
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the registration of English local housing authorities and county councils under Part 2 of the Housing and Regeneration Act 2008 (c.17), by the Regulator of Social Housing. Part 2 of the Housing and Regeneration Act 2008 regulates English providers of social housing.

Article 3 requires the Regulator of Social Housing to register an English local authority that is a provider of social housing or intends to become one. It is compulsory for such local authorities to be registered.

Articles 4 to 6 and Schedules 1 and 2 make consequential amendments. A distinction is made between local authorities and other registered providers who are referred to in Part 2 of the Housing and Regeneration Act 2008 as ‘private registered providers’. Unlike local authorities, private registered providers remain subject to regulation only if they voluntarily register. Amendments are made to recognise the status of local authorities so that certain parts of the regulatory regime which are not relevant do not apply. Specific provision is made for local authorities so that regulation by the Regulator of Social Housing is co-ordinated with the supervision of local authorities by the Audit Commission. The consequential amendments have the same extent as the provision to which they relate and so extend to England and Wales (see for example the amendments to section 27 of the Housing Act 1985 (c.68)).

Article 7 makes transitional provision so that the Regulator of Social Housing or the Secretary of State may exercise certain powers in relation to local authorities that will be registered in advance of the requirement to be registered coming into force.