

*Changes to legislation: Housing Act 2004, Cross Heading: Buildings controlled or managed by public sector bodies etc. is up to date with all changes known to be in force on or before 11 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE 14

#### BUILDINGS WHICH ARE NOT HMOs FOR PURPOSES OF THIS ACT (EXCLUDING PART 1)

*Buildings controlled or managed by public sector bodies etc.*

- 2 (1) A building where the person managing or having control of it is—
- (a) a local housing authority,
  - [<sup>F1</sup>(aa) a non-profit registered provider of social housing,]
  - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
  - [<sup>F2</sup>(c) a police and crime commissioner,
  - (d) the Mayor's Office for Policing and Crime,
  - (e) a fire and rescue authority, or
  - (f) a health service body within the meaning of [<sup>F3</sup>section 9 of the National Health Service Act 2006].
- (2) In sub-paragraph (1)(e) “ fire and rescue authority ” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

#### Textual Amendments

- F1** Sch. 14 para. 2(1)(aa) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#) , art. 1(2) , [Sch. 2 para. 133\(2\)](#) (with art. 6 , Sch. 3 )
- F2** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#) , s. 157(1) , [Sch. 16 para. 335](#) ; S.I. 2011/3019 , art. 3 , Sch. 1 (with Sch. 2 para. 76 )
- F3** Words in Sch. 14 para. 2(1)(f) substituted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006](#) , ss. 2, 8, {Sch. 1 para. 269} (with Sch. 3 Pt. 1)

- [<sup>F4</sup>2A. A building—
- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
  - (b) where the person managing or having control of it is a profit-making registered provider of social housing.]

#### Textual Amendments

- F2** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#) , s. 157(1) , [Sch. 16 para. 335](#) ; S.I. 2011/3019 , art. 3 , Sch. 1 (with Sch. 2 para. 76 )
- F4** Sch. 14 para. 2A inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#) , art. 1(2) , [Sch. 2 para. 133\(3\)](#) (with art. 6 , Sch. 3 )

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*Buildings controlled or managed by a co-operative society*

[<sup>F5</sup>2B (1) A building where—

- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and
- (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.

(2) The conditions are—

- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
- (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
- (c) that each member has equal voting rights at such a meeting, and
- (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

(3) For the purposes of sub-paragraph (1) “co-operative society” means a body that—

- (a) [<sup>F6</sup>is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, ]and
- (b) is neither—
  - (i) a non-profit registered provider of social housing, nor
  - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.

(4) In this paragraph—

[<sup>F7</sup>“the 2014 Act” means the Co-operative and Community Benefit Societies Act 2014;]

“assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;

“protected tenancy” has the same meaning as in the Rent Act 1977;

“secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.]]

**Textual Amendments**

- F2** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 335](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 76)
- F5** Sch. 14 para. 2B and cross-heading inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 185\(1\)](#), 240(2) (with s. 185(2)-(4)); S.I. 2012/628, art. 6(e) (with arts. 9, 11, 14, 15, 17)
- F6** Sch. 14 para. 2B(3)(a), apart from the word 'and', substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 91\(2\)](#) (with Sch. 5)
- F7** Words in Sch. 14 para. 2B(4) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 91\(3\)](#) (with Sch. 5)

**Changes to legislation:**

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

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

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)