

HOUSING AND REGENERATION ACT 2008

EXPLANATORY NOTES

STRUCTURE OF THE ACT

Part 2 – Regulation of Social Housing

Chapter 4 – Registered providers

General provisions

Section 125 - Voluntary undertaking

290. This section sets out the nature of voluntary undertakings made to the regulator by registered providers.
291. *Subsection (1)* provides that a registered provider may give an undertaking in respect of any matter concerning social housing.
292. *Subsection (2)* provides that the regulator may prescribe a procedure to be followed in giving an undertaking.
293. *Subsections (3) and (4)* provide that the regulator must have regard to any undertaking made in this way by a registered provider when exercising a power under Chapters 6 or 7 of this Part of the Act. The regulator may also take into account the extent to which undertakings having been made in this way by a registered provider, have been honoured by the provider, when deciding whether to exercise powers under Chapters 6 or 7.
294. One of the purposes of this provision is to enable registered providers to formally notify the regulator of actions that they propose to take, and believe are necessary to ensure that their affairs are managed in accordance with the standards set by the regulator under sections 193 and 194. It provides a mechanism by which such commitments can be brought to the attention of the regulator, and require the regulator to take account of those undertakings when determining whether to investigate the performance of providers, and to take enforcement action where providers have not complied with regulatory requirements.