



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 6

#### REGULATORY POWERS

## 192 Overview

This Chapter—

- (a) allows the regulator to set standards for the provision of social housing (sections 193 to [F1198B]),
- (b) gives the regulator powers to monitor compliance (sections 199 to [F2to 210A]),
- F3(c) .....
- (d) requires the regulator to give guidance F4... about the use of its powers under this Chapter and Chapter 7 (sections 215 and 216), F5...
- (e) allows the regulator to arrange for the accreditation of managers of social housing (section 217) [F6, and
- (f) makes provision about terms to be implied into management services agreements (section 217A).]

### Textual Amendments

- F1** Word in s. 192(a) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 17 para. 3\(2\)](#); [S.I. 2012/628, art. 6\(i\)](#) (with arts. 911141517)
- F2** Words in s. 192(b) substituted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 5 para. 16\(b\)](#); [S.I. 2023/1001, reg. 2\(y\)\(iii\)](#)
- F3** S. 192(c) omitted (6.4.2017) by virtue of [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 4 para. 30](#); [S.I. 2017/75, reg. 4](#)

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- F4** Words in s. 192(d) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 16(c)**; S.I. 2023/1001, reg. 2(y)(iii)
- F5** Word in s. 192(4)(d) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 21(5)(a)**, 46(3); S.I. 2023/1001, reg. 2(i)
- F6** S. 192(4)(f) and word inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 21(5)(b)**, 46(3); S.I. 2023/1001, reg. 2(i)

#### Commencement Information

- I1** S. 192 in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

### Standards

#### 193 [F7 Standards relating to consumer matters]

- (1) The regulator may set standards for registered providers as to the nature, extent [F8, safety, energy efficiency] and quality of accommodation, facilities or services provided by them in connection with social housing.
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—
- (a) criteria for allocating accommodation,
  - (b) terms of tenancies,
  - [F9](c) .....
  - (d) maintenance,
  - (e) procedures for addressing complaints by tenants against landlords,
  - (f) methods for consulting [F10]tenants and providing them with information in connection with such consultation],
  - (g) methods of enabling tenants to influence or control the management of their accommodation and environment,
  - [F11](ga) methods of assisting tenants to exchange tenancies,]
  - (h) policies and procedures required by section 218A of the Housing Act 1996 (c. 52) in connection with anti-social behaviour,
  - [F12](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),]
  - (i) landlords' contribution to the environmental, social and economic well-being of the areas in which their property is situated, and
  - (j) estate management.

[F13](3) .....

#### Textual Amendments

- F7** S. 193 heading substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 4(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F8** Words in s. 193(1) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 17(a)**; S.I. 2023/1001, reg. 2(y)(iv)
- F9** S. 193(2)(c) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 4(3), **Sch. 25 Pt. 27**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

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- F10** Words in s. 193(2)(f) substituted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 17(b)**; S.I. 2023/1001, reg. 2(y)(iv)
- F11** S. 193(2)(ga) inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 176(1)**, 240(2); S.I. 2012/57, art. 4(1)(s) (with arts. 6,7,9-11)
- F12** S. 193(2)(ha) inserted (20.9.2023) by Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 17(c)**; S.I. 2023/1001, reg. 2(y)(iv)
- F13** S. 193(3) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 17(d)**; S.I. 2023/1001, reg. 2(y)(iv)

#### Commencement Information

- I2** S. 193 in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

### 194 [F14Standards relating to economic matters]

(1) The regulator may set standards for [F15private registered providers] in matters relating to F16... their financial and other affairs.

[F17(1A) Standards under subsection (1) may, in particular, require private registered providers to comply with specified rules about—

- (a) the management of their financial and other affairs, and
- (b) their efficiency in carrying on their financial and other affairs.]

(2) In respect of profit-making registered providers, standards may be made in relation to the management of their affairs only so far as relating to the provision of social housing.

[F18(2A) The regulator may set standards for registered providers requiring them to comply with specified rules about their levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent).]

F19(3) .....

#### Textual Amendments

- F14** S. 194 heading substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 5(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F15** Words in s. 194(1) 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. 51**
- F16** Words in s. 194(1) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 5(3), **Sch. 25 Pt. 27**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F17** S. 194(1A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 5(4)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F18** S. 194(2A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 5(5)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F19** S. 194(3) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 18**; S.I. 2023/1001, reg. 2(y)(iv)

#### Modifications etc. (not altering text)

- C1** S. 194(2A) modified (16.3.2016 for specified purposes, 1.4.2016 in so far as not already in force) by Welfare Reform and Work Act 2016 (c. 7), **ss. 32**, 36(5); S.I. 2016/394, reg. 4

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### Commencement Information

**I3** S. 194 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

## [<sup>F20</sup>194A Standards relating to competence and conduct

- (1) The regulator may set standards for registered providers in matters relating to the competence and conduct of individuals involved in the provision of services in connection with the management of social housing (“relevant individuals”).
- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—
  - (a) the knowledge, skills and experience to be required of relevant individuals, and
  - (b) the conduct to be expected of relevant individuals in their dealings with tenants.
- (3) Standards under subsection (1) may require registered providers to secure that their senior housing executives and senior housing managers—
  - (a) have a specified qualification in housing management or type of qualification in housing management, or
  - (b) are working towards such a qualification or type of qualification.
- (4) Standards under subsection (1) may require registered providers to take steps to secure that relevant managers of their services providers—
  - (a) have a specified qualification in housing management or type of qualification in housing management, or
  - (b) are working towards such a qualification or type of qualification.
- (5) Each of the following is a “relevant manager” of a services provider—
  - (a) if the services provider is a relevant individual, that individual;
  - (b) a senior housing executive of the services provider;
  - (c) a senior housing manager of the services provider.
- (6) A qualification or type of qualification specified for a senior housing executive may only be—
  - (a) a foundation degree, or
  - (b) a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 5.
- (7) A qualification or type of qualification specified for a senior housing manager, or for an individual described in subsection (5)(a), may only be a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 4.
- (8) The references in subsections (6) and (7) to the level of a qualification are to the level assigned to a qualification by virtue of general conditions set and published by the Office of Qualifications and Examinations Regulation under section 134 of the Apprenticeships, Skills, Children and Learning Act 2009.

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- (9) Except as provided by subsections (3) to (8), standards under subsection (1) may not require registered providers to comply with rules about the qualifications to be required of relevant individuals.
- (10) See also section 217A (which makes provision implying terms relating to qualifications into management services agreements).

#### Textual Amendments

**F20** Ss. 194A, 194B inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 21\(1\)](#), 46(3); [S.I. 2023/1001](#), reg. 2(i)

### **194B Meaning of “services provider”, “senior housing executive” and “senior housing manager”**

- (1) This section makes provision about the meaning of terms for the purposes of section 194A.
- (2) “Services provider”, in relation to a registered provider, means a person who, in accordance with an agreement with the registered provider or another person, provides services in connection with the management of social housing provided by the registered provider or arranges for the provision of such services.
- (3) For the purposes of subsection (2), an agreement does not include a contract of employment or a contract of apprenticeship.
- (4) “Senior housing executive” of a registered provider means a relevant individual who—
- is an employee or officer of the registered provider,
  - has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the registered provider, and
  - is part of the registered provider’s senior management.
- (5) “Senior housing executive” of a services provider in relation to a registered provider means a relevant individual who—
- is—
    - an employee of the services provider,
    - an officer of the services provider, or
    - if the services provider is a partnership, a partner in the partnership,
  - has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the registered provider, and
  - is part of the services provider’s senior management.
- (6) For the purposes of subsections (4) and (5), an individual is part of a registered provider’s or services provider’s senior management if the individual plays a significant role in—
- the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or

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- (b) the management or organisation of the whole or a substantial part of such activities.
- (7) “Senior housing manager” of a registered provider means a relevant individual who—
- is an employee of the registered provider, and
  - is a senior housing and property manager for the registered provider.
- (8) “Senior housing manager” of a services provider in relation to a registered provider means a relevant individual who—
- is an employee of the services provider,
  - is a senior housing and property manager for the services provider, and
  - is involved in the provision of services in connection with the management of social housing provided by the registered provider.
- (9) For the purposes of subsections (7) and (8), whether an individual is a senior housing and property manager is to be determined by reference to the description of the occupation of senior housing and property management published by the Institute for Apprenticeships and Technical Education under section ZA10(5) of the Apprenticeships, Skills, Children and Learning Act 2009.
- (10) In this section—
- “employee” includes a person employed under a contract of apprenticeship;
- “relevant individual” has the same meaning as in section 194A.
- (11) The following Table gives the meaning of “officer” in relation to services providers for the purposes of this section—

Services provider	Meaning of “officer”
Registered charity which is not a registered company	Trustee, secretary or treasurer
Registered society	“Officer” within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014 (including a person co-opted to serve on the society’s committee)
Registered company	“Officer” within the meaning given by section 1173 of the Companies Act 2006
Limited liability partnership	A member of the limited liability partnership.]

#### Textual Amendments

**F20** Ss. 194A, 194B inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 21(1)**, 46(3); S.I. 2023/1001, reg. 2(i)

#### [<sup>F21</sup>194C Standards relating to information and transparency

- (1) The regulator may set standards for registered providers in matters relating to the provision of information to their tenants of social housing and to the regulator, including standards requiring information to be published.

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- (2) Standards under subsection (1) may, in particular, require registered providers to comply with specified rules about—
- (a) the provision of information to their tenants of social housing concerning the accommodation, facilities or services provided in connection with social housing, including information concerning—
    - (i) their tenants’ rights in connection with those things, and
    - (ii) how to make complaints against registered providers,
  - (b) monitoring their compliance with standards under this section and sections 193, 194 and 194A and informing the regulator if they have failed, or there is a risk they will fail, to meet any of those standards, and
  - (c) the publication of information about—
    - (i) the remuneration of their executives, and
    - (ii) their income, management costs and other expenditure.
- (3) For the purposes of subsection (2)(c), an “executive”, in relation to a registered provider, means an individual who is both—
- (a) an officer or employee of the registered provider, and
  - (b) responsible for the management of the provider.]

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**Textual Amendments**

**F21** S. 194C inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 22(2)**, 46(3); S.I. 2023/1001, reg. 2(j)

**195 Code of practice**

- (1) The regulator may issue a code of practice which—
- (a) relates to a matter addressed by a standard <sup>F22</sup>..., and
  - (b) amplifies the standard.
- (2) In considering whether standards <sup>F23</sup>... have been met the regulator may have regard to a code of practice.
- (3) The regulator may revise or withdraw a code of practice.
- (4) The regulator shall make arrangements for bringing a code of practice to the attention of registered providers.

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**Textual Amendments**

**F22** Words in s. 195(1)(a) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 23(a)**, 46(3); S.I. 2023/1001, reg. 2(k)

**F23** Words in s. 195(2) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 23(b)**, 46(3); S.I. 2023/1001, reg. 2(k)

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**Commencement Information**

**I4** S. 195 in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

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## 196 Consultation

- (1) Before setting standards, or issuing, revising or withdrawing a code of practice, the regulator shall consult the following or ensure that they have been consulted—
- (a)
  - (b) one or more bodies appearing to it to represent the interests of registered providers,  
one or more bodies appearing to it to represent the interests of secured creditors of registered providers,
  - <sup>F24</sup>(ba) any body for the time being nominated under section 278A,]
  - (c) one or more<sup>F25</sup> other] bodies appearing to it to represent the interests of tenants of social housing,
  - <sup>F26</sup>(d) .....
  - (e) one or more bodies appearing to it to represent the interests of local housing authorities,
  - <sup>F27</sup>(ea) the Greater London Authority,]
  - <sup>F28</sup>(eb) any housing ombudsman,]
  - <sup>F29</sup>(f) ....., and
  - (g) the Secretary of State.
- <sup>F30</sup>(1A) Before setting standards, or issuing, revising or withdrawing a code of practice, the regulator must also consult the HCA.]
- (2) Before setting a standard which would apply to charities, or issuing, revising or withdrawing a code of practice which applies or would apply to charities, the regulator must consult the Charity Commission.
- <sup>F31</sup>(3) Before setting a standard under section 194A which imposes a requirement described in subsection (4) of that section, the regulator must consult, or ensure that there has been consultation with, each body (if any) which is nominated by the Secretary of State for the purposes of this subsection.
- (4) The Secretary of State may nominate a body for the purposes of subsection (3) only if the body appears to the Secretary of State to represent the interests of services providers in relation to registered providers (as defined in section 194B(2)).
- (5) The Secretary of State must notify the regulator of any nomination (or withdrawal of any nomination) made for the purposes of subsection (3).]

### Textual Amendments

- F24** S. 196(1)(ba) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(4\)\(a\)](#), 148(1)(c)
- F25** Word in s. 196(1)(c) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(4\)\(b\)](#), 148(1)(c)
- F26** S. 196(1)(d) omitted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 92](#); S.I. 2015/841, [art. 3\(x\)](#)
- F27** S. 196(1)(ea) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 55](#); S.I. 2012/628, [art. 6\(i\)](#) (with arts. 911141517)
- F28** S. 196(1)(eb) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 5\(3\)](#), 46(3); S.I. 2023/1001, [reg. 2\(d\)](#)



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- F29** S. 196(1)(f) (but not the word "and" at the end of that paragraph) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 16 para. 42, Sch. 25 Pt. 26; S.I. 2012/628, art. 6\(i\)\(j\)](#) (with arts. 911141517)
- F30** S. 196(1A) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\), art. 1\(2\), Sch. para. 25](#) (with Pt. 4)
- F31** S. 196(3)-(5) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), ss. 21\(2\), 46\(3\); S.I. 2023/1001, reg. 2\(i\)](#)

#### Commencement Information

- I5** S. 196 in force at 8.9.2008 by [S.I. 2008/2358, art. 3\(1\)](#) (with art. 3(3)(4))

## 197 Direction by Secretary of State

- (1) The Secretary of State may direct the regulator—
- (a) to set a standard under section 193 [<sup>F32</sup>or 194],
  - (b) about the content of standards under section 193 [<sup>F33</sup>or 194], or
  - (c) to have regard to specified objectives when setting standards under section 193 or 194.
- (2) The Secretary of State may give a direction under subsection (1)(a) or (b) only if it relates, in the Secretary of State's opinion, to—
- (a) quality [<sup>F34</sup>, safety or energy efficiency] of accommodation,
  - [<sup>F35</sup>(aa) tenure,]
  - (b) rent, <sup>F36</sup>...
  - (c) involvement by tenants in the management by registered providers of accommodation [<sup>F37</sup>, or
  - (d) methods of assisting tenants to exchange tenancies.]
- [<sup>F38</sup>(2A) The Secretary of State may direct the regulator—
- (a) to set a standard under [section 194A](#),
  - (b) to set a standard under [section 194C](#) which relates, in the Secretary of State's opinion, to the matters in [section 194C\(2\)\(a\)](#),
  - (c) about the content of standards described in paragraph (a) or (b), or
  - (d) to have regard to specified objectives when setting those standards.]
- (3) In deciding whether to give a direction the Secretary of State shall, in particular, have regard to the regulator's fundamental objectives.
- (4) Before giving a direction the Secretary of State must consult—
- [<sup>F39</sup>(za) the HCA,]
  - (a) the regulator,
  - [<sup>F40</sup>(aa) the Greater London Authority,]
  - [<sup>F41</sup>(ab) any housing ombudsman,]
  - <sup>F42</sup>(b) .....
  - <sup>F43</sup>(c) .....
  - (d) one or more bodies appearing to the Secretary of State to represent the interests of local housing authorities,
  - [<sup>F44</sup>(da) any body for the time being nominated under [section 278A](#),]
  - (e) one or more [<sup>F45</sup>other ] bodies appearing to the Secretary of State to represent the interests of tenants of social housing, and

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- (f) one or more bodies appearing to the Secretary of State to represent the interests of registered providers.
- (5) Before giving a direction about a standard which would apply to charities the Secretary of State must consult the Charity Commission.
- [<sup>F46</sup>(5A) Before giving a direction to set a standard under section 194A which imposes a requirement described in subsection (4) of that section, the Secretary of State must consult one or more bodies appearing to the Secretary of State to represent the interests of services providers in relation to registered providers (as defined in section 194B(2)).]
- (6) A direction may disapply the requirement to consult under section 196 in relation to specified matters.
- (7) The regulator shall comply with any direction.
- (8) The Secretary of State shall publish—
- (a) each proposed direction that is the subject of a consultation,
  - (b) each response to a consultation, and
  - (c) each direction.

#### Textual Amendments

- F32** Words in s. 197(1)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 7](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F33** Words in s. 197(1)(b) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 7](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F34** Words in s. 197(2)(a) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 19](#); S.I. 2023/1001, reg. 2(y)(iv)
- F35** S. 197(2)(aa) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 152, 240(2); S.I. 2012/57, art. 4(1)(n) (with arts. 6, 7, 9-11)
- F36** Word in s. 197(2)(b) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 25](#); S.I. 2012/57, art. 4(1)(ee)(iv)
- F37** S. 197(2)(d) and word inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 176(2), 240(2); S.I. 2012/57, art. 4(1)(s) (with arts. 6, 7, 9-11)
- F38** S. 197(2A) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), ss. 24, 46(3); S.I. 2023/1001, reg. 2(l)
- F39** S. 197(4)(za) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 26](#) (with Pt. 4)
- F40** S. 197(4)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 56](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F41** S. 197(4)(ab) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), ss. 5(4), 46(3); S.I. 2023/1001, reg. 2(d)
- F42** S. 197(4)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 43, [Sch. 25 Pt. 26](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F43** S. 197(4)(c) omitted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 93](#); S.I. 2015/841, art. 3(x)
- F44** S. 197(4)(da) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 26(5)(a), 148(1)(c)
- F45** Word in s. 197(4)(e) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 26(5)(b), 148(1)(c)
- F46** S. 197(5A) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), ss. 21(3), 46(3); S.I. 2023/1001, reg. 2(i)

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#### Commencement Information

**I6** S. 197 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#) (with [art. 3\(3\)\(4\)](#))

### 198 Supplemental

<sup>F47</sup>(1) . . . . .

- (2) The regulator shall make arrangements for bringing standards to the attention of registered providers.
- (3) The regulator may revise or withdraw standards; and section 196 applies to revising or withdrawing standards as to setting standards.
- (4) Standards may be expressed by reference to documents prepared by others.
- (5) Standards—
  - (a) may make provision generally or only in relation to specified cases, circumstances or areas, and
  - (b) may make different provision for different cases, circumstances or areas.

[<sup>F48</sup>(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.]

#### Textual Amendments

**F47** S. 198(1) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 17 para. 8, [Sch. 25 Pt. 27](#); [S.I. 2012/628](#), [art. 6\(i\)\(j\)](#) (with [arts. 911141517](#))

**F48** S. 198(6) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 20](#); [S.I. 2023/1001](#), [reg. 2\(y\)\(iv\)](#)

#### Modifications etc. (not altering text)

**C2** S. 198(3) modified (16.3.2016 for specified purposes, 1.4.2016 in so far as not already in force) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), [ss. 32, 36\(5\)](#); [S.I. 2016/394](#), [reg. 4](#)

#### Commencement Information

**I7** S. 198(2)-(5) in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#)

### [<sup>F49</sup>198A Failure to meet standard under section 193

- (1) Failure by a registered provider to meet a standard under section 193 (standards relating to consumers matters) is a ground for exercising a power in this Chapter or Chapter 7.
- (2) But a power to which this subsection applies may be exercised on that ground only if the regulator thinks there are reasonable grounds to suspect that—
  - (a) the failure has resulted in a serious detriment to the registered provider's tenants or potential tenants, or
  - (b) there is a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the registered provider's tenants or potential tenants.
- (3) Subsection (2) applies to the powers conferred by any of the following—

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- (a) section 199 (surveys);
  - (b) section 201 (inspections);
  - (c) section 206 (inquiries);
  - (d) section 220 (enforcement notices);
  - (e) section 227 (penalties);
  - (f) section 237 (compensation);
  - (g) section 247 (management tender);
  - (h) section 251 (appointment of manager).
- (4) The risk that, if no action is taken by a registered provider or the regulator, the registered provider will fail to meet a standard under section 193 is a ground for exercising a power in this Chapter.
- (5) But a power in this Chapter may be exercised on that ground only if the regulator thinks there are reasonable grounds to suspect that, if the failure occurs—
- (a) the failure will result in a serious detriment to the registered provider's tenants or potential tenants, or
  - (b) there will be a significant risk that, if no action is taken by the regulator, the failure will result in a serious detriment to the registered provider's tenants or potential tenants.
- (6) In considering whether to exercise a power within subsection (1) or (4) on the ground mentioned in that subsection, the regulator must have regard to any information it has received from any of the following—
- (a) the Commission for Local Administration in England;
  - (b) a housing ombudsman appointed in accordance with a scheme approved under Schedule 2 to the Housing Act 1996;
  - (c) any body appearing to the regulator to represent the interests of tenants of social housing in England;
  - (d) a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly or a parish council;
  - (e) a member of any of the bodies listed in paragraph (d);
  - (f) the Greater London Authority;
  - (g) a Member of Parliament;
  - (h) a fire and rescue authority under the Fire and Rescue Services Act 2004;
  - (i) the Health and Safety Executive;
  - (j) the Secretary of State.

#### Textual Amendments

**F49** Ss. 198A, 198B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 9](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)

### 198B Failure to meet standard under section 194

- (1) Failure by a registered provider to meet a standard under section 194 (standards relating to economic matters) is a ground for exercising a power in this Chapter or

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Chapter 7 (if the power is otherwise exercisable in relation to a registered provider of that kind).

- (2) The risk that, if no action is taken by a registered provider or the regulator, the registered provider will fail to meet a standard under section 194 is a ground for exercising a power in this Chapter.]

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**Textual Amendments**

**F49** Ss. 198A, 198B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 9](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)

*[<sup>F50</sup>Performance information*

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**Textual Amendments**

**F50** [S. 198C](#) and cross-heading inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 27\(2\)](#), 46(3); S.I. 2023/1001, [reg. 2\(m\)](#)

## **198C Directions about performance information**

- (1) The regulator may give directions to registered providers requiring them to collect, process and publish information about their performance in relation to matters covered by standards under sections 193, 194, [194A](#) and [194C](#).
- (2) Directions under subsection (1) may, in particular, specify or describe—
- the information that must be collected,
  - the period the information must cover,
  - the method of collecting, processing and presenting information,
  - the form in which information must be presented, and
  - what information must be published and when and the manner of publication.
- (3) A direction—
- may make provision that applies generally or only to specified cases, circumstances or registered providers, and
  - may make different provision for different cases, circumstances or registered providers.
- (4) The regulator must make arrangements for bringing a direction to the attention of every registered provider to which it applies.
- (5) The regulator may request that a registered provider send to the regulator—
- any information collected by the registered provider pursuant to directions under subsection (1);
  - an analysis of that information;
  - an explanation of how the information was collected, processed or published.]

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## *Monitoring*

### **199 Survey**

- (1) This section applies where the regulator suspects that a registered provider may be failing to maintain premises in accordance with standards under section 193.
- (2) The regulator may arrange for a survey of the condition of the premises by an authorised person.
- (3) In subsection (2) “authorised person” means a member of the regulator's staff, or another person, authorised in writing by the regulator for the purposes of this section.
- (4) An authorised person may enter the premises at any reasonable time and carry out the survey.
- (5) Before carrying out the survey an authorised person must give the registered provider at least 28 days' notice.
- (6) A registered provider who receives notice of a survey must give each occupier of the premises at least 7 days' notice.
- (7) After carrying out a survey an authorised person must produce a written report.
- (8) The regulator must give the registered provider a copy of the report.

#### **Commencement Information**

**18** S. 199 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### **200 Survey: supplemental**

- (1) An authorised person carrying out a survey, or seeking to enter premises in order to carry out a survey, must produce a copy of the authorisation on request by an occupier.
- (2) The regulator may require the registered provider to pay some or all of the costs of the survey and report.
- (3) A registered provider who fails without reasonable excuse to comply with section 199(6) commits an offence.
- (4) A registered provider, or an officer of a registered provider, who obstructs an authorised person in exercising a power under section 199 commits an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Proceedings for an offence under this section may be brought only by or with the consent of—
  - (a) the regulator, or
  - (b) the Director of Public Prosecutions.

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### Commencement Information

**I9** S. 200 in force at 1.4.2010 by S.I. 2010/862, art. 2 (with Sch.)

## 201 Inspections

- (1) The regulator may arrange for a person to inspect—
- (a) a registered provider's performance of its functions in relation to the provision of social housing, or
  - (b) the financial or other affairs of a registered provider.

[<sup>F51</sup>(2) The person may be a member of the regulator's staff if the Secretary of State consents.

(2A) Consent under subsection (2) may be general or specific.]

<sup>F52</sup>(3) . . . . .

(4) The regulator may direct a person carrying out an inspection to discontinue it.

(5) An inspection may be general or specific.

<sup>F53</sup>(6) . . . . .

[<sup>F54</sup>(7) Arrangements for a person other than a member of the regulator's staff to carry out an inspection may include provision about payments.]

<sup>F55</sup>(7A) . . . . .

<sup>F56</sup>(8) . . . . .

### Textual Amendments

**F51** S. 201(2)(2A) substituted for s. 201(2) (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 10(2); S.I. 2012/628, art. 6(i) (with arts. 911141517)

**F52** S. 201(3) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 10(3), Sch. 25 Pt. 27; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F53** S. 201(6) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 10(4), Sch. 25 Pt. 27; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

**F54** S. 201(7) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 10(5); S.I. 2012/628, art. 6(i) (with arts. 911141517)

**F55** S. 201(7A) omitted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 94; S.I. 2015/841, art. 3(x)

**F56** S. 201(8) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 17 para. 10(7), Sch. 25 Pt. 27; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

### Commencement Information

**I10** S. 201 in force at 1.4.2010 by S.I. 2010/862, art. 2 (with Sch.)

## 202 Inspections: supplemental

- (1) After carrying out an inspection under section 201 the person carrying out the inspection must produce a written report.

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- (2) The regulator—
- (a) must give the registered provider a copy of the report, and
  - (b) may publish the report and related information.
- (3) The person who carried out the inspection may publish the report and related information (whether or not the regulator has done so).
- (4) The Secretary of State may by order authorise the regulator to charge fees for inspections.
- (5) An inspected registered provider must pay any fee charged.
- (6) Before making an order the Secretary of State shall consult—
- (a) the regulator,
  - (b) one or more bodies appearing to the Secretary of State to represent the interests of registered providers,
  - <sup>F57</sup>(ba) the HCA,]
  - <sup>F58</sup>(c) ..., and
  - (d) such other persons as the Secretary of State thinks appropriate.
- (7) The regulator shall prescribe a scale of fees for inspections, having consulted—
- (a) the Secretary of State,<sup>F59</sup> and]
  - (b) one or more bodies appearing to the regulator to represent the interests of registered providers,<sup>F60</sup> ...
  - <sup>F60</sup>(c) .....
- <sup>F61</sup>(8) .....

#### Textual Amendments

- F57** S. 202(6)(ba) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 27(a)** (with Pt. 4)
- F58** S. 202(6)(c) (but not the "and" at the end of the paragraph) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 11(2)**, **Sch. 25 Pt. 27**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F59** Word in s. 202(7)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 11(3)(a)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F60** S. 202(7)(c) and preceding word repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 11(3)(b)**, **Sch. 25 Pt. 27**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F61** S. 202(8) 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. 27(b)** (with Pt. 4)

#### Commencement Information

- I11** S. 202(1)-(3) (5) in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)
- I12** S. 202(4)(6)(7) in force at 8.9.2008 for specified purposes by S.I. 2008/2358, **art. 3(1)**
- I13** S. 202(4)(6)(7) in force at 1.4.2010 in so far as not already in force by S.I. 2010/862, **art. 2** (with Sch.)

## 203 Inspector's powers

- (1) An inspector may by notice require a person to provide specified documents or information.



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- (2) The power under subsection (1) may be exercised only in relation to documents and information of a kind in respect of which the regulator can impose a requirement under section 107.
  - (3) Sections 107(3) to (7) and 108 apply for the purposes of subsection (1) (with any necessary modifications).
  - (4) An inspector may at any reasonable time—
    - (a) enter premises occupied by the registered provider which is being inspected, and
    - (b) inspect, copy or take away documents found there.
  - (5) The reference to documents found on premises includes—
    - (a) documents stored on computers or electronic storage devices on the premises, and
    - (b) documents stored elsewhere which can be accessed by computers on the premises.
  - (6) The power to inspect documents includes the power to inspect any computer or electronic storage device on which they have been created or stored.
  - (7) An inspector may require any person on the premises to provide such facilities or assistance as the inspector reasonably requests.
  - (8) For the purposes of subsections (5) and (6) an inspector may require any person having charge of a computer to provide such assistance as the inspector reasonably requests.
  - (9) It is an offence for a person without reasonable excuse to obstruct an inspector exercising the powers conferred by subsections (4) to (8).
  - (10) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
  - (11) Proceedings for an offence may be brought only by or with the consent of—
    - (a) the regulator, or
    - (b) the Director of Public Prosecutions.
- [<sup>F62</sup>(12) In this section “ inspector ” means a person authorised in writing by the regulator to exercise the powers under this section for the purposes of an inspection under section 201. ]

**Textual Amendments**

**F62** S. 203(12) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 12](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

**Commencement Information**

**I14** S. 203 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

<sup>F63</sup>**204 Performance information**

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#### Textual Amendments

**F63** S. 204 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 17 para. 13, [Sch. 25 Pt. 27](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

### <sup>F64</sup>205 Publication of performance information

.....

#### Textual Amendments

**F64** S. 205 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 17 para. 14, [Sch. 25 Pt. 27](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

### 206 Inquiry

- (1) If the regulator suspects that the affairs of a registered provider may have been mismanaged, the regulator may hold an inquiry.
- (2) The regulator shall appoint one or more individuals to conduct the inquiry.
- (3) An individual is eligible for appointment only if the individual is independent of the regulator.
- (4) Individuals are independent of the regulator if they and the members of their family—
  - (a) are not members, employees or consultants of the regulator, and
  - (b) have not been members or employees of the regulator within the previous five years.
- (5) “Consultant” means an individual providing services to the regulator otherwise than by virtue of employment with the regulator or an appointment under this section.

#### Commencement Information

**I15** S. 206 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

### 207 Inquiry: supplemental

- (1) The individual or individuals conducting an inquiry (“the inquirer”) shall determine its procedure.
- [<sup>F65</sup>(2) The inquirer may consider the affairs of the following categories of registered provider only so far as relating to social housing—
  - (a) profit-making organisations;
  - (b) local authorities.]
  - (3) The inquirer may consider affairs of a body which at the material time was a subsidiary or associate of the registered provider.
  - (4) The inquirer may make interim reports.

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- (5) The inquirer shall make a final report on matters specified by the regulator.
- (6) The regulator may arrange for the publication of all or part of an interim or final report.
- (7) A local authority may contribute to the regulator's expenses in connection with an inquiry.

#### Textual Amendments

**F65** S. 207(2) 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. 53](#)

#### Commencement Information

**I16** S. 207 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

### 208 Inquiry: evidence

- (1) The inquirer may by notice require a person to provide specified documents or information.
- (2) The notice may, in particular, require evidence to be given on oath (and the inquirer may administer oaths for that purpose).
- (3) The power under subsection (1) may be exercised only in relation to documents and information of a kind in respect of which the regulator can impose a requirement under section 107.
- (4) Sections 107(3) to (7) and 108 apply for the purposes of this section (with any necessary modifications).

#### Commencement Information

**I17** S. 208 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

### 209 Inquiry: charities

<sup>F66</sup>(1) . . . . .

- (2) An inquiry in relation to a registered charity may only relate to its activities relating to housing.
- (3) If an inquiry is held in relation to a registered charity the regulator shall notify the Charity Commission.

#### Textual Amendments

**F66** S. 209(1) omitted (20.9.2023) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 33\(a\), 46\(3\)](#); [S.I. 2023/1001](#), [reg. 2\(n\)](#)

#### Commencement Information

**I18** S. 209 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

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**210 Extraordinary audit**

- (1) Where an inquiry in respect of [<sup>F67</sup>a private registered provider] is being held, or has been held, under section 206, the regulator may require the registered provider to allow its accounts and balance sheet to be audited by a qualified auditor appointed by the regulator.
- (2) “Qualified auditor” means a person eligible for appointment as auditor of the registered provider's ordinary accounts.
- (3) On completion of the audit, the auditor shall report to the regulator about such matters and in such form as the regulator determines.
- (4) The revenue accounts of a registered charity may be audited under this section only insofar as they relate to its housing activities.
- (5) The registered provider shall pay the costs of the audit (including the auditor's remuneration).

**Textual Amendments**

**F67** Words in s. 210(1) 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. 54](#)

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**Commencement Information**

**I19** S. 210 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

**[<sup>F68</sup>210A Extraordinary [<sup>F69</sup>audit]: local authorities**

- (1) Where an inquiry in respect of a local authority is being held, or has been held, under section 206, [<sup>F70</sup>the regulator may require the local authority to allow its accounts, so far as they relate to the provision of social housing, to be audited by a local auditor appointed by the regulator.]

[ The regulator may not appoint a local auditor to audit the accounts of a local authority <sup>F71</sup>(1A) if that person—

- (a) is the person (or one of the persons) appointed under or by virtue of the Local Audit and Accountability Act 2014 to audit the authority's accounts, or
- (b) was the person (or one of the persons) who carried out the most recent completed audit of the authority's accounts under or by virtue of that Act.

(1B) Sections 20(1), (2), (5) and (6), 22 and 23 of the Local Audit and Accountability Act 2014 (local auditors' general duties and right to documents etc) apply in relation to an audit under this section as they apply in relation to an audit of the local authority under or by virtue of that Act.

(1C) On completion of the audit under this section, the local auditor must report to the regulator about such matters and in such form as the regulator determines.]

<sup>F72</sup>(2) .....

<sup>F72</sup>(3) .....

- (4) The local authority shall pay the [<sup>F73</sup>costs of the audit (including the local auditor's remuneration)].

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[<sup>F74</sup>(5) In this section—

“accounts” has the meaning given by section 4 of the Local Audit and Accountability Act 2014;

“local auditor” means a person who is eligible for appointment under or by virtue of the Local Audit and Accountability Act 2014 as an auditor of the local authority's accounts.]]

#### Textual Amendments

- F68** S. 210A 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. 55**
- F69** Word in s. 210A heading substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 95(7)**; S.I. 2015/841, **art. 3(x)** (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)
- F70** Words in s. 210A(1) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 95(2)**; S.I. 2015/841, **art. 3(x)** (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)
- F71** S. 210A(1A)-(1C) inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 95(3)**; S.I. 2015/841, **art. 3(x)** (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)
- F72** S. 210A(2)(3) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 95(4)**; S.I. 2015/841, **art. 3(x)** (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)
- F73** Words in s. 210A(4) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 95(5)**; S.I. 2015/841, **art. 3(x)** (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)
- F74** S. 210A(5) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 95(6)**; S.I. 2015/841, **art. 3(x)** (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

<sup>F75</sup> .....

#### Textual Amendments

- F75** Ss. 211-214 and cross-heading omitted (6.4.2017) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 31**; S.I. 2017/75, reg. 4

<sup>F75</sup>**211 Non-profit providers only**

.....

<sup>F75</sup>**212 Registered society: change of rules**

.....

<sup>F75</sup>**213 Charity: change of objects**

.....

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<sup>F75</sup>**214 Companies: change of articles**

.....

*Guidance*

**215 Use of intervention powers**

(1 The regulator shall publish—

<sup>F76</sup>(a) .....

(b) guidance about how it uses and intends to use powers under this Chapter and Chapter 7.

<sup>F77</sup>(2) .....

[<sup>F78</sup>(2A) Guidance under subsection (1)(b) must, in particular, specify how the regulator applies and intends to apply the tests in section 198A (use of certain powers in cases of failure or potential failure to comply with standards under section 193).]

(3) The regulator shall have regard to guidance under this section.

**Textual Amendments**

**F76** S. 215(1)(a) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 23(a)**; S.I. 2023/1001, reg. 2(y)(v)

**F77** S. 215(2) omitted (20.9.2023) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 23(b)**; S.I. 2023/1001, reg. 2(y)(v)

**F78** S. 215(2A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 17 para. 15(4)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

**Commencement Information**

**I20** S. 215(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 3(1)**

**I21** S. 215(3) in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

**216 Consultation**

Before giving guidance under section 215 the regulator must consult—

[<sup>F79</sup>(za) the Secretary of State,]

(a) one or more bodies appearing to it to represent the interests of registered providers,

[<sup>F80</sup>(aa) any body for the time being nominated under section 278A,]

(b) one or more [<sup>F81</sup>other] bodies appearing to it to represent the interests of tenants [<sup>F82</sup>of social housing],

[<sup>F83</sup>(ba) the Greater London Authority,]

(c) one or more bodies appearing to it to represent the interests of local housing authorities,

<sup>F84</sup>(d) .....

<sup>F85</sup>(e) .....

[<sup>F86</sup>(f) the HCA.]

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#### Textual Amendments

- F79** S. 216(za) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 16\(a\)](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F80** S. 216(aa) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(6\)\(a\)](#), 148(1)(c)
- F81** Word in s. 216(b) inserted (12.11.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 26\(6\)\(b\)](#), 148(1)(c)
- F82** Words in s. 216(b) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 24](#); S.I. 2023/1001, reg. 2(y)(vi)
- F83** S. 216(ba) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 57](#); S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F84** S. 216(d) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 16\(b\)](#), [Sch. 25 Pt. 27](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F85** S. 216(e) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 45](#), [Sch. 25 Pt. 26](#); S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F86** S. 216(f) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 28](#) (with Pt. 4)

#### Commencement Information

- I22** S. 216 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 3\(1\)](#) (with [art. 3\(3\)\(4\)](#))

### *Managers of social housing*

#### 217 Accreditation

- (1) The regulator may operate a scheme for the purpose of accrediting persons who provide services in connection with the management of social housing.
- (2) The regulator may approve a scheme operated by someone else for that purpose.
- (3) Approval may be withdrawn.
- (4) A scheme may include provision about—
  - (a) eligibility for accreditation;
  - (b) standards to be met by accredited persons (which may operate by reference to standards under section 193 [<sup>F87</sup>or 194A]);
  - (c) monitoring compliance;
  - (d) complaints against accredited persons;
  - (e) renewal, suspension and withdrawal of accreditation.
- (5) Accreditation, or continued accreditation, may be conditional on the payment of fees.
- (6) Standards under section 193 [<sup>F88</sup>or 194A] may refer to accreditation under this section.

#### Textual Amendments

- F87** Words in s. 217(4)(b) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 25\(a\)](#); S.I. 2023/1001, reg. 2(y)(vii)
- F88** Words in s. 217(6) inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 25\(b\)](#); S.I. 2023/1001, reg. 2(y)(vii)

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### Commencement Information

**I23** S. 217 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## [<sup>F89</sup>217A] Implied terms of management services agreements relating to qualifications

- (1) Each management services agreement in relation to social housing of a registered provider, whenever entered into, is to be treated as including the terms set out in subsection (4).
- (2) In this section, a “management services agreement”, in relation to social housing of a registered provider, means an agreement under which one person (a “services provider”) agrees with another person (the “services recipient”) to provide services in connection with the management of social housing provided by the registered provider or to arrange for the provision of such services.
- (3) For the purposes of subsection (2)—
  - (a) an agreement does not include a contract of employment or a contract of apprenticeship, and
  - (b) the services recipient may be the registered provider or another person.
- (4) The terms are that—
  - (a) the services provider must secure that its relevant managers who are involved in the provision of services in connection with the management of social housing to which the agreement relates meet the qualification standard at all times;
  - (b) in the event that the services provider does not comply with the term set out in paragraph (a), the services provider will take such action to rectify the non-compliance as is reasonably required by the services recipient;
  - (c) the services provider must comply with any reasonable request for information demonstrating whether or not the services provider is complying with the term in paragraph (a) that is made by the registered provider who provides the social housing to which the agreement relates or (if different) the services recipient.
- (5) A relevant manager of a services provider under a management services agreement “meets the qualification standard” if—
  - (a) a standard is in force under section 194A which requires the registered provider who provides the social housing to which the agreement relates to take steps to secure that the manager has, or is working towards, a qualification or type of qualification in housing management, and
  - (b) the manager has or (as the case may be) is working towards such a qualification,
 or if there is no standard in force under section 194A which imposes a requirement described in paragraph (a).
- (6) A term of a management services agreement is not binding on the services recipient to the extent it would—
  - (a) exclude or restrict the liability of the services provider for breach of a term implied by this section, or
  - (b) prevent an obligation under a term implied by this section arising or limiting its extent.



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(7) In this section “relevant manager”, in relation to a services provider, has the same meaning as it has for the purposes of section 194A (see section 194A(5)).]

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**Textual Amendments**

**F89** S. 217A inserted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), [ss. 21\(4\)](#), 46(3); S.I. 2023/1001, [reg. 2\(i\)](#)

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**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\(d\)](#)