

HOUSING (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Registered Social Landlords

Chapter 1: Performance

71. This Chapter amends Part 1 of the 1996 Act to strengthen the powers of the Welsh Ministers with regard to the performance of RSLs.

72. [Sections 35 to 37](#) insert new sections 33A to 33C before section 34 of the 1996 Act.

Section 35 - Standards of performance

73. Subsection (1) of the new section 33A gives the Welsh Ministers the power to set standards of performance for RSLs. These standards may apply to the functions of RSLs relating to the provision of housing or to the governance and financial management of the RSLs.

74. Subsection (2) provides that when setting standards, the Welsh Ministers must have regard to the desirability of RSLs being free to choose how to provide services and conduct business.

Section 36 - Guidance on standards of performance

75. Subsections (1) and (2) of the new section 33B provide that the Welsh Ministers may issue guidance in relation to the standards they set, and that the Welsh Ministers may have regard to this guidance in considering whether the standards have been met.

76. Subsection (3) provides that the Welsh Ministers may revise or withdraw such guidance.

77. Subsection (4) requires the Welsh Ministers to bring the guidance to the attention of RSLs.

Section 37 - Consultation

78. The new section 33C provides that before setting standards or issuing, revising or withdrawing guidance the Welsh Ministers must consult:

- i) one or more bodies representing the interests of RSLs,
- ii) one or more bodies appearing to them to represent the interests of tenants, and
- iii) one or more bodies appearing to them to represent the interests of local housing authorities.

Section 38 - Information as to levels of performance

79. This section (subsection (2)) amends section 35 of the 1996 Act so as to require the Welsh Ministers to collect information from RSLs about their level of performance,

both in relation to their provision of housing in Wales and their governance and financial management.

80. Subsection (3) preserves the current duty on the Welsh Ministers to collect information about the performance of RSLs in connection with the provision of housing in England.
81. Subsection (4) amends subsection (2) of section 35 of the 1996 Act to enable the Welsh Ministers to direct each RSL to provide information to them about the level of performance achieved by the RSL in relation to each standard set under section 33A of the 1996 Act (inserted by section 35 of this Measure). A failure to comply with such a direction, without reasonable excuse, is an offence punishable by a fine not exceeding level 5 on the standard scale (currently £5,000).

Section 39 - Guidance about complaints about performance

82. This section inserts a new section 35A into the 1996 Act which allows the Welsh Ministers to publish guidance about the way in which complaints may be made to them about the performance of RSLs. The guidance may specify various matters, such as the procedure for making a complaint, the criteria to be used by the Welsh Ministers in deciding whether to investigate a complaint, and the period within which they aim to inform complainants of the outcome.
83. Subsection (3) of new section 35A provides that the Welsh Ministers may revise or withdraw such guidance.

Section 40 - Consultation

84. This section inserts a new section 35B into the 1996 Act to provide that if the Welsh Ministers issue guidance in relation to complaints about performance, they must consult on the guidance before publication.