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STATUTORY INSTRUMENTS

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**2016 No. 390**

**The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016**

**Exemptions for registered provider of social housing: alternative provision regulations**

**15.—(1)** The requirements of an alternative provision regulation as it relates to a private registered provider may be disapplied or modified by a direction issued by the regulator if—

- (a) the condition in paragraph (3) or (4) is satisfied; and
- (b) the Secretary of State consents.

(2) The regulator may specify in a direction—

- (a) the period during which it is to have effect; and
- (b) the social housing in relation to which it is to have effect.

(3) The condition in this paragraph is that the regulator considers that complying with the alternative provision regulation would jeopardise the financial viability of the private registered provider.

(4) The condition in this paragraph is that—

- (a) the private registered provider has received a transfer of particular social housing from another registered provider (“the transferee”); and
- (b) immediately before the social housing became the transferee’s social housing a direction under this regulation or under section 25 of, or paragraph 6 of Schedule 2 to, the Act applied in relation to the social housing.

(5) The requirements of an alternative provision regulation as it relates to a local authority may be disapplied or modified by a direction issued by the Secretary of State if the condition in paragraph (7) is satisfied.

(6) The Secretary of State may specify in a direction—

- (a) the period during which it is to have effect; and
- (b) the social housing in relation to which it is to have effect.

(7) The condition in this subsection is that the Secretary of State considers that the local authority would be unable to avoid serious financial difficulties if it were to comply with the alternative provision regulation.