



Housing (Wales) Measure 2011

2011 nawm 5

PART 2

REGISTERED SOCIAL LANDLORDS

CHAPTER 4

ENFORCEMENT

Enforcement notice

52 Grounds for giving notice

After section 50B of the Housing Act 1996 insert—

“Enforcement notice

50C Grounds for giving notice

- (1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that—
 - (a) any of the following cases applies, and
 - (b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A.
- (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.

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

- (5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3).
- (6) Case 5 is where the interests of tenants of the registered social landlord require protection.
- (7) Case 6 is where the registered social landlord's assets require protection.
- (8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (9) Case 8 is where an offence under this Part has been committed by the registered social landlord.
- (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005.
- (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
 - (a) Case 8 applies,
 - (b) the Welsh Ministers may give an enforcement notice to the other person, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.”

Commencement Information

- I1** S. 52 in force for specified purposes at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(i)
- I2** S. 52 in force in so far as not already in force at 2.12.2011 by S.I. 2011/2475, arts. 1(2), 3(e)

53 Content

After section 50C of the Housing Act 1996 insert—

“50D Content

- (1) An enforcement notice must—
 - (a) specify the grounds on which it is given,
 - (b) specify the action the Welsh Ministers want the registered social landlord to take in response to the notice,
 - (c) specify when the action is to be taken (which may be immediately on receipt of the notice), and
 - (d) explain the effect of sections 50E to 50G.
- (2) The action specified in an enforcement notice may include publishing the notice in a specified manner.”

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

Commencement Information

I3 S. 53 in force at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(j)

54 Appeal

After section 50D of the Housing Act 1996 insert—

“50E Appeal

A registered social landlord who is given an enforcement notice may appeal to the High Court.”

Commencement Information

I4 S. 54 in force at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(j)

55 Withdrawal

After section 50E of the Housing Act 1996 insert—

“50F Withdrawal

The Welsh Ministers may withdraw an enforcement notice by notice to the registered social landlord.”

Commencement Information

I5 S. 55 in force at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(j)

56 Sanction

After section 50F of the Housing Act 1996 insert—

“50G Sanction

- (1) In the case of an enforcement notice given to a person other than the registered social landlord by virtue of section 50C(11), the Welsh Ministers may only—
 - (a) exercise the power to issue a penalty notice to the person in accordance with the next group of sections, or
 - (b) take steps to have the person prosecuted for the offence by reference to which the enforcement notice was given.
- (2) A person to whom an enforcement notice is given on the ground in Case 8 of section 50C may not be prosecuted for the offence by reference to which the enforcement notice was given unless the person fails to comply with the enforcement notice.”

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

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Commencement Information

I6 S. 56 in force at 18.10.2011 by S.I. 2011/2475, arts. 1(2), 2(j)

Changes to legislation:

There are currently no known outstanding effects for the Housing (Wales) Measure 2011, Cross
Heading: Enforcement notice.