
STATUTORY INSTRUMENTS

2010 No. 844

**The Housing and Regeneration Act 2008
(Registration of Local Authorities) Order 2010**

Citation, commencement and extent

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010.

(2) Articles 3 to 6 and Schedules 1 and 2 come into force on 1st April 2010.

(3) The remaining provisions of this Order come into force on the day after the day on which this Order is made.

(4) An amendment or repeal made by this Order has the same extent as the provision to which it relates.

Interpretation

2. In this Order, “the Act” means the Housing and Regeneration Act 2008.

Requirement to register

3.—(1) The regulator shall register an English local authority if the regulator becomes aware that the authority—

(a) is a provider of social housing, or

(b) intends to become a provider of social housing.

(2) Once registered, the authority remains registered unless and until removed under section 118(4) of the Act (inserted by Schedule 1 to this Order).

(3) In this article—

“English local authority” means—

(a) a local housing authority in England, or

(b) a county council in England;

“register” means enter in the register established under Chapter 3 of Part 2 of the Act.

Removal of exception for persons controlled by local authorities

4. In section 113 of the Act (local authority non-registrable bodies), subsections (4), (5) and (6) are omitted.

Amendment of Part 2

5. Part 2 of the Act is further amended as provided in Schedule 1.

Amendment of other enactments

6. The enactments mentioned in Schedule 2 are amended as provided there.

Transitional provision

7.—(1) In relation to English local authorities that will be registered by virtue of article 3, the powers mentioned in paragraph (2) may be exercised before the date on which that article comes into force for the purpose of giving full effect to it on or after that date.

(2) The powers are—

- (a) the power to set standards under section 193 of the Act,
- (b) the power to issue a code of practice under section 195 of the Act, and
- (c) the power to give directions under section 197 of the Act.

(3) For that purpose—

- (a) consultation with one or more bodies appearing to the regulator or, as the case may be, the Secretary of State to represent the interests of potential registrants is sufficient to satisfy the requirements of section 196(1)(a) or, as the case may be, 197(4)(f) of the Act, and
- (b) consultation in accordance with the provisions of section 196(1) or, as the case may be, 197(4) of the Act (as modified by paragraph (a)) is sufficient to satisfy the requirements of those provisions even if it is carried out before this Order is made.

(4) “Potential registrants” means English local authorities that may be required to be registered when article 3 comes into force.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister of State
Department for Communities and Local
Government

17th March 2010