(x)**

- 5 In section 107 (appointment of administrator)—
- (a) in the heading, after “creditors” insert “etc”;
 - (b) in subsection (4)(a)(i) omit the words from “, accompanied” to “1986”;
 - (c) after subsection (4) insert—
 - “(4A) A notice under subsection (4) must—
 - (a) be given in writing,
 - (b) be signed by, or on behalf of, the person making the appointment,
 - (c) specify the date the appointment was made, and
 - (d) contain copies of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the Insolvency Act 1986.
 - (4B) Subsection (4C) applies if a person gives a notice purporting to be a notice under subsection (4) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (4A).
 - (4C) The Regulator of Social Housing may, by notice in writing to the person making the appointment, treat the purported notice as notice given under subsection (4)(a)(i) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”;
 - (d) in subsection (5) omit “(and a copy of the accompanying documents)”.

Commencement Information

I49 Sch. 2 para. 5 not in force at Royal Assent, see **s. 46(3)**

I50 Sch. 2 para. 5 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(x)**

- 6 In section 108 (enforcement of security)—
- (a) in subsection (1), omit the words from “that” to the end;
 - (b) after subsection (2) insert—
 - “(2A) A notice under subsection (2) must—
 - (a) be given in writing, and
 - (b) be signed by, or on behalf of, the person intending to enforce the security.
 - (2B) Subsection (2C) applies if a person gives a notice purporting to be a notice under subsection (2) but which does not meet the requirement of paragraph (b) of subsection (2A).

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- (2C) The Regulator of Social Housing may, by notice in writing to the person intending to enforce the security, treat the purported notice as notice given under subsection (2)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”;
- (c) omit subsection (3);
- (d) before subsection (4) insert—

“(3A) In the case of a registered provider that is a charity registered under the Charities Act 2011 which is not a body corporate, the reference to the property of the registered provider is to the property held on the trusts of the charity (and for this purpose “trusts” has the same meaning as in the Charities Act 2011, see section 353 of that Act).”

Commencement Information

- I51** Sch. 2 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)
- I52** Sch. 2 para. 6 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(x\)](#)

SCHEDULE 3

Section 36

REGULATORY AND ENFORCEMENT POWERS

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

Commencement Information

- I53** Sch. 3 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
- I54** Sch. 3 para. 1 in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(w\)\(i\)](#)
- I55** Sch. 3 para. 1 in force at 1.4.2024 in so far as not already in force by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 2 In section 201 (inspections) omit subsections (2) and (2A).

Commencement Information

- I56** Sch. 3 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)
- I57** Sch. 3 para. 2 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 3 In section 206 (inquiry)—
- (a) for subsection (1) substitute—

“(1) The regulator may hold an inquiry into the affairs of a registered provider if the regulator suspects that—

- (a) the affairs of the registered provider may have been mismanaged,
- (b) the registered provider has failed to meet a standard under section 193, 194 or [194C](#), or

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- (c) there is a risk that, if no action is taken by the regulator or the registered provider, the registered provider will fail to meet a standard under section 193, 194 or 194C.”;
- (b) in subsection (4)(a), for “, employees or consultants” substitute “or employees”;
- (c) omit subsection (5).

Commencement Information

I58 Sch. 3 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)

I59 [Sch. 3 para. 3](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 4 In section 226 (overview of provisions on penalties) omit “private”.

Commencement Information

I60 Sch. 3 para. 4 not in force at Royal Assent, see [s. 46\(3\)](#)

I61 [Sch. 3 para. 4](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 5 In section 227 (grounds for imposition of penalty), in subsection (1), omit “private”.

Commencement Information

I62 Sch. 3 para. 5 not in force at Royal Assent, see [s. 46\(3\)](#)

I63 [Sch. 3 para. 5](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 6 In section 229 (amount of penalty)—
- (a) in subsection (2), after “penalty” insert “that may be”;
 - (b) in that subsection, for “may not exceed £5,000” substitute “is unlimited”;
 - (c) omit subsection (3).

Commencement Information

I64 Sch. 3 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)

I65 [Sch. 3 para. 6](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 7 In section 249 (management transfer), in subsection (1)—
- (a) in paragraph (a), omit “or”;
 - (b) at the end of paragraph (b) insert “, or
 - (c) the registered provider has failed to meet a standard under section 193, 194 or 194C.”

Commencement Information

I66 Sch. 3 para. 7 not in force at Royal Assent, see [s. 46\(3\)](#)

I67 [Sch. 3 para. 7](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 8 In section 251 (appointment of manager of a private registered provider), in subsection (2), in both places, omit “an individual as”.

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Commencement Information

- I68** Sch. 3 para. 8 not in force at Royal Assent, see [s. 46\(3\)](#)
I69 Sch. 3 para. 8 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 9 In section 252 (supplementary provisions about appointment of manager)—
- (a) for subsection (2) substitute—

“(2) The registered provider may make representations to the regulator about the notice within the period of 5 days beginning with the day on which the provider receives the notice.”;
 - (b) after subsection (2) insert—

“(2A) Unless the registered provider consents, the regulator may not take action under section 251(2) before the expiry of the period within which the provider may make representations.”;
 - (c) omit subsection (3).

Commencement Information

- I70** Sch. 3 para. 9 not in force at Royal Assent, see [s. 46\(3\)](#)
I71 Sch. 3 para. 9 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#) (with [reg. 5\(1\)](#))

- 10 In section 252A (appointment of advisers to local authorities), in subsection (2)—
- (a) in the words before paragraph (a), for “thinks” substitute “is satisfied”;
 - (b) at the end of paragraph (d) (inserted by section 10) insert—

“(e) that the authority has failed to meet a standard under section 193, 194 or [194C](#),”.

Commencement Information

- I72** Sch. 3 para. 10 not in force at Royal Assent, see [s. 46\(3\)](#)
I73 Sch. 3 para. 10 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#) (with [reg. 5\(2\)](#))

- 11 In section 253 (transfer of land by private registered provider), in subsection (1)—
- (a) in paragraph (a), omit “or”;
 - (b) at the end of paragraph (b) insert “, or
 - (c) the registered provider has failed to meet a standard under section 193, 194 or [194C](#).”

Commencement Information

- I74** Sch. 3 para. 11 not in force at Royal Assent, see [s. 46\(3\)](#)
I75 Sch. 3 para. 11 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 12 In section 255 (amalgamation), in subsection (1)—
- (a) in paragraph (a), omit “or”;
 - (b) at the end of paragraph (b) insert “, or
 - (c) the registered provider has failed to meet a standard under section 193, 194 or [194C](#).”

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Commencement Information

I76 Sch. 3 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

I77 [Sch. 3 para. 12](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 13 In section 256 (restrictions on dealings during inquiry)—
- (a) in subsection (1)(a), for “non-profit” substitute “private”;
 - (b) in subsection (3), for the words from “that” to the end substitute “that—
 - (a) the affairs of the registered provider have been mismanaged, or
 - (b) the registered provider has failed to meet a standard under section 194.”

Commencement Information

I78 Sch. 3 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)

I79 [Sch. 3 para. 13](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 14 In section 257 (restrictions on dealings following inquiry), in subsection (1), for the words from “that” to the end substitute “that—
- (a) the affairs of a private registered provider have been mismanaged, or
 - (b) a private registered provider has failed to meet a standard under section 194.”

Commencement Information

I80 Sch. 3 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)

I81 [Sch. 3 para. 14](#) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 15 In section 259 (suspension of officer etc during inquiry)—
- (a) in subsection (1)(a), for “non-profit” substitute “private”;
 - (b) in subsection (1)(b), for “either” substitute “any”;
 - (c) in subsection (3), for the words from “that” to the end substitute “that—
 - (a) the affairs of the registered provider have been mismanaged, or
 - (b) the registered provider has failed to meet a standard under section 193, 194 or [194C.](#)”;
 - (d) after subsection (3) insert—
 - “(3A) Case 3 applies if the regulator is satisfied that an officer, employee or agent of the registered provider is obstructing, or failing to co-operate with, the inquiry.”;
 - (e) for subsection (4) substitute—
 - “(4) The regulator may by order—
 - (a) where Case 1 or Case 2 applies, suspend any officer, employee or agent of the registered provider who it thinks has contributed to the mismanagement or failure, or

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

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

- (b) where Case 3 applies, suspend the officer, employee or agent who it thinks is obstructing, or failing to co-operate with, the inquiry.”

Commencement Information

I82 Sch. 3 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

I83 Sch. 3 para. 15 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 16 In section 260 (removal or suspension of officer etc following inquiry)—
- (a) in subsection (1), for the words from “that” to the end substitute “that—
 - (a) the affairs of a private registered provider have been mismanaged, or
 - (b) a private registered provider has failed to meet a standard under section 193, 194 or [194C](#).”;
 - (b) in subsection (2), for the words from “who” to the end substitute “who—
 - (a) it thinks has contributed to the mismanagement or failure, or
 - (b) it thinks obstructed, or failed to co-operate with, the inquiry under section 206.”

Commencement Information

I84 Sch. 3 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)

I85 Sch. 3 para. 16 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 17 In section 266 (removal of officers)—
- (a) in subsection (1), for “non-profit” substitute “private”;
 - (b) after subsection (8) insert—
 - “(9) Case 8 applies to a person who is obstructing the regulator, or failing to co-operate with the regulator, in the performance of the regulator’s functions under this Part.”

Commencement Information

I86 Sch. 3 para. 17 not in force at Royal Assent, see [s. 46\(3\)](#)

I87 Sch. 3 para. 17 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

- 18 In section 269 (appointment of new officers)—
- (a) in subsection (1), for “non-profit” substitute “private”;
 - (b) in subsection (1)(b), omit “or”;
 - (c) after subsection (1)(b) insert—
 - “(ba) in the case of a registered provider which is a registered charity, registered society or registered company, if none of the officers is a board member,
 - (bb) if the regulator is satisfied that the registered provider has failed to meet a standard under section 193, 194 or [194C](#), or”;
 - (d) after subsection (1) insert—

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“(1A) In subsection (1)(ba), “board member” means—

- (a) in the case of a registered charity which is not a registered company, a charity trustee within the meaning given by section 177 of the Charities Act 2011;
- (b) in the case of a registered society, a member of its committee within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014;
- (c) in the case of a registered company, a director within the meaning given by section 250 of the Companies Act 2006.”;
- (e) in subsection (4)(a)—
 - (i) leave out “on expiry”;
 - (ii) after “appointment” insert “(on any number of occasions)”.

Commencement Information

I88 Sch. 3 para. 18 not in force at Royal Assent, see [s. 46\(3\)](#)

I89 Sch. 3 paras. 18(a)-(d) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

I90 Sch. 3 para. 18(e) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(w\)\(ii\)](#)

19 In section 269A (local authorities: censure during or following inquiry)—

- (a) in subsection (3), for the words from “that” to the end substitute “that—
 - (a) the affairs of the authority have been mismanaged, or
 - (b) the authority has failed to meet a standard under section 193, 194 or [194C](#).”;
- (b) in subsection (4), for the words from “that” to the end substitute “that—
 - (a) the affairs of the authority have been mismanaged, or
 - (b) the authority has failed to meet a standard under section 193, 194 or [194C](#).”

Commencement Information

I91 Sch. 3 para. 19 not in force at Royal Assent, see [s. 46\(3\)](#)

I92 Sch. 3 para. 19 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

20 In section 269B (response to censure notice), in subsection (2)(c), after “mismanaged” insert “or it has failed to meet the standard (as the case may be).”

Commencement Information

I93 Sch. 3 para. 20 not in force at Royal Assent, see [s. 46\(3\)](#)

I94 Sch. 3 para. 20 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(y\)](#)

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

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

SCHEDULE 4

Section 39

APPEALS

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

Commencement Information

I95 Sch. 4 para. 1 not in force at Royal Assent, see **s. 46(3)**

I96 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

I97 Sch. 4 para. 2 not in force at Royal Assent, see **s. 46(3)**

I98 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

I99 Sch. 4 para. 3 not in force at Royal Assent, see **s. 46(3)**

I100 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).”

Commencement Information

I101 Sch. 4 para. 4 not in force at Royal Assent, see **s. 46(3)**

I102 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.

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

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

- (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

I103 Sch. 4 para. 5 not in force at Royal Assent, see [s. 46\(3\)](#)

I104 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.”

Commencement Information

I105 Sch. 4 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)

I106 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—

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

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

- “(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

I107 Sch. 4 para. 7 not in force at Royal Assent, see [s. 46\(3\)](#)

I108 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
 - (b) otherwise, the period during which an appeal could be brought.”

Commencement Information

I109 Sch. 4 para. 8 not in force at Royal Assent, see [s. 46\(3\)](#)

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

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

I110 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

I111 Sch. 4 para. 9 not in force at Royal Assent, see **s. 46(3)**

I112 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

I113 Sch. 4 para. 10 not in force at Royal Assent, see **s. 46(3)**

I114 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

I115 Sch. 4 para. 11 not in force at Royal Assent, see **s. 46(3)**

I116 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).”

Commencement Information

I117 Sch. 4 para. 12 not in force at Royal Assent, see **s. 46(3)**

I118 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”.

Commencement Information

I119 Sch. 4 para. 13 not in force at Royal Assent, see **s. 46(3)**

I120 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—

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

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

- “(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

I121 Sch. 4 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)

I122 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.”

Commencement Information

I123 Sch. 4 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

I124 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.”

Commencement Information

I125 Sch. 4 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)

I126 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
- (b) notify the registered provider.”

Commencement Information

I127 Sch. 4 para. 17 not in force at Royal Assent, see [s. 46\(3\)](#)

I128 Sch. 4 para. 17 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(x\)](#)

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

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

- 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

I129 Sch. 4 para. 18 not in force at Royal Assent, see **s. 46(3)**

I130 Sch. 4 para. 18 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(x)**

SCHEDULE 5

Section 43

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

HOUSING AND REGENERATION ACT 2008

- 1 The Housing and Regeneration Act 2008 is amended as set out in paragraphs 2 to 46.

Commencement Information

I131 Sch. 5 para. 1 not in force at Royal Assent, see **s. 46(3)**

I132 Sch. 5 para. 1 in force at 20.9.2023 for specified purposes by S.I. 2023/1001, **reg. 2(y)(i)**

I133 Sch. 5 para. 1 in force at 1.4.2024 in so far as not already in force by S.I. 2024/437, **reg. 2(z)**

- 2 In section 60 (structural overview) omit subsection (4).

Commencement Information

I134 Sch. 5 para. 2 not in force at Royal Assent, see **s. 46(3)**

I135 Sch. 5 para. 2 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 3 In section 74A (leaving the social housing stock: private providers), in subsection (1), in both places, omit “of social housing”.

Commencement Information

I136 Sch. 5 para. 3 not in force at Royal Assent, see **s. 46(3)**

I137 Sch. 5 para. 3 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 4 In section 79 (English bodies), omit subsections (2) to (5).

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

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

Commencement Information

I138 Sch. 5 para. 4 not in force at Royal Assent, see **s. 46(3)**

I139 Sch. 5 para. 4 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 5 In section 92K (fundamental objectives), in subsections (2)(a) and (3)(d), omit “of social housing”.

Commencement Information

I140 Sch. 5 para. 5 not in force at Royal Assent, see **s. 46(3)**

I141 Sch. 5 para. 5 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 6 In section 96 (evidence), in paragraph (d), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”.

Commencement Information

I142 Sch. 5 para. 6 not in force at Royal Assent, see **s. 46(3)**

I143 Sch. 5 para. 6 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 7 In section 112 (eligibility for voluntary registration)—
- (a) for subsection (1) substitute—
- “(1) A body is eligible for registration if—
- (a) it is an English body, and
- (b) it satisfies the following conditions.”;
- (b) omit subsection (5).

Commencement Information

I144 Sch. 5 para. 7 not in force at Royal Assent, see **s. 46(3)**

I145 Sch. 5 para. 7 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 8 Omit section 113.

Commencement Information

I146 Sch. 5 para. 8 not in force at Royal Assent, see **s. 46(3)**

I147 Sch. 5 para. 8 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ii)**

- 9 In section 114 (registration of local authorities)—
- (a) omit subsection (1);
- (b) in subsection (2), after “require” insert “or permit”;
- (c) in subsection (3)—
- (i) at the end of paragraph (a) insert “and”;
- (ii) in paragraph (b), omit “and”;
- (iii) omit paragraph (c);
- (d) in subsection (5)—

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

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

- (i) omit paragraph (a);
- (ii) in paragraph (b), omit “(1) or”.

Commencement Information

I148 Sch. 5 para. 9 not in force at Royal Assent, see [s. 46\(3\)](#)

I149 Sch. 5 para. 9 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 10 In section 114A (local authorities: duty to notify), in subsection (1) omit “in England”.

Commencement Information

I150 Sch. 5 para. 10 not in force at Royal Assent, see [s. 46\(3\)](#)

I151 Sch. 5 para. 10 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 11 In section 122 (payments to members etc), in subsection (6), for “registered company or registered society” substitute “registered provider”.

Commencement Information

I152 Sch. 5 para. 11 not in force at Royal Assent, see [s. 46\(3\)](#)

I153 Sch. 5 para. 11 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 12 In section 135 (charity accounts), in subsection (1), omit “non-profit”.

Commencement Information

I154 Sch. 5 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

I155 Sch. 5 para. 12 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

- 13 In section 153 (moratorium: process for proposals)—
- (a) in subsection (2)(a) omit “and its officers”;
 - (b) in subsection (6)(a) omit “and its officers”.

Commencement Information

I156 Sch. 5 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)

I157 Sch. 5 para. 13 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 14 Before section 169A (but after the heading before that section) insert—

“169ZA Application of rules about notification of constitutional changes

This group of sections does not apply to local authorities.”

Commencement Information

I158 Sch. 5 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)

I159 Sch. 5 para. 14 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

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

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

- 15 In section 169D (directions about notifications)—
- (a) for “169C”, in both places, substitute “169CD”;
 - (b) in subsection (1)(a), omit “private”.

Commencement Information

I160 Sch. 5 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

I161 Sch. 5 para. 15 in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

- 16 In section 192 (overview of Chapter 6)—
- (a) in paragraph (a), for “to 198B” substitute “to 198”;
 - (b) in paragraph (b), for “to 210” substitute “to 210A”;
 - (c) in paragraph (d) omit “about the submission of information and opinions relating to registered providers and”.

Commencement Information

I162 Sch. 5 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)

I163 Sch. 5 para. 16(a) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

I164 Sch. 5 para. 16(b)(c) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(iii\)](#)

- 17 In section 193 (standards relating to consumer matters)—
- (a) in subsection (1), after “extent” insert “, safety, energy efficiency”;
 - (b) in subsection (2)(f), for “and informing tenants” substitute “tenants and providing them with information in connection with such consultation”;
 - (c) in subsection (2), after paragraph (h) insert—
 - “(ha) policies and procedures in connection with behaviour which amounts to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act),”;
 - (d) omit subsection (3).

Commencement Information

I165 Sch. 5 para. 17 not in force at Royal Assent, see [s. 46\(3\)](#)

I166 Sch. 5 para. 17 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(iv\)](#)

- 18 In section 194 (standards relating to economic matters), omit subsection (3).

Commencement Information

I167 Sch. 5 para. 18 not in force at Royal Assent, see [s. 46\(3\)](#)

I168 Sch. 5 para. 18 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(iv\)](#)

- 19 In section 197 (direction by Secretary of State), in subsection (2)(a), after “quality” insert “, safety or energy efficiency”.

Commencement Information

I169 Sch. 5 para. 19 not in force at Royal Assent, see [s. 46\(3\)](#)

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

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

I170 Sch. 5 para. 19 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(iv)**

20 In section 198 (supplemental provisions about standards), after subsection (5) insert—

“(6) In setting standards the regulator must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.”

Commencement Information

I171 Sch. 5 para. 20 not in force at Royal Assent, see **s. 46(3)**

I172 Sch. 5 para. 20 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(iv)**

21 In section 203(3) (inspector’s powers), for “107(3) to (7)” substitute “107(2A) to (4) and (5) to (7)”.

Commencement Information

I173 Sch. 5 para. 21 not in force at Royal Assent, see **s. 46(3)**

I174 Sch. 5 para. 21 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)**

22 In section 208(4) (inquirer’s powers), for “107(3) to (7)” substitute “107(2A) to (4) and (5) to (7)”.

Commencement Information

I175 Sch. 5 para. 22 not in force at Royal Assent, see **s. 46(3)**

I176 Sch. 5 para. 22 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)**

23 In section 215 (guidance about use of intervention powers) omit—

- (a) subsection (1)(a) (including the final “and”);
- (b) subsection (2);
- (c) subsection (2A).

Commencement Information

I177 Sch. 5 para. 23 not in force at Royal Assent, see **s. 46(3)**

I178 Sch. 5 para. 23(a)(b) in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(v)**

I179 Sch. 5 para. 23(c) in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)**

24 In section 216 (consultation), in paragraph (b), at the end insert “of social housing”.

Commencement Information

I180 Sch. 5 para. 24 not in force at Royal Assent, see **s. 46(3)**

I181 Sch. 5 para. 24 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(vi)**

25 In section 217 (accreditation)—

- (a) in subsection (4)(b), after “193” insert “or 194A”;

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- (b) in subsection (6), after “193” insert “or 194A”.

Commencement Information

I182 Sch. 5 para. 25 not in force at Royal Assent, see **s. 46(3)**

I183 Sch. 5 para. 25 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(vii)**

- 26 In section 218 (exercise of enforcement powers)—
- (a) in subsection (1), for “Subsection (2)” substitute “This section”;
 - (b) in subsection (2), after paragraph (d) insert—
 - “(e) whether the failure or other problem is serious or trivial.”;
 - (c) omit subsections (3) and (4).

Commencement Information

I184 Sch. 5 para. 26 not in force at Royal Assent, see **s. 46(3)**

I185 Sch. 5 para. 26 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(3)**)

- 27 In section 220 (grounds for giving enforcement notice)—
- (a) in subsection (2) omit “applicable to it”;
 - (b) in subsection (11), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”;
 - (c) omit subsection (11A).

Commencement Information

I186 Sch. 5 para. 27 not in force at Royal Assent, see **s. 46(3)**

I187 Sch. 5 para. 27 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)** (with **reg. 3**)

- 28 In section 227 (grounds for imposition of a penalty), omit subsection (7A).

Commencement Information

I188 Sch. 5 para. 28 not in force at Royal Assent, see **s. 46(3)**

I189 Sch. 5 para. 28 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)** (with **reg. 3**)

- 29 In section 237 (grounds for award of compensation), omit subsection (4).

Commencement Information

I190 Sch. 5 para. 29 not in force at Royal Assent, see **s. 46(3)**

I191 Sch. 5 para. 29 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)** (with **reg. 3**)

- 30 In section 239 (housing ombudsman compensation), in subsection (1), for “an ombudsman appointed by virtue of section 124” substitute “a housing ombudsman”.

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

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

Commencement Information

I192 Sch. 5 para. 30 not in force at Royal Assent, see **s. 46(3)**

I193 Sch. 5 para. 30 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)**

- 31 In section 242 (warning before giving compensation notice), in subsection (2), for “person appointed by virtue of section 124 as the ombudsman” substitute “housing ombudsman”.

Commencement Information

I194 Sch. 5 para. 31 not in force at Royal Assent, see **s. 46(3)**

I195 Sch. 5 para. 31 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)**

- 32 In section 247 (grounds for requiring management tender), in subsection (1)—
- (a) in paragraph (a), omit “applicable to it”;
 - (b) omit paragraph (aa) (including the final “or”).

Commencement Information

I196 Sch. 5 para. 32 not in force at Royal Assent, see **s. 46(3)**

I197 Sch. 5 para. 32 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)** (with **reg. 3**)

- 33 In section 251 (grounds for appointing manager), in subsection (1), omit paragraph (aa) (including the final “or”).

Commencement Information

I198 Sch. 5 para. 33 not in force at Royal Assent, see **s. 46(3)**

I199 Sch. 5 para. 33 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(viii)** (with **reg. 3**)

- 34 In section 256 (restrictions on dealings during an inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”.

Commencement Information

I200 Sch. 5 para. 34 not in force at Royal Assent, see **s. 46(3)**

I201 Sch. 5 para. 34 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(4)**)

- 35 In section 258 (restrictions on dealings: supplemental), in subsection (3), omit the words from “not” to the end.

Commencement Information

I202 Sch. 5 para. 35 not in force at Royal Assent, see **s. 46(3)**

I203 Sch. 5 para. 35 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(ix)**

- 36 In the heading immediately before section 259, omit “non-profit”.

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

Commencement Information

I204 Sch. 5 para. 36 not in force at Royal Assent, see **s. 46(3)**

I205 Sch. 5 para. 36 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)**

- 37 In section 259 (suspension during inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”.

Commencement Information

I206 Sch. 5 para. 37 not in force at Royal Assent, see **s. 46(3)**

I207 Sch. 5 para. 37 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(5)**)

- 38 In section 264 (offence of acting as an officer while disqualified), in subsection (2) (a), omit “not exceeding the statutory maximum”.

Commencement Information

I208 Sch. 5 para. 38 not in force at Royal Assent, see **s. 46(3)**

I209 Sch. 5 para. 38 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(x)**

- 39 In section 269 (appointment of new officers), in subsection (1)(c), for “thinks” substitute “is satisfied”.

Commencement Information

I210 Sch. 5 para. 39 not in force at Royal Assent, see **s. 46(3)**

I211 Sch. 5 para. 39 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(6)**)

- 40 In section 269A (local authorities: censure during or following inquiry), in subsection (2), for “has reasonable grounds for believing” substitute “is satisfied”.

Commencement Information

I212 Sch. 5 para. 40 not in force at Royal Assent, see **s. 46(3)**

I213 Sch. 5 para. 40 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(7)**)

- 41 Omit section 274 (definition of charities that have “received public assistance”).

Commencement Information

I214 Sch. 5 para. 41 not in force at Royal Assent, see **s. 46(3)**

I215 Sch. 5 para. 41 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xi)**

- 42 In section 275 (general), for the definition of “local authority” substitute—
““local authority” means—
(a) the council of a county in England,
(b) a district council,
(c) a London borough council,
(d) the Common Council of the City of London, or

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(e) the Council of the Isles of Scilly;”.

Commencement Information

I216 Sch. 5 para. 42 not in force at Royal Assent, see [s. 46\(3\)](#)

I217 Sch. 5 para. 42 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(xii\)](#)

43 In section 276 (index of defined terms)—
 (a) after the entry for “The HCA” insert—

| | |
|-------------------------|---------------------------------|
| “health and safety lead | section 126A(2) |
|-------------------------|---------------------------------|

| | |
|-------------------------------|------------------------------------|
| health and safety requirement | section 126B(2) ”; |
|-------------------------------|------------------------------------|

(b) after the entry relating to “penalty notice” insert—

| | |
|-------------------------------|------------------------------|
| “Performance improvement plan | Section 218A |
|-------------------------------|------------------------------|

| | |
|-------------------------------------|---------------------------------|
| Performance improvement plan notice | Section 218A ”; |
|-------------------------------------|---------------------------------|

(c) omit the entry relating to “received public assistance (charities)”.

Commencement Information

I218 Sch. 5 para. 43 not in force at Royal Assent, see [s. 46\(3\)](#)

I219 Sch. 5 para. 43(a)(b) in force at 1.4.2024 by [S.I. 2024/437](#), [reg. 2\(z\)](#)

I220 Sch. 5 para. 43(c) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(xiii\)](#)

44 After section 276A (inserted by section 35) insert—

“276B Data protection

(1) This section applies to a duty or power to process information where the duty or power is imposed or conferred by or by virtue of any provision of this Part.

(2) A duty or power to which this section applies does not operate to require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).

(3) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Commencement Information

I221 Sch. 5 para. 44 not in force at Royal Assent, see [s. 46\(3\)](#)

I222 Sch. 5 para. 44 in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(y\)\(xiv\)](#)

45 In section 278A (power to nominate bodies for consultation purposes), in subsection (1), omit paragraph (b).

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

Commencement Information

I223 Sch. 5 para. 45 not in force at Royal Assent, see **s. 46(3)**

I224 Sch. 5 para. 45 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xv)**

- 46 In section 320 (orders and regulations), in subsection (7)(a), for “, 122 and 229” substitute “and 122”.

Commencement Information

I225 Sch. 5 para. 46 not in force at Royal Assent, see **s. 46(3)**

I226 Sch. 5 para. 46 in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)**

PART 2

OTHER ACTS

- 47 In Schedule 17 to the Localism Act 2011 (regulation of social housing) omit—
- (a) paragraph 6;
 - (b) paragraph 15(4);
 - (c) paragraph 17.

Commencement Information

I227 Sch. 5 para. 47 not in force at Royal Assent, see **s. 46(3)**

I228 Sch. 5 para. 47(a) in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xvi)**

I229 Sch. 5 para. 47(b)(c) in force at 1.4.2024 by S.I. 2024/437, **reg. 2(z)** (with **reg. 5(3)**)

- 48 Omit section 30 of the Welfare Reform and Work Act 2016.

Commencement Information

I230 Sch. 5 para. 48 not in force at Royal Assent, see **s. 46(3)**

I231 Sch. 5 para. 48 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xvii)**

- 49 (1) Section 2 of the Leasehold Reform (Ground Rent) Act 2022 (excepted leases) is amended as follows.
- (2) In subsection (7)(a) omit “within the meaning of section 79 of the Housing and Regeneration Act 2008”.
- (3) After subsection (7) insert—
- “(7A) A “community land trust” means a body corporate which satisfies the conditions in subsection (7B); and in those conditions “local community” means the individuals who live or work, or want to live or work, in a particular area.
- (7B) The conditions are—

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- (a) that the body is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order—
 - (i) to provide a benefit to the local community, and
 - (ii) to ensure that the assets are not sold or developed except in a manner which the trust’s members think benefits the local community, and
- (b) that the body is established under arrangements which are expressly designed to ensure that—
 - (i) any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members);
 - (ii) individuals who live or work in the particular area have the opportunity to become members of the trust (whether or not others can also become members), and
 - (iii) the members of the trust control it.”

Commencement Information

I232 Sch. 5 para. 49 not in force at Royal Assent, see **s. 46(3)**

I233 Sch. 5 para. 49 in force at 20.9.2023 by S.I. 2023/1001, **reg. 2(y)(xviii)**

Status:

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

Changes to legislation:

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