



# Housing (Wales) Measure 2011

**2011 nawm 5**

## **PART 2**

### **REGISTERED SOCIAL LANDLORDS**

#### **CHAPTER 4**

#### **ENFORCEMENT**

#### *Compensation*

#### **64 Grounds for award**

After section 50N of the Housing Act 1996 insert—

#### *“Compensation*

#### **“50O Grounds for award**

- (1) The Welsh Ministers may require a registered social landlord to pay compensation if they are satisfied that—
  - (a) either of the following cases applies, and
  - (b) the award of compensation is appropriate (whether or not as part of a response including other action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard under section 33A.
- (3) Case 2 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.”

*Changes to legislation: There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross Heading: Compensation. (See end of Document for details)*

#### Commencement Information

- I1** S. 64 in force for specified purposes at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(m)  
**I2** S. 64 in force in so far as not already in force at 2.12.2011 by S.I. 2011/2475, arts. 1(2), 3(g)

### 65 Persons to whom compensation may be awarded

After section 50O of the Housing Act 1996 insert—

#### “50P Persons to whom compensation may be awarded

Compensation in respect of a failure may be awarded to one or more persons who have suffered as a result of the failure.”

#### Commencement Information

- I3** S. 65 in force at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(n)

### 66 Award

After section 50P of the Housing Act 1996 insert—

#### “50Q Award

- (1) Compensation is awarded by the Welsh Ministers giving notice (a “compensation notice”) to—
  - (a) the registered social landlord, and
  - (b) the person to be compensated.
- (2) The notice must specify—
  - (a) the grounds on which the compensation is awarded,
  - (b) the amount of the compensation,
  - (c) the person to be compensated,
  - (d) a period within which it must be paid, and
  - (e) any interest or additional compensation which, by virtue of section 50U(2), is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the compensation award in a specified manner.
- (4) The notice must explain the effect of sections 50U(1) and (3) and 50V.”

#### Commencement Information

- I4** S. 66 in force at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(n)

### 67 Impact

After section 50Q of the Housing Act 1996 insert—

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### “50R Impact

- (1) This section applies when the Welsh Ministers are considering—
  - (a) whether to award compensation, or
  - (b) the amount of compensation to award.
- (2) The Welsh Ministers must take account of any information available to them about the financial situation of the registered social landlord.
- (3) The Welsh Ministers must consider the likely impact of the compensation on the registered social landlord's ability to provide services.
- (4) In particular, the Welsh Ministers must aim to avoid—
  - (a) jeopardising the financial viability of the registered social landlord,
  - (b) preventing the registered social landlord from honouring financial commitments, or
  - (c) preventing the registered social landlord from taking action to remedy the matters on the grounds of which the compensation might be awarded.”

#### Commencement Information

**I5** [S. 67](#) in force at 18.10.2011 by [S.I. 2011/2475](#), [arts. 1\(2\), 2\(n\)](#)

## 68 Warning

After section 50R of the Housing Act 1996 insert—

### “50S Warning

- (1) Before giving a compensation notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a “pre-compensation warning”)—
  - (a) specifying grounds on which the Welsh Ministers think compensation could be awarded,
  - (b) warning the landlord that the Welsh Ministers are considering awarding compensation to a specified person,
  - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any compensation, and
  - (d) explaining the effect of sections 50T, 50U(1) and (3) and 50V.
- (2) Before giving a pre-compensation warning the Welsh Ministers must consult the Public Services Ombudsman for Wales.
- (3) The Welsh Ministers must send a copy of a pre-compensation warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-compensation warning is given).
- (4) A pre-compensation warning must—
  - (a) refer to section 6A, and

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- (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, awarding compensation.
- (5) A pre-compensation warning may be combined with notice under one or more of the following—
  - (a) section 50K,
  - (b) paragraphs 15C, 15E and 15G of Schedule 1.”

#### Commencement Information

**I6** [S. 68](#) in force at 18.10.2011 by [S.I. 2011/2475](#), [arts. 1\(2\), 2\(n\)](#)

## 69 Representations

After section 50S of the Housing Act 1996 insert—

### “50T Representations

- (1) A pre-compensation warning must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (2) The period must—
  - (a) be a period of at least 28 days, and
  - (b) begin with the date on which the registered social landlord receives the pre-compensation warning.
- (3) Representations may address—
  - (a) whether compensation should be awarded;
  - (b) the amount of any compensation that may be awarded.
- (4) After the end of the period specified under subsection (1) the Welsh Ministers must—
  - (a) consider any representations made, and
  - (b) decide whether to award compensation.”

#### Commencement Information

**I7** [S. 69](#) in force at 18.10.2011 by [S.I. 2011/2475](#), [arts. 1\(2\), 2\(n\)](#)

## 70 Enforcement

After section 50T of the Housing Act 1996 insert—

### “50U Enforcement

- (1) Compensation is to be treated as a debt owed to the person to whom it is awarded.
- (2) The Welsh Ministers may —

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**Changes to legislation:** There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross Heading: Compensation. (See end of Document for details)

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- (a) award interest on compensation not paid during the period specified under section 50Q(2)(d);
  - (b) award additional compensation where compensation is not paid during that period.
- (3) Interest and additional compensation are to be treated as compensation.”

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**Commencement Information**

**18** [S. 70](#) in force at 18.10.2011 by [S.I. 2011/2475](#), **arts. 1(2), 2(n)**

## 71 Appeal

After section 50U of the Housing Act 1996 insert—

### “50V Appeal

A registered social landlord who is given a compensation notice may appeal to the High Court against—

- (a) the award of compensation,
- (b) its amount, or
- (c) both.”

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**Commencement Information**

**19** [S. 71](#) in force at 18.10.2011 by [S.I. 2011/2475](#), **arts. 1(2), 2(n)**

**Changes to legislation:**

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Heading: Compensation.