

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Housing (Regulation) Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

Section 36

REGULATORY AND ENFORCEMENT POWERS

1 The Housing and Regeneration Act 2008 is amended as follows.

Commencement Information

- I1** Sch. 3 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)
I2 Sch. 3 para. 1 in force at 20.9.2023 for specified purposes by [S.I. 2023/1001](#), [reg. 2\(w\)\(i\)](#)

PROSPECTIVE

2 In section 201 (inspections) omit subsections (2) and (2A).

Commencement Information

- I3** Sch. 3 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

3 In section 206 (inquiry)—
(a) for subsection (1) substitute—
“(1) The regulator may hold an inquiry into the affairs of a registered provider if the regulator suspects that—
(a) the affairs of the registered provider may have been mismanaged,
(b) the registered provider has failed to meet a standard under section 193, 194 or [194C](#), or
(c) there is a risk that, if no action is taken by the regulator or the registered provider, the registered provider will fail to meet a standard under section 193, 194 or [194C](#).”;
(b) in subsection (4)(a), for “, employees or consultants” substitute “or employees”;
(c) omit subsection (5).

Commencement Information

- I4** Sch. 3 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)

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PROSPECTIVE

4 In section 226 (overview of provisions on penalties) omit “private”.

Commencement Information

I5 Sch. 3 para. 4 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

5 In section 227 (grounds for imposition of penalty), in subsection (1), omit “private”.

Commencement Information

I6 Sch. 3 para. 5 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

6 In section 229 (amount of penalty)—

- (a) in subsection (2), after “penalty” insert “that may be”;
- (b) in that subsection, for “may not exceed £5,000” substitute “is unlimited”;
- (c) omit subsection (3).

Commencement Information

I7 Sch. 3 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

7 In section 249 (management transfer), in subsection (1)—

- (a) in paragraph (a), omit “or”;
- (b) at the end of paragraph (b) insert “, or
- (c) the registered provider has failed to meet a standard under section 193, 194 or [194C.](#)”

Commencement Information

I8 Sch. 3 para. 7 not in force at Royal Assent, see [s. 46\(3\)](#)

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PROSPECTIVE

- 8 In section 251 (appointment of manager of a private registered provider), in subsection (2), in both places, omit “an individual as”.

Commencement Information

I9 Sch. 3 para. 8 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 9 In section 252 (supplementary provisions about appointment of manager)—
- (a) for subsection (2) substitute—

“(2) The registered provider may make representations to the regulator about the notice within the period of 5 days beginning with the day on which the provider receives the notice.”;
 - (b) after subsection (2) insert—

“(2A) Unless the registered provider consents, the regulator may not take action under section 251(2) before the expiry of the period within which the provider may make representations.”;
 - (c) omit subsection (3).

Commencement Information

I10 Sch. 3 para. 9 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 10 In section 252A (appointment of advisers to local authorities), in subsection (2)—
- (a) in the words before paragraph (a), for “thinks” substitute “is satisfied”;
 - (b) at the end of paragraph (d) (inserted by section 10) insert—

“(e) that the authority has failed to meet a standard under section 193, 194 or [194C](#),”.

Commencement Information

I11 Sch. 3 para. 10 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 11 In section 253 (transfer of land by private registered provider), in subsection (1)—
- (a) in paragraph (a), omit “or”;
 - (b) at the end of paragraph (b) insert “, or

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- (c) the registered provider has failed to meet a standard under section 193, 194 or 194C.”

Commencement Information

I12 Sch. 3 para. 11 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 12 In section 255 (amalgamation), in subsection (1)—
- (a) in paragraph (a), omit “or”;
 - (b) at the end of paragraph (b) insert “, or
 - (c) the registered provider has failed to meet a standard under section 193, 194 or 194C.”

Commencement Information

I13 Sch. 3 para. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 13 In section 256 (restrictions on dealings during inquiry)—
- (a) in subsection (1)(a), for “non-profit” substitute “private”;
 - (b) in subsection (3), for the words from “that” to the end substitute “that—
 - (a) the affairs of the registered provider have been mismanaged, or
 - (b) the registered provider has failed to meet a standard under section 194.”

Commencement Information

I14 Sch. 3 para. 13 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 14 In section 257 (restrictions on dealings following inquiry), in subsection (1), for the words from “that” to the end substitute “that—
- (a) the affairs of a private registered provider have been mismanaged, or
 - (b) a private registered provider has failed to meet a standard under section 194.”

Commencement Information

I15 Sch. 3 para. 14 not in force at Royal Assent, see [s. 46\(3\)](#)

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PROSPECTIVE

- 15 In section 259 (suspension of officer etc during inquiry)—
- (a) in subsection (1)(a), for “non-profit” substitute “private”;
 - (b) in subsection (1)(b), for “either” substitute “any”;
 - (c) in subsection (3), for the words from “that” to the end substitute “that—
 - (a) the affairs of the registered provider have been mismanaged, or
 - (b) the registered provider has failed to meet a standard under section 193, 194 or 194C.”;
 - (d) after subsection (3) insert—

“(3A) Case 3 applies if the regulator is satisfied that an officer, employee or agent of the registered provider is obstructing, or failing to co-operate with, the inquiry.”;
 - (e) for subsection (4) substitute—

“(4) The regulator may by order—
 - (a) where Case 1 or Case 2 applies, suspend any officer, employee or agent of the registered provider who it thinks has contributed to the mismanagement or failure, or
 - (b) where Case 3 applies, suspend the officer, employee or agent who it thinks is obstructing, or failing to co-operate with, the inquiry.”

Commencement Information

I16 Sch. 3 para. 15 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 16 In section 260 (removal or suspension of officer etc following inquiry)—
- (a) in subsection (1), for the words from “that” to the end substitute “that—
 - (a) the affairs of a private registered provider have been mismanaged, or
 - (b) a private registered provider has failed to meet a standard under section 193, 194 or 194C.”;
 - (b) in subsection (2), for the words from “who” to the end substitute “who—
 - (a) it thinks has contributed to the mismanagement or failure, or
 - (b) it thinks obstructed, or failed to co-operate with, the inquiry under section 206.”

Commencement Information

I17 Sch. 3 para. 16 not in force at Royal Assent, see [s. 46\(3\)](#)

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PROSPECTIVE

- 17 In section 266 (removal of officers)—
- (a) in subsection (1), for “non-profit” substitute “private”;
 - (b) after subsection (8) insert—
 - “(9) Case 8 applies to a person who is obstructing the regulator, or failing to co-operate with the regulator, in the performance of the regulator’s functions under this Part.”

Commencement Information

I18 Sch. 3 para. 17 not in force at Royal Assent, see [s. 46\(3\)](#)

- 18 In section 269 (appointment of new officers)—
- (a) in subsection (1), for “non-profit” substitute “private”;
 - (b) in subsection (1)(b), omit “or”;
 - (c) after subsection (1)(b) insert—
 - “(ba) in the case of a registered provider which is a registered charity, registered society or registered company, if none of the officers is a board member,
 - (bb) if the regulator is satisfied that the registered provider has failed to meet a standard under section 193, 194 or [194C](#), or”;
 - (d) after subsection (1) insert—
 - “(1A) In subsection (1)(ba), “board member” means—
 - (a) in the case of a registered charity which is not a registered company, a charity trustee within the meaning given by section 177 of the Charities Act 2011;
 - (b) in the case of a registered society, a member of its committee within the meaning given by section 149 of the Co-operative and Community Benefit Societies Act 2014;
 - (c) in the case of a registered company, a director within the meaning given by section 250 of the Companies Act 2006.”;
 - (e) in subsection (4)(a)—
 - (i) leave out “on expiry”;
 - (ii) after “appointment” insert “(on any number of occasions)”.

Commencement Information

I19 Sch. 3 para. 18 not in force at Royal Assent, see [s. 46\(3\)](#)

I20 Sch. 3 para. 18(e) in force at 20.9.2023 by [S.I. 2023/1001](#), [reg. 2\(w\)\(ii\)](#)

PROSPECTIVE

- 19 In section 269A (local authorities: censure during or following inquiry)—

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- (a) in subsection (3), for the words from “that” to the end substitute “that—
 - (a) the affairs of the authority have been mismanaged, or
 - (b) the authority has failed to meet a standard under section 193, 194 or 194C.”;
- (b) in subsection (4), for the words from “that” to the end substitute “that—
 - (a) the affairs of the authority have been mismanaged, or
 - (b) the authority has failed to meet a standard under section 193, 194 or 194C.”

Commencement Information

I21 Sch. 3 para. 19 not in force at Royal Assent, see [s. 46\(3\)](#)

PROSPECTIVE

- 20 In section 269B (response to censure notice), in subsection (2)(c), after “mismanaged” insert “or it has failed to meet the standard (as the case may be).”

Commencement Information

I22 Sch. 3 para. 20 not in force at Royal Assent, see [s. 46\(3\)](#)

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Changes and effects yet to be applied to :

- Sch. 3 para. 1 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 2 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 3 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 4 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 5 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 6 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 7 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 8 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 9 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 10 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 11 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 12 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 13 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 14 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 15 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 16 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 17 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 18(a)-(d) coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 19 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)
- Sch. 3 para. 20 coming into force by [S.I. 2024/437 reg. 2\(y\)](#)