



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 3

REGISTRATION

Eligibility

112 Eligibility for registration

- (1) An English body is eligible for registration if—
 - (a) it satisfies the following conditions, and
 - (b) it does not fall within the exceptions in section 113.
- (2) Condition 1 is that the body—
 - (a) is a provider of social housing in England, or
 - (b) intends to become a provider of social housing in England.
- (3) Condition 2 is that the body satisfies any relevant criteria set by the regulator as to—
 - (a) its financial situation,
 - (b) its constitution, and
 - (c) other arrangements for its management.
- (4) Before setting criteria the regulator must consult—
 - (a) the HCA,
 - (b) one or more bodies appearing to it to represent the interests of registered providers, and
 - (c) one or more bodies appearing to it to represent the interests of tenants.

113 Local authority non-registrable bodies

- (1) This section sets out the exceptions to section 112(1).
- (2) Exception 1 is a local housing authority.
- (3) Exception 2 is a county council.
- (4) Exception 3 is a person controlled by an authority within Exception 1 or 2.
- (5) The Secretary of State may make regulations defining when a person is controlled by an authority for the purpose of Exception 3.
- (6) The definition may be expressed by reference to a definition for the time being given in a document identified by regulations under section 21(2)(b) of the Local Government Act 2003 (c. 26) (accounting practices for local authorities).

114 Registration of local authorities

- (1) The Secretary of State may by order—
 - (a) repeal section 113, or
 - (b) amend it so as to permit the registration of specified classes of local authority.
- (2) The Secretary of State may by order require the regulator to register—
 - (a) a specified local authority, or
 - (b) a specified class of local authority.
- (3) Registration under subsection (2)—
 - (a) takes effect in accordance with any provision of the order about timing or other procedural or incidental matters,
 - (b) does not require an application for registration, and
 - (c) may apply to a local authority whether or not it is eligible for registration by virtue of subsection (1).
- (4) If the Secretary of State thinks it necessary or desirable in connection with the registration of local authorities, the Secretary of State may by order—
 - (a) provide for a provision of this Part or any other enactment not to apply in relation to registered local authorities;
 - (b) provide for a provision of this Part or any other enactment to apply with specified modifications in relation to registered local authorities;
 - (c) amend a provision of this Part or any other enactment.
- (5) In this section—
 - (a) “local authority” means an authority or person to whom section 113 applies or has applied, and
 - (b) “registered local authorities” means authorities or persons who are registered, registrable or to be registered as a result of an order under subsection (1) or (2) above.
- (6) Before making an order under this section the Secretary of State shall consult—
 - (a) any authority or person likely to be affected by it, and
 - (b) such other persons as the Secretary of State thinks fit.

115 Profit-making and non-profit organisations

- (1) Each entry in the register shall designate the body registered as either—
 - (a) a non-profit organisation, or
 - (b) a profit-making organisation.
- (2) A body is a non-profit organisation if it is a registered or non-registrable charity.
- (3) A body is also a non-profit organisation if it satisfies the following conditions.
- (4) Condition 1 is that the body—
 - (a) does not trade for profit, or
 - (b) is prohibited by its constitution from issuing capital with interest or dividend at a rate exceeding that prescribed under section 1(1)(b) of the Housing Associations Act 1985 (c. 69).
- (5) Condition 2 is that a purpose of the body is the provision or management of housing.
- (6) Condition 3 is that any other purposes of the body are connected with or incidental to the provision of housing.
- (7) The Secretary of State may make regulations providing that a specified purpose is to be, or not to be, treated as connected with or incidental to the provision of housing.
- (8) A body which is not a non-profit organisation under subsection (2) or (3) is a profit-making organisation.
- (9) If the regulator thinks that what was a profit-making organisation has become a non-profit organisation, the regulator must change the registered designation accordingly.