
STATUTORY INSTRUMENTS

2024 No. 437 (C. 23)

**HOUSING, ENGLAND AND WALES
INSOLVENCY**

**The Social Housing (Regulation) Act 2023 (Commencement
No. 2 and Saving Provisions) Regulations 2024**

Made - - - - *25th March 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 46(3) and (4) of the Social Housing (Regulation) Act 2023⁽¹⁾.

Citation, extent and interpretation

1.—(1) — These Regulations may be cited as the Social Housing (Regulation) Act 2023 (Commencement No. 2 and Saving Provisions) Regulations 2024.

(2) These Regulations extend to England and Wales only, subject to paragraph (3).

(3) This regulation and regulation 2(f), (g), (w)(i) and (ii) and (x) extend to England and Wales, Scotland and Northern Ireland.

(4) In these Regulations—

“the Act” means the Social Housing (Regulation) Act 2023;

“the 2008 Act” means the Housing and Regeneration Act 2008⁽²⁾.

Provisions coming into force on 1st April 2024

2. The following provisions of the Act come into force on 1st April 2024—

(a) section 3 (collection of information), in so far as it is not already in force;

(b) section 4 (power to charge fees);

(c) section 8 (designation);

(d) section 10 (appointment of health and safety lead by registered provider), except subsection (6);

(e) section 12 (moratorium on disposal of land);

(1) 2023 c. 36.

(2) 2008 c. 17.

- (f) section 13 (limited liability partnerships), in so far as it relates to the provisions specified in paragraph (w);
- (g) section 14 (insolvency of registered providers);
- (h) section 15 (notification requirements: expansion to profit-making organisations);
- (i) section 16 (conversion of company into registered society: continuation of registration);
- (j) section 17 (restructuring of registered societies);
- (k) section 18 (receipt of transfers of engagements from a registered society);
- (l) section 19 (notification of constitutional changes);
- (m) section 20 (notification of change of control);
- (n) section 26 (failure to meet standards: exercise of intervention powers);
- (o) section 28 (surveys);
- (p) section 29 (inspection plan);
- (q) section 30 (action after inspection);
- (r) section 31 (performance improvement plans), except subsection (7);
- (s) section 32 (emergency remedial action);
- (t) section 36 (regulatory and enforcement powers: further amendments), in so far as it is not already in force;
- (u) section 38 (meaning of “subsidiary”);
- (v) section 43 (minor and consequential amendments), in so far as it is not already in force;
- (w) in Schedule 1 (limited liability partnerships)—
 - (i) paragraph 1, in so far as it relates to the provisions specified in sub-paragraph (ii);
 - (ii) paragraphs 5 to 9;
 - (iii) Part 2, in so far as it is not already in force;
- (x) Schedule 2 (amendments to restrictions on insolvency procedures);
- (y) Schedule 3 (regulatory and enforcement powers), in so far as it is not already in force;
- (z) Schedule 5 (minor and consequential amendments), in so far as it is not already in force.

Saving provision: power to charge fees

3. The amendments made by section 4(1) to (6) of the Act (brought into force by regulation 2(b)) are of no effect in relation to—

- (a) fees for initial registration where the application for initial registration is made before 1st July 2024;
- (b) annual fees for continued registration which are payable in respect of a period which begins before 1st July 2024.

Saving provision: moratorium on disposal of land

4.—(1) The amendments made by section 12(2) and (3)(b), (d), (e) and (h) of the Act (brought into force by regulation 2(e)) are of no effect in relation to an event mentioned in section 145(2) of the 2008 Act⁽³⁾ which occurred before 1st April 2024 in respect of a private registered provider of social housing⁽⁴⁾ that is—

(3) Section 145 is substituted by section 12 of the Social Housing (Regulation) Act 2023.

- (a) a company within the meaning of Chapter 5 of Part 4 of the Housing and Planning Act 2016⁽⁵⁾,
- (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014⁽⁶⁾, or
- (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011⁽⁷⁾.

(2) The amendments made by section 12(6)(a) to (g) of the Act (brought into force by regulation 2(e)) are of no effect in relation to proposals under section 152 of the 2008 Act if the Regulator of Social Housing⁽⁸⁾ consulted or began consulting under section 153(1) of that Act⁽⁹⁾ in relation to those proposals before 1st April 2024.

(3) The amendment made by section 12(6)(h) of the Act (brought into force by regulation (2)(e)) is of no effect in relation to proposals under section 152 of the 2008 Act for an amendment to agreed proposals if the Regulator of Social Housing consulted or began consulting under section 153(1) of the 2008 Act in relation to those proposals to amend agreed proposals before 1st April 2024.

Saving provision: Regulator of Social Housing’s powers of enforcement

5.—(1) The amendment made by paragraph 9 of Schedule 3 (brought into force by regulation 2(y)) is of no effect in relation to a notice given under section 252(1) of the 2008 Act⁽¹⁰⁾ before 1st April 2024.

(2) The amendment made by paragraph 10(a) of Schedule 3 (brought into force by regulation 2(y)) is of no effect in relation to an appointment made or requirement imposed under section 252A(3) of the 2008 Act⁽¹¹⁾ before 1st April 2024.

(3) The amendments made by paragraphs 26 and 47(c) of Schedule 5 (brought into force by regulation 2(z)) are of no effect in relation to a decision referred to in section 218(1) of the 2008 Act⁽¹²⁾ that was made before 1st April 2024.

(4) The amendment made by paragraph 34 of Schedule 5 (brought into force by regulation 2(z)) is of no effect in relation to an order made under section 256 of the 2008 Act⁽¹³⁾ before 1st April 2024.

(5) The amendment made by paragraph 37 of Schedule 5 (brought into force by regulation 2(z)) is of no effect in relation to an order made under section 259 of the 2008 Act⁽¹⁴⁾ before 1st April 2024.

(6) The amendment made by paragraph 39 of Schedule 5 (brought into force by regulation 2(z)) is of no effect in relation to an order made under section 269(1) of the 2008 Act⁽¹⁵⁾ before 1st April 2024.

(4) See the definition of “private registered provider of social housing” in section 80(3) of the Housing and Regeneration Act 2008, which was inserted by [S.I. 2010/844](#).

(5) [2016 c. 22](#). See the definition of “company” in section 116.

(6) [2014 c. 14](#). See the definition of “registered society” in section 1.

(7) [2011 c. 25](#).

(8) The Regulator of Social Housing is a body corporate established by section 80A of the Housing and Regeneration Act 2008.

(9) Section 153(1) was amended by paragraph 122 of Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 and by [S.I. 2013/496](#) and [2022/1166](#).

(10) Section 252(1) was inserted by [S.I. 2018/1040](#).

(11) Section 252A(3) was inserted by [S.I. 2010/844](#).

(12) Section 218(1) was amended by paragraph 17(2) of Schedule 17 to the Localism Act [2011 \(c. 20\)](#).

(13) Section 256 was amended by sections 33(b) and 34(2) of, and by paragraph 13(a) and (b) of Schedule 3 and paragraph 34 of Schedule 5 to, the Social Housing (Regulation) Act 2023. Paragraph 13 of Schedule 3 to the Social Housing (Regulation) Act 2023 and paragraph 34 of Schedule 5 to the Social Housing (Regulation) Act 2023 are being commenced by these Regulations.

(14) Section 259 was amended by section 33(d) of, and by paragraph 15 of Schedule 3, paragraph 15 of Schedule 4 and paragraph 37 of Schedule 5 to, the Social Housing (Regulation) Act 2023. Paragraph 15 of Schedule 3 and paragraph 37 of Schedule 5 to the Social Housing (Regulation) Act 2023 are being commenced by these Regulations.

(15) Section 269(1) was amended by paragraph 37 of Part 4 of Schedule 4 to the Housing and Planning Act 2016.

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(7) The amendment made by paragraph 40 of Schedule 5 (brought into force by regulation 2(z)) is of no effect in relation to a censure notice given under section 269A of the 2008 Act⁽¹⁶⁾ before 1st April 2024.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Scott of Bybrook
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

25th March 2024

⁽¹⁶⁾ Section 269A was inserted by [S.I. 2010/844](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Social Housing (Regulation) Act 2023 (c. 36) (“the Act”).

The provisions being brought into force include provisions giving the Regulator of Social Housing (“the Regulator”) new powers including: to require a registered provider of social housing to prepare a performance improvement plan; and to arrange for an authorised person to take emergency remedial action in respect of premises to remedy specified failures in certain circumstances where there is an imminent risk of serious harm to the health or safety of the occupiers of those or other premises.

The provisions also bring into force requirements for the Regulator to make, and take appropriate steps to implement, a plan for carrying out inspections; the repeal of the serious detriment test; and various other changes to the regulatory regime in Part 2 of the Housing and Regeneration Act 2008 (c. 17) (“the 2008 Act”) which apply in relation to registered providers of social housing in England. The Regulations also bring into force amendments to provisions in the Housing and Planning Act 2016 (c. 22) which impose restrictions on insolvency procedures against private registered providers of social housing.

Regulation 3 is a saving provision relating to amendments made by section 4(1) to (6) of the Act which amends the Regulator’s powers to charge fees. The amendments will not apply to—

- (a) initial registration fees for an application made before 1st July 2024, or
- (b) annual fees payable for continued registration in respect of a period beginning before 1st July 2024.

Regulation 4 makes saving provision relating to the procedure by which the regulator makes proposals about the future ownership and management of the land of a private registered provider to which a housing moratorium applies, with a view to ensuring that the property will be properly managed by the provider. Where the procedure under section 153 of the 2008 Act for making proposals or amended proposals was begun before 1st April 2024 the amendments to that procedure made by section 12(2) and 3(b), (d), (e) and (h) of the Act will not apply.

Regulation 5 makes saving provision relating to amendments to various of the Regulator’s enforcement powers made by Schedules 3 and 5 of the Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/46714/documents/1906> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Act were brought into force by Commencement Regulations made before the date of these Regulations:

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 1 | 20.09.2023 | 2023/1001 |
| Section 2 | 20.09.2023 | 2023/1001 |
| Section 3(1) and (3) (partially) | 20.09.2023 | 2023/1001 |
| Section 5 | 20.09.2023 | 2023/1001 |
| Section 6 | 20.09.2023 | 2023/1001 |
| Section 7 | 20.09.2023 | 2023/1001 |
| Section 9 | 20.09.2023 | 2023/1001 |
| Section 13 (partially) | 20.09.2023 | 2023/1001 |
| Section 21 | 20.09.2023 | 2023/1001 |
| Section 22 | 20.09.2023 | 2023/1001 |
| Section 23 | 20.09.2023 | 2023/1001 |
| Section 24 | 20.09.2023 | 2023/1001 |
| Section 27 | 20.09.2023 | 2023/1001 |
| Section 33 | 20.09.2023 | 2023/1001 |
| Section 34 | 20.09.2023 | 2023/1001 |
| Section 35 | 20.09.2023 | 2023/1001 |
| Section 36 (partially) | 20.09.2023 | 2023/1001 |
| Section 37 | 20.09.2023 | 2023/1001 |
| Section 39 | 20.09.2023 | 2023/1001 |
| Section 42 | 20.09.2023 | 2023/1001 |
| Section 43 (partially) | 20.09.2023 | 2023/1001 |
| Schedule 1 - paragraphs 1 (partially), 4, 10 (partially) and 17 | 20.09.2023 | 2023/1001 |
| Schedule 3 - paragraphs 1 (partially) and 18 (partially) | 20.09.2023 | 2023/1001 |
| Schedule 4 | 20.09.2023 | 2023/1001 |
| Schedule 5 - paragraphs 1 (partially), 2 to 12, 16 (partially), 17 to 20, 23 (partially), 24, 25, 27 to 33, 35, 38, 41, 42, 43 (partially), 44, 45, 47 (partially), 48 and 49 | 20.09.2023 | 2023/1001 |