

---

STATUTORY INSTRUMENTS

---

**2017 No. 1102**

**The Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017**

**PART 1**

Introductory

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017 and come into force on the day after the day on which they are made.

(2) These Regulations apply in relation to England only.

(3) These Regulations do not apply to a private registered provider<sup>(1)</sup> which is—

(a) a wholly-controlled subsidiary of a local authority; and

(b) a non-profit organisation within the meaning of section 115 of the Housing and Regeneration Act 2008<sup>(2)</sup>.

(4) For the purposes of paragraph (3)(a) a private registered provider is to be treated as wholly-controlled by a local authority if it has no members apart from—

(a) the local authority;

(b) a subsidiary of that authority; or

(c) a person acting on behalf of the authority or a subsidiary of the authority.

(5) A person is to be treated as a “subsidiary” of another person for the purposes of paragraph (3) or (4) if any of the conditions in section 271 of the Housing and Regeneration Act 2008 is satisfied.

(6) These Regulations apply notwithstanding any inconsistent provision either in a contractual arrangement to which the private registered provider is a party or in the private registered provider’s constitution.

**Interpretation**

**2.** In these Regulations—

“appointed day” is the day after the end of the period of six months beginning with the day on which the regulations are made;

“board” means—

(a) in the case of a charity which is not a registered company, a board of trustees,

(b) in the case of a company, a board of directors, and

---

(1) “Private registered provider” means a private registered provider of social housing as set out in Part 2 of the Housing and Regeneration Act 2008 (c. 17); see section 93(5) of the Housing and Planning Act 2016.

(2) 2008 c. 17. Section 115 has been subject to amendments but none is relevant.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (c) in the case of a registered society, the society’s committee<sup>(3)</sup>;  
“constitution” relates to terms set out in any documentation providing for the constitution of a private registered provider;  
“local authority officer” means an officer<sup>(4)</sup> appointed to the board of a private registered provider by a local authority.

---

(3) See section 275 of the Housing and Regeneration Act 2008 (c. 17) for the meaning of “registered company” and “registered society”.

(4) “Officer” in relation to a private registered provider, has the meaning given by section 270 of the Housing and Regeneration Act 2008 (c. 17), which includes a trustee in the case of a charity which is not formed as a company, a director in the case of a company, and in the case of a registered society a person co-opted to serve on the society’s committee; see section 93(5) of the Housing and Planning Act 2016.