



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 2

THE SOCIAL HOUSING REGULATOR

Modifications etc. (not altering text)

- C1** Pt. 2 modified (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 69\(2\)](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)

^{F1}The Regulator

Textual Amendments

- F1** Ss. 80A-80D and cross-heading inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 14](#) (with Pt. 4)

80A. Establishment

- (1) The Regulator of Social Housing is established as a body corporate.
- (2) The Regulator of Social Housing is referred to in this Part as “the regulator”.
- (3) The regulator (and any member of the regulator)—
 - (a) is not the servant or agent of the Crown, and
 - (b) does not share any immunity or privilege of the Crown.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) No property of the regulator is to be regarded as property of, or held on behalf of, the Crown.

80B. Membership

- (1) The regulator is to consist of—
- (a) a person appointed by the Secretary of State as chair (“the chair”),
 - (b) at least 6 and no more than 10 other members, appointed by the Secretary of State, and
 - (c) the chief executive appointed under section 80D(1).
- (2) The Secretary of State must consult the chair before appointing a member under subsection (1)(b).
- (3) In appointing a person to be an appointed member the Secretary of State must—
- (a) have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, matters relevant to the exercise of the functions of the regulator, and
 - (b) be satisfied that the person has no financial or other interest likely to affect prejudicially the exercise of the person’s functions as a member.
- (4) The Secretary of State may require any person who the Secretary of State proposes to appoint as an appointed member to provide any information the Secretary of State considers necessary for the purposes of subsection (3)(b).
- (5) In this Part “appointed member” means—
- (a) the chair, or
 - (b) a member appointed under subsection (1)(b).

80C. Terms of appointment of members

- (1) An appointed member holds and vacates office in accordance with the appointed member’s terms of appointment (subject to this section).
- (2) An appointed member may resign by notice to the Secretary of State.
- (3) The Secretary of State may dismiss an appointed member who—
- (a) has been absent from meetings of the regulator for a period of more than 6 months without its permission,
 - (b) has become bankrupt or has made an arrangement with the member’s creditors,
 - (c) the Secretary of State thinks has failed to comply with the member’s terms of appointment,
 - (d) the Secretary of State thinks has failed to comply with the member’s obligations under section 92P (members’ interests),
 - (e) the Secretary of State thinks is otherwise unable, unfit or unsuitable to perform the functions of the member.

80D. Staff

- (1) The chair and other appointed members of the regulator must appoint a chief executive.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (2) But a person may be appointed as chief executive under subsection (1) only if approved by the Secretary of State.
- (3) The regulator may appoint other staff.
- (4) The regulator may pay to its staff such remuneration and allowances as it may decide.
- (5) The regulator may—
 - (a) pay such pensions, allowances or gratuities to or in respect of any, or any former, member of staff, or
 - (b) pay such sums towards the provision for the payment of pensions, allowances or gratuities to or in respect of any, or any former, member of staff, as it may decide.]

Constitution

F²81 Establishment

.....

Textual Amendments

F2 S. 81 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 14, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F³82 Membership

.....

Textual Amendments

F3 S. 82 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 15, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F⁴83 Tenure

.....

Textual Amendments

F4 S. 83 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 16, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F⁵84 Chief executive

.....

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

F5 S. 84 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 17, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

F⁶85 Other staff

.....

Textual Amendments

F6 S. 85 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 18, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

Proceedings

F⁷86 Fundamental objectives

.....

Textual Amendments

F7 S. 86 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 19, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

F⁸87 Procedure

.....

Textual Amendments

F8 S. 87 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 20, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

F⁹88 Conflict of interest

.....

Textual Amendments

F9 S. 88 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 21, **Sch. 25 Pt. 26**; [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

F¹⁰89 Committees

.....

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

.....

Textual Amendments

F10 S. 89 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 22, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F1190 Delegation

.....

.....

Textual Amendments

F11 S. 90 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 23, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F1291 Seal

.....

.....

Textual Amendments

F12 S. 91 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 24, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F1392 Annual report

.....

.....

Textual Amendments

F13 S. 92 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 25, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F14

.....

Textual Amendments

F14 Ss. 92A-92J and cross-heading omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 15** (with Pt. 4)

F1492A Regulation functions of the HCA

.....

F1492B The Regulation Committee

.....

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F14 92C Membership of the Regulation Committee

.....

F14 92D Terms of appointment of members

.....

F1492E Remuneration etc of members

.....

F1492F Sub-committees of the Regulation Committee

.....

F1492G Procedure of the Committee and its sub-committees

.....

F1492H Members' interests

.....

F1492I Exercise of functions

.....

F1492J Recommendations to HCA

.....

^{F15}Fundamental objectives

Textual Amendments

F15 Ss. 92A-92K and cross-heading inserted (15.1.2012 for the insertion of ss. 92B(1), 92C, 92D, 92E, 92F, 92G, 92H, 92I, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 26](#) (with [Sch. 16 para. 69](#)); S.I. 2012/57, art. 4(1)(t)(ii) (with arts. 679-11); S.I. 2012/628, art. 6(i) (with arts. 911141517)

92K Fundamental objectives

- (1) The regulator must perform its functions with a view to achieving (so far as is possible)
 - (a) the economic regulation objective, and
 - (b) the consumer regulation objective.
- (2) The economic regulation objective is—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) to ensure that registered providers ^{F16}... are financially viable and properly managed, and perform their functions efficiently and economically,
 - (b) to support the provision of social housing sufficient to meet reasonable demands (including by encouraging and promoting private investment in social housing),
 - (c) to ensure that value for money is obtained from public investment in social housing,
 - (d) to ensure that an unreasonable burden is not imposed (directly or indirectly) on public funds, and
 - (e) to guard against the misuse of public funds.
- (3) The consumer regulation objective is—
- (a) to support the provision of social housing that is well-managed [^{F17}, safe, energy efficient] and of appropriate quality,
 - (b) to ensure that actual or potential tenants of social housing have an appropriate degree of choice and protection,
 - (c) to ensure that tenants of social housing have the opportunity to be involved in its management and to hold their landlords to account, ^{F18} ...
 - [^{F19}(ca) to ensure that registered providers act in a transparent manner in relation to their tenants of social housing, and]
 - (d) to encourage registered providers ^{F20}... to contribute to the environmental, social and economic well-being of the areas in which the housing is situated.
- (4) The objectives are referred to in this Part as the regulator's fundamental objectives.
- (5) The regulator must exercise its functions in a way that—
- (a) minimises interference, and
 - (b) (so far as is possible) is proportionate, consistent, transparent and accountable.]

Textual Amendments

- F16** Words in s. 92K(2)(a) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 5](#); S.I. 2023/1001, reg. 2(y)(ii)
- F17** Words in s. 92K(3)(a) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 1\(a\)](#), 46(3); S.I. 2023/1001, reg. 2(a)
- F18** Word in s. 92K(3)(c) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 1\(b\)](#), 46(3); S.I. 2023/1001, reg. 2(a)
- F19** S. 92K(3)(ca) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 1\(c\)](#), 46(3); S.I. 2023/1001, reg. 2(a)
- F20** Words in s. 92K(3)(d) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 5](#); S.I. 2023/1001, reg. 2(y)(ii)

[^{F21}Procedure etc.

Textual Amendments

- F21** Ss. 92L-92Q and cross-heading inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 16](#) (with Pt. 4)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

92L. Committees

- (1) The regulator may establish committees and sub-committees.
- (2) A committee or sub-committee may include non-members (provided that it includes at least one member).
- (3) The regulator may, with the consent of the Secretary of State, pay such remuneration and allowances as it thinks fit to any person who—
 - (a) is a member of a committee or sub-committee, but
 - (b) is not a member of the regulator.

92M. Procedure

- (1) Subject to the provisions of this Part, the regulator may determine its own procedure and the procedure of any committee or sub-committee.
- (2) The regulator must make such arrangements as it thinks appropriate for publishing its procedure.
- (3) The validity of any proceedings is not affected by—
 - (a) any vacancy of the chair, chief executive or any other member,
 - (b) any defect in the appointment of the chair, chief executive or any other member, or
 - (c) any contravention of section 92P (members' interests).
- (4) In this section “procedure” includes quorum.

92N. Conflict of interest

- (1) The regulator’s procedure under section 92M must include arrangements for dealing with any conflict of interest of—
 - (a) members,
 - (b) members of staff, or
 - (c) members of committees or sub-committees.
- (2) The procedure must oblige a person—
 - (a) to declare any financial or other personal interest relevant to the exercise of a function of the regulator, and
 - (b) to withdraw from the performance of that function unless the regulator directs otherwise, being satisfied that the interest will not influence performance of the function.

92O. Delegation

- (1) The regulator may delegate any of its functions to—
 - (a) a committee,
 - (b) a sub-committee,
 - (c) a member, or
 - (d) a member of staff.
- (2) A committee may further delegate to a sub-committee, a member of the regulator, or a member of staff.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

92P. Members' interests

- (1) A member of the regulator who is directly or indirectly interested in any matter arising at a meeting of the regulator must disclose the nature of that interest to the meeting.
- (2) A member of a committee or sub-committee of the regulator who is directly or indirectly interested in any matter arising at a meeting of the committee or sub-committee must disclose the nature of that interest to the meeting.
- (3) Where a member has disclosed an interest within subsection (1) or (2)—
 - (a) that member must not take part in any deliberation or decision about the matter if it is a contract or agreement of any description, but
 - (b) may otherwise take part in any deliberation or decision about the matter unless at least one-third of the other members at the meeting decide that the interests disclosed might prejudicially affect the member's consideration of the matter.
- (4) The regulator must prepare and keep up to date a register of members' interests of the interests disclosed under subsection (1) or (2).
- (5) The register required by subsection (4) must include the interests of—
 - (a) the members of the regulator, and
 - (b) all members of committees or sub-committees whether or not falling within paragraph (a).

92Q. Seal

- (1) The application of the regulator's seal must be authenticated by a member of the regulator or by some other person authorised (generally or specially) by the regulator for that purpose.
- (2) A document purporting to be duly executed under the seal—
 - (a) is to be received in evidence, and
 - (b) is to be treated as so executed unless the contrary is shown.]

Powers

93 General

- (1) The regulator may do anything it thinks necessary or expedient for the purpose of or in connection with the performance of a function [^{F22}of the regulator].
- (2) In particular, the regulator may do anything it thinks appropriate for advancing its fundamental objectives.

Textual Amendments

F22 Words in s. 93(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 27](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))

Commencement Information

I1 S. 93 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)
I2 S. 93 in force at 1.4.2009 by [S.I. 2009/803](#), [art. 7\(a\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

94 Studies

- (1) The regulator may carry out or commission studies designed to improve the economy, effectiveness and efficiency of registered providers.
- (2) The regulator may publish a report on a study.
- ^{F23}(3)

Textual Amendments

F23 S. 94(3) omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 17](#) (with Pt. 4)

Commencement Information

I3 S. 94 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

95 Financial assistance

- (1) The regulator may, where it thinks it advances a fundamental objective, give financial assistance to a person in connection with—
 - (a) undertaking research,
 - (b) preparing guidance,
 - (c) developing and publicising best practice, or
 - (d) facilitating the management of social housing by tenants.
- (2) Financial assistance under subsection (1) may be given—
 - (a) by way of grant,
 - (b) by way of loan,
 - (c) by defraying expenditure on behalf of a person, or
 - (d) in any other way except purchasing loan or share capital of a body corporate or giving a guarantee or indemnity.
- (3) The regulator may, where it thinks it advances a fundamental objective, give financial assistance to [^{F24}a private registered provider] by—
 - (a) lending money to or in respect of the registered provider, or
 - (b) giving a guarantee or indemnity in respect of the registered provider.
- (4) Financial assistance may be given under subsection (3) only with the consent of the Secretary of State (given with the approval of the Treasury).
- (5) Financial assistance under subsection (1) or (3) may be given on conditions (which may include provision for repayment, with or without interest).

Textual Amendments

F24 Words in s. 95(3) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 7](#)

Commencement Information

I4 S. 95(1)(2)(5) in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)

I5 S. 95(1)(2)(5) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

16 S. 95(3)(4) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

96 Evidence

In considering whether to exercise a power under this Part the regulator may have regard to information or opinions from any source including, in particular, from—

- (a) tenants,
- (b) bodies representing tenants,
- (c) local housing authorities, or
- (d) [^{F25}the Commission for Local Administration in England or][^{F26}a housing ombudsman].

Textual Amendments

F25 Words in s. 96(d) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), [art. 1\(2\)](#), [Sch. 1 para. 8](#)

F26 Words in s. 96(d) substituted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [s. 46\(3\)](#), [Sch. 5 para. 6](#); [S.I. 2023/1001](#), [reg. 2\(y\)\(ii\)](#)

Commencement Information

I7 S. 96 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 3\(1\)](#)

I8 S. 96 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

[^{F27}96A Advisory panel

- (1) The regulator must establish a panel of persons called “the Advisory Panel”.
- (2) The Panel may provide information and advice to the regulator about, or on matters connected with, the regulator’s functions (whether or not it is requested to do so by the regulator).
- (3) The reference in subsection (2) to matters connected with the regulator’s functions includes anything which could have a significant impact on registered providers or the provision of social housing.
- (4) The regulator must appoint the following persons to the Panel—
 - (a) persons appearing to the regulator to represent the interests of—
 - (i) registered providers;
 - (ii) secured creditors of registered providers;
 - (iii) tenants of social housing;
 - (iv) local housing authorities,
 - (b) the Greater London Authority,
 - (c) the HCA, and
 - (d) the Secretary of State.
- (5) The regulator may appoint such other persons to the Panel as it thinks fit to appoint.
- (6) The regulator may make payments to persons who are members of the Panel in respect of any expenses they incur in connection with their appointment to the Panel.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (7) The regulator must make arrangements requiring any person who is a member of the Panel to declare any financial or other personal interest relevant to the regulator's functions.]

Textual Amendments

F27 S. 96A inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), ss. 2, 46\(3\)](#); S.I. 2023/1001, reg. 2(b)

97 Information, advice etc.

- (1) The regulator may for the purpose of advancing its fundamental objectives—
- (a) publish ideas or information;
 - (b) undertake research in relation to social housing;
 - (c) provide guidance, advice, education or training.
- (2) The regulator may for that purpose—
- (a) arrange for another person to do anything within subsection (1)(a) to (c);
 - (b) act jointly with, cooperate with or assist another person doing anything within subsection (1)(a) to (c).
- (3) The persons to whom advice may be given under subsection (1) include—
- (a) unregistered housing associations (as defined by section 2B of the Housing Associations Act 1985 (c. 69)), and
 - (b) persons who may be forming a housing association (within the meaning of section 1(1) of that Act).

Commencement Information

I9 S. 97 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358, art. 3\(1\)](#)

I10 S. 97 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862, art. 2](#) (with [Sch.](#))

98 Tenant involvement

- (1) The regulator shall—
- (a) promote awareness of the regulator's functions among tenants of social housing,
 - (b) where the regulator thinks it appropriate, consult them about the exercise of its functions (for example, by holding meetings), and
 - (c) where the regulator thinks it appropriate, involve them in the exercise of its functions (for example, by appointing them to committees or sub-committees).
- (2) The regulator shall from time to time publish a statement about how it proposes to comply with subsection (1).
- (3) Before publishing a statement the regulator must consult such persons as it thinks appropriate.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

- I11** S. 98 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 3(1)**
- I12** S. 98 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

Money

^{F28}99 Remuneration

.....

Textual Amendments

- F28** S. 99 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 28](#), **Sch. 25 Pt. 26**; [S.I. 2012/628](#), **art. 6(i)(j)** (with [arts. 911141517](#))

[^{F29}99A. Remuneration

- (1) The regulator may pay to or in respect of appointed members—
 - (a) remuneration, and
 - (b) travelling and other allowances.
- (2) The Secretary of State must determine rates and eligibility criteria for payments under subsection (1).
- (3) If the Secretary of State considers that there are special circumstances that justify the payment of compensation to a person on ceasing to be an appointed member, the regulator may pay such compensation as is determined by the Secretary of State.]

Textual Amendments

- F29** S. 99A inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), **art. 1(2)**, **Sch. para. 18** (with [Pt. 4](#))

100 Charging

[^{F30}(1)] The regulator may charge for giving advice, conducting research or providing other services.

^{F31}(2)

Textual Amendments

- F30** Words in s. 100 numbered as s. 100(1) (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 29(a)**; [S.I. 2012/628](#), **art. 6(i)** (with [arts. 911141517](#))
- F31** S. 100(2) omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), **art. 1(2)**, **Sch. para. 19** (with [Pt. 4](#))

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I13 S. 100 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

[^{F32}**100A Assistance by Secretary of State**

- (1) The Secretary of State may make payments to the regulator by way of grant or loan.
- (2) A grant or loan may be subject to conditions (which may include provision for repayment, with or without interest).]

Textual Amendments

F32 Ss. 100A-100G inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), [art. 1\(2\)](#), [Sch. para. 20](#) (with Pt. 4)

[^{F32}**100B Borrowing**

- (1) The regulator may borrow—
 - (a) by way of overdraft or otherwise, for the purpose of what it considers to be short-term management of its finances, or
 - (b) from the Secretary of State.
- (2) The regulator may not borrow otherwise.]

Textual Amendments

F32 Ss. 100A-100G inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), [art. 1\(2\)](#), [Sch. para. 20](#) (with Pt. 4)

[^{F32}**100C Accounts**

- (1) The regulator must keep proper accounts (and proper records of its accounts).
- (2) As soon as is reasonably practicable after the end of each financial year the regulator must prepare a statement of accounts in respect of that financial year.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The regulator must, within such period as the Secretary of State may direct, send a copy of the statement to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General.
- (5) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement, and
 - (b) send a copy of the certified statement and the report to the Secretary of State as soon as possible.
- (6) The Secretary of State must lay before Parliament a copy of each statement and report received under subsection (5).]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

F32 Ss. 100A-100G inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 20** (with Pt. 4)

[^{F32}100D Regulator's annual report

- (1) The regulator must, as soon as is reasonably practicable after the end of each financial year, prepare an annual report in relation to how it has exercised its functions during that financial year.
- (2) The regulator must, within such period as the Secretary of State may direct, send a copy of the annual report to the Secretary of State.
- (3) The Secretary of State must lay a copy of each annual report before Parliament.]

Textual Amendments

F32 Ss. 100A-100G inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 20** (with Pt. 4)

[^{F32}100E Financial year

- (1) The regulator's financial year is each period of 12 months beginning with 1st April.
- (2) But the first financial year is the period—
 - (a) beginning with the day on which section 80A comes into force, and
 - (b) ending with the next 31st March.]

Textual Amendments

F32 Ss. 100A-100G inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 20** (with Pt. 4)

[^{F32}Relationship with the HCA

100F Cooperation with the HCA

- (1) The regulator must, in the exercise of its functions, cooperate with the HCA.
- (2) The regulator must, in particular, consult the HCA on matters related to the HCA's social housing functions.

100G Direction to the HCA

- (1) The regulator may direct the HCA not to give financial assistance to a specified registered provider—
 - (a) under section 19, and
 - (b) in connection with social housing.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) A direction may be given if—
- (a) the regulator has decided to hold an inquiry into the affairs of the registered provider under section 206 (and the inquiry is not concluded),
 - (b) the regulator has received notice in respect of the registered provider under section 145, or
 - (c) the regulator has appointed an officer of the registered provider under section 269 (and the person appointed has not vacated office).
- (3) A direction may prohibit the HCA from giving assistance of a specified kind (whether or not in pursuance of a decision already taken and communicated to the registered provider).
- (4) A direction may not prohibit grants to a registered provider in respect of discounts given by the provider on disposals of dwellings to tenants.
- (5) A direction has effect until withdrawn.]

[^{F33}Relationship with housing ombudsman

Textual Amendments

F33 S. 100H and cross-heading inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), ss. 5(2), 46(3); S.I. 2023/1001, reg. 2(d)

100H Relationship with housing ombudsman

- (1) The regulator and a housing ombudsman must each take such steps as it considers appropriate to co-operate in the exercise of their respective functions.
- (2) The regulator and a housing ombudsman must prepare and maintain a memorandum describing how they intend to comply with subsection (1).
- (3) The regulator and a housing ombudsman must ensure that the memorandum between them as currently in force is published in the way appearing to them to be best calculated to bring it to the attention of the public.]

^{F34}**101 Assistance by Secretary of State**

.....

Textual Amendments

F34 S. 101 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 30, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

^{F35}**102 Borrowing**

.....

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

.....

Textual Amendments

F35 S. 102 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 31, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F36 **103 Accounts**

.....

.....

Textual Amendments

F36 S. 103 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 32, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F37 **104 Financial year**

.....

.....

Textual Amendments

F37 S. 104 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 33, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

Relationship with other bodies

F38 **105 Cooperation with the HCA**

.....

.....

Textual Amendments

F38 S. 105 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 34, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F39 **106 Direction to the HCA**

.....

.....

Textual Amendments

F39 S. 106 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 35, [Sch. 25 Pt. 26](#) (with [Sch. 16 para. 68\(6\)](#)); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

F40 **106A Cooperation with the Audit Commission**

.....

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

F40 S. 106A omitted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 90](#); [S.I. 2015/841](#), [art. 3\(x\)](#)

Information

107 Collection

- (1) The regulator may for a purpose connected with its functions require a person to provide documents or information which it has reason to believe is or may be in the person's possession and which relates to—
 - (a) the financial or other affairs of a registered provider;
 - ^{F41}(b) activities which are or may be carried out by—
 - (i) a person who is, or who has applied to become, a registered provider, or
 - (ii) a local authority in England which the regulator thinks may be, or may become, a provider of social housing.]
- (2) A requirement may be imposed on a person other than the body to which the document or information relates only if—
 - (a) the body has been required to provide the document or information but has failed to do so, or
 - (b) the regulator thinks that the body is unable to provide it.
- (3) A requirement may specify—
 - (a) the form and manner in which a document or information is to be provided (which may include the provision of a legible copy of information stored electronically);
 - (b) when and where it is to be provided.
- (4) The regulator may copy or record documents or information provided.
- (5) Failure to comply with a requirement without reasonable excuse is an offence.
- (6) Intentionally altering, suppressing or destroying a document or information to which a requirement relates is an offence.
- (7) If a person fails to comply with a requirement the High Court may, on an application by the regulator, make an order for the purpose of remedying the failure.

Textual Amendments

F41 S. 107(1)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 10](#)

Commencement Information

I14 S. 107 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

108 Section 107: supplemental

- (1) A requirement does not require a person to disclose anything which the person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court.
- (2) A requirement does not require a banker to breach a duty of confidentiality owed to a person who is not—
 - (a) the registered provider to whose affairs or activities the documents or information relates,
 - (b) a subsidiary of the registered provider, or
 - (c) an associate of the registered provider.
- (3) A person guilty of an offence under section 107(5) is liable on summary conviction to a fine ^{F42}....
- (4) A person guilty of an offence under section 107(6) is liable—
 - (a) on summary conviction, to a fine ^{F43}....;
 - (b) on conviction on indictment, to—
 - (i) imprisonment for a term not exceeding two years,
 - (ii) a fine, or
 - (iii) both.
- (5) Proceedings for an offence under section 107(5) or (6) may be brought only by or with the consent of—
 - (a) the regulator, or
 - (b) the Director of Public Prosecutions.
- (6) An order under section 107(7) may include provision about costs.

Textual Amendments

F42 Words in s. 108(3) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 3\(3\)\(c\)](#), 46(3); S.I. 2023/1001, [reg. 2\(c\)\(ii\)\(bb\)](#)

F43 Words in s. 108(4)(a) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 3\(3\)\(d\)\(ii\)](#), 46(3); S.I. 2023/1001, [reg. 2\(c\)\(ii\)\(bb\)](#)

Commencement Information

I15 S. 108 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

109 Disclosure

- (1) A public authority may disclose information to the regulator if the authority thinks that the disclosure is necessary for a purpose connected with the regulator's functions.
- (2) The regulator may disclose information to a public authority if the regulator thinks that the disclosure is necessary—
 - (a) for a purpose connected with the regulator's functions, or
 - (b) for a purpose connected with the authority's functions.
- (3) The regulator may disclose information to a person acting on its behalf for a purpose connected with the regulator's functions.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) A disclosure may be subject to restrictions on further disclosure.
- (5) The power to disclose information under this section is subject to any express restriction on disclosure imposed by another enactment (ignoring any restriction which allows disclosure if authorised by an enactment).
- (6) Disclosure in contravention of a restriction under subsection (4) is an offence.
- (7) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) “Public authority” means a person having functions of a public nature (whether or not in the United Kingdom).

Commencement Information

I16 S. 109 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 107(2A) inserted by 2023 c. 36 s. 3(2)(c)
- s. 107(4A)(4B) inserted by 2023 c. 36 s. 3(2)(f)
- s. 107(6A) inserted by 2023 c. 36 s. 3(2)(i)
- s. 115(6A) inserted by 2023 c. 36 s. 8(d)
- s. 117(1A) inserted by 2023 c. 36 s. 4(3)
- s. 117(4A) inserted by 2023 c. 36 s. 4(5)
- s. 126A-126D inserted by 2023 c. 36 s. 10(2)
- s. 146(2B) inserted by 2023 c. 36 s. 12(3)(e)
- s. 153(1)(ba) inserted by 2023 c. 36 s. 12(6)(a)
- s. 153(1A) inserted by 2023 c. 36 s. 12(6)(b)
- s. 154(2)(ab) inserted by 2023 c. 36 Sch. 1 para. 18
- s. 161A inserted by 2023 c. 36 s. 18(2)
- s. 163A applied (with modifications by S.I. 2023/1311 reg. 9)
- s. 163A inserted by 2023 c. 36 s. 17(3)
- s. 163B inserted by 2023 c. 36 s. 18(3)
- s. 169CA inserted by 2023 c. 36 s. 19(4)
- s. 169CB-169CD and cross-heading inserted by 2023 c. 36 s. 20(2)
- s. 169ZA inserted by 2023 c. 36 Sch. 5 para. 14
- s. 199(9) inserted by 2023 c. 36 s. 28(2)(c)
- s. 199A-199B inserted by 2023 c. 36 s. 28(3)
- s. 200(4A) inserted by 2023 c. 36 s. 28(4)(d)
- s. 201A inserted by 2023 c. 36 s. 29(2)
- s. 203A inserted by 2023 c. 36 s. 30(4)
- s. 215(1A) inserted by 2023 c. 36 s. 29(3)
- s. 218(2)(e) inserted by 2023 c. 36 Sch. 5 para. 26(b)
- s. 218A-218D and cross-heading inserted by 2023 c. 36 s. 31(2)
- s. 220(11B) inserted by 2023 c. 36 s. 10(3)
- s. 220(11D)(11E) inserted by 2023 c. 36 s. 31(3)
- s. 225A-225H and cross-heading inserted by 2023 c. 36 s. 32
- s. 227(7B) inserted by 2023 c. 36 s. 10(4)
- s. 227(7D)(7E) inserted by 2023 c. 36 s. 31(4)
- s. 237(5)(6) inserted by 2023 c. 36 s. 31(5)
- s. 247(1)(c) and word inserted by 2023 c. 36 s. 31(6)
- s. 247(1)(ab)(ac) inserted by 2023 c. 36 s. 10(5)
- s. 249(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 7(b)
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)
- s. 252(2A) inserted by 2023 c. 36 Sch. 3 para. 9(b)
- s. 252A(2)(c)(d) inserted by 2023 c. 36 s. 10(7)(b)
- s. 252A(2)(e) inserted by 2023 c. 36 Sch. 3 para. 10(b)
- s. 252A(2)(f) and word inserted by 2023 c. 36 s. 31(8)
- s. 253(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 11(b)
- s. 255(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 12(b)
- s. 259(3A) inserted by 2023 c. 36 Sch. 3 para. 15(d)
- s. 266(9) inserted by 2023 c. 36 Sch. 3 para. 17(b)
- s. 269(1)(ba)(bb) inserted by 2023 c. 36 Sch. 3 para. 18(c)

– s. 269(1A) inserted by [2023 c. 36 Sch. 3 para. 18\(d\)](#)