



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 4

#### REGISTERED PROVIDERS

##### *General provisions*

#### **122 Payments to members etc.**

- (1) This section restricts the making of gifts, and the payment of dividends and bonuses, by a non-profit registered provider to—
  - (a) a member or former member of the registered provider,
  - (b) a member of the family of a member or former member,
  - (c) a company which has as a director a person within paragraph (a) or (b).
- (2) A gift may be made, and a dividend or bonus may be paid, only if it falls within one of the following permitted classes.
- (3) Class 1 is payments which—
  - (a) are in accordance with the constitution of the registered provider, and
  - (b) are due as interest on capital lent to the provider or subscribed in its shares.
- (4) Class 2 is payments which—
  - (a) are paid by a fully mutual housing association (within the meaning of section 1(2) of the Housing Associations Act 1985 (c. 69)),
  - (b) are paid to former members of the association, and
  - (c) are due under—
    - (i) tenancy agreements with the association, or

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(ii) agreements under which the former members became members of the association.

(5) Class 3 is payments which—

- (a) are in accordance with the constitution of the registered provider making the payment (“the payer”), and
- (b) are made to a registered provider which is a subsidiary or associate of the payer.

[<sup>F1</sup>(5A) Class 4 is payments which—

- (a) are in accordance with the constitution of the registered provider,
- (b) are paid for the benefit of tenants of the provider, and
- (c) are in any particular case paid to assist the tenant to obtain other accommodation by acquiring a freehold, or long-leasehold, interest in a dwelling.

(5B) For the purposes of subsection (5A)—

“ long-leasehold interest ”, in relation to a dwelling, means the lessee's interest under a lease of the dwelling granted, for a premium, for a term certain exceeding 21 years;

“ acquiring ”, in relation to a long-leasehold interest in a dwelling, includes acquiring by grant and acquiring by assignment. ]

(6) If a [<sup>F2</sup>registered provider] contravenes this section—

- (a) it may recover the wrongful gift or payment as a debt from the recipient, and
- (b) the regulator may require it to take action to recover the gift or payment.

[<sup>F3</sup>(7) The Secretary of State may by order amend this section for the purpose of—

- (a) adding to the permitted classes, or
- (b) modifying or removing a permitted class added by order under this subsection.

(8) Before making an order under subsection (7), the Secretary of State must consult—

- (a) the Charity Commission,
- (b) the regulator, and
- (c) one or more bodies appearing to the Secretary of State to represent the interests of registered providers.]

#### Textual Amendments

**F1** S. 122(5A)(5B) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 177**, 240(1)(j)

**F2** Words in s. 122(6) substituted (20.9.2023) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 5 para. 11](#); [S.I. 2023/1001](#), reg. 2(y)(ii)

**F3** S. 122(7)(8) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 17 para. 2](#); [S.I. 2012/628](#), art. 6(i) (with arts. 911141517)

#### Commencement Information

**I1** S. 122 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

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## 123 Disposal of property

Chapter 5 makes provision about disposal of property [<sup>F4</sup>by private registered providers].

### Textual Amendments

**F4** Words in s. 123 inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 20](#)

### Commencement Information

**I2** S. 123 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 124 Complaints

- (1) In section 51 of, and Schedule 2 to, the Housing Act 1996 (c. 52) (schemes for investigation of complaints by housing ombudsmen) for “Relevant Authority”, wherever appearing, substitute “Regulator of Social Housing”.
- (2) In section 51 of that Act—
  - (a) for subsection (2)(a) substitute—

“(a) a registered provider of social housing,”
  - (b) in subsection (2)(d) after “registered with” insert “the Regulator of Social Housing or”, and
  - (c) at the end add—

“(7) Section 52 shall apply to an order under subsection (4) (with any necessary modifications).”
- (3) In paragraph 6(2) of Schedule 2 to that Act (grants) for “Housing Corporation”, in both places, substitute “Regulator of Social Housing”.
- (4) In paragraph 11(4) of Schedule 2 to that Act, omit—
  - (a) “or the Housing Corporation”, and
  - (b) “or, as the case may be, the Housing Corporation”.
- (5) At the end of Schedule 2 to that Act add—

### “General provision about orders

12 Section 52 shall apply to an order of the Secretary of State under this Schedule (with any necessary modifications).”

### Commencement Information

**I3** S. 124 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 125 Voluntary undertaking

- (1) A registered provider may give the regulator an undertaking in respect of any matter concerning social housing.

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- (2) The regulator may prescribe a procedure to be followed in giving an undertaking.
- (3) In exercising a power under Chapter 6 or 7 the regulator must have regard to any undertaking offered or given.
- (4) The regulator may found a decision about whether to exercise a power under Chapter 6 or 7 wholly or partly on the extent to which an undertaking has been honoured.

**Commencement Information**

**I4** S. 125 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

<sup>F5</sup>**126 Sustainable community strategies**

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**Textual Amendments**

**F5** S. 126 omitted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 100\(2\)\(e\)](#), [115\(3\)\(k\)](#)

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

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

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 107(2A) inserted by 2023 c. 36 s. 3(2)(c)
- s. 107(4A)(4B) inserted by 2023 c. 36 s. 3(2)(f)
- s. 107(6A) inserted by 2023 c. 36 s. 3(2)(i)
- s. 115(6A) inserted by 2023 c. 36 s. 8(d)
- s. 117(1A) inserted by 2023 c. 36 s. 4(3)
- s. 117(4A) inserted by 2023 c. 36 s. 4(5)
- s. 126A-126D inserted by 2023 c. 36 s. 10(2)
- s. 146(2B) inserted by 2023 c. 36 s. 12(3)(e)
- s. 153(1)(ba) inserted by 2023 c. 36 s. 12(6)(a)
- s. 153(1A) inserted by 2023 c. 36 s. 12(6)(b)
- s. 154(2)(ab) inserted by 2023 c. 36 Sch. 1 para. 18
- s. 161A inserted by 2023 c. 36 s. 18(2)
- s. 163A applied (with modifications by S.I. 2023/1311 reg. 9)
- s. 163A inserted by 2023 c. 36 s. 17(3)
- s. 163B inserted by 2023 c. 36 s. 18(3)
- s. 169CA inserted by 2023 c. 36 s. 19(4)
- s. 169CB-169CD and cross-heading inserted by 2023 c. 36 s. 20(2)
- s. 169ZA inserted by 2023 c. 36 Sch. 5 para. 14
- s. 199(9) inserted by 2023 c. 36 s. 28(2)(c)
- s. 199A-199B inserted by 2023 c. 36 s. 28(3)
- s. 200(4A) inserted by 2023 c. 36 s. 28(4)(d)
- s. 201A inserted by 2023 c. 36 s. 29(2)
- s. 203A inserted by 2023 c. 36 s. 30(4)
- s. 215(1A) inserted by 2023 c. 36 s. 29(3)
- s. 218(2)(e) inserted by 2023 c. 36 Sch. 5 para. 26(b)
- s. 218A-218D and cross-heading inserted by 2023 c. 36 s. 31(2)
- s. 220(11B) inserted by 2023 c. 36 s. 10(3)
- s. 220(11D)(11E) inserted by 2023 c. 36 s. 31(3)
- s. 225A-225H and cross-heading inserted by 2023 c. 36 s. 32
- s. 227(7B) inserted by 2023 c. 36 s. 10(4)
- s. 227(7D)(7E) inserted by 2023 c. 36 s. 31(4)
- s. 237(5)(6) inserted by 2023 c. 36 s. 31(5)
- s. 247(1)(c) and word inserted by 2023 c. 36 s. 31(6)
- s. 247(1)(ab)(ac) inserted by 2023 c. 36 s. 10(5)
- s. 249(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 7(b)
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)
- s. 252(2A) inserted by 2023 c. 36 Sch. 3 para. 9(b)
- s. 252A(2)(c)(d) inserted by 2023 c. 36 s. 10(7)(b)
- s. 252A(2)(e) inserted by 2023 c. 36 Sch. 3 para. 10(b)
- s. 252A(2)(f) and word inserted by 2023 c. 36 s. 31(8)
- s. 253(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 11(b)
- s. 255(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 12(b)
- s. 259(3A) inserted by 2023 c. 36 Sch. 3 para. 15(d)
- s. 266(9) inserted by 2023 c. 36 Sch. 3 para. 17(b)
- s. 269(1)(ba)(bb) inserted by 2023 c. 36 Sch. 3 para. 18(c)

– s. 269(1A) inserted by [2023 c. 36 Sch. 3 para. 18\(d\)](#)