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Report Stage: Monday 27 February 2023

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# Social Housing (Regulation) Bill [HL], As Amended

## (Amendment Paper)

This document lists all amendments tabled to the Social Housing (Regulation) Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 36 to 47, NC1 (a) to (f) and NC5 to NC9

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Secretary Michael Gove

Gov NC1

To move the following Clause—

**“Social housing leases: remedying hazards**

After section 10 of the Landlord and Tenant Act 1985 insert—

*“Implied term as to remedying of hazards*

**10A Remedying of hazards occurring in dwellings let on relevant social housing leases**

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- (1) This section applies to a lease of a dwelling if—
- (a) the dwelling is in England,
  - (b) the lease is a relevant social housing lease, and
  - (c) section 9A—
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- (i) applies to the lease (see section 9B), or
  - (ii) would apply to the lease if the provision in section 9B(3) did not exist.
- (2) There is implied in the lease a covenant by the lessor that the lessor will comply with all prescribed requirements that are applicable to that lease.
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- (3) The Secretary of State must make regulations which require the lessor under a lease to which this section applies to take action, in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations.
- 20 (4) Regulations under subsection (3) are enforceable against lessors only through actions for breach of the covenant that is implied by subsection (2).
- 25 (5) In any proceedings for a breach of the covenant that is implied by subsection (2), it is a defence for the lessor to prove that the lessor used all reasonable endeavours to avoid that breach.
- (6) For the purposes of this section a lease is a “relevant social housing lease” at any time when—
- 30 (a) the lessor under the lease is a registered provider of social housing, and
- (b) the dwelling leased under the lease—
- (i) is social housing, but
- (ii) is not low cost home ownership accommodation.
- (7) In this section and section 10B—
- 35 “lease”, “lessor” and “lessee” have the same meanings as in section 9A (see section 9A(9));
- “low cost home ownership accommodation” has the meaning given in section 70 of the Housing and Regeneration Act 2008;
- “prescribed hazard” has the same meaning as in section 10 (see section 10(2) and (3));
- 40 “prescribed requirement” means a requirement prescribed in regulations under subsection (3);
- “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008 (see sections 68 and 72 of that Act).

### 10B Regulations section 10A: supplementary provision

- 45 (1) Regulations under section 10A(3) may apply to—
- (a) leases granted before the day when section (*Social housing leases: remedying hazards*) of the Social Housing (Regulation) Act 2023 came into force;
- (b) prescribed hazards which began before that day;
- 50 (c) only some descriptions of prescribed hazards.
- (2) Regulations under section 10A(3) may—
- (a) specify a period that is not of a specific duration (for example a reasonable or appropriate period, including a period decided by the lessor or another person);
- 55 (b) specify two (or more) periods in relation to particular action.
- (3) Regulations under section 10A(3) may (in particular)—

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- (a) require the lessor to take particular action, or action that is intended to produce a particular outcome, in relation to a prescribed hazard;
  - (b) require the lessor to take action in relation to a prescribed hazard that is not of itself intended to remedy the hazard, for example by requiring the lessor—
    - (i) to investigate whether or how a prescribed hazard is affecting the leased dwelling, or
    - (ii) to secure that the lessee and any other members of the lessee's household are provided with alternative accommodation at no cost to them;
  - (c) require the lessor to take action in relation to a prescribed hazard only—
    - (i) in particular circumstances, or
    - (ii) if particular conditions are met;
  - (d) provide that the lessor is not required to take action in relation to a prescribed hazard—
    - (i) in particular circumstances, or
    - (ii) if particular conditions are met.
- (4) The Secretary of State may by regulations—
- (a) provide for section 10A not to apply to particular descriptions of leases;
  - (b) make provision, in relation to the covenant that is implied by section 10A(2), which corresponds to any provision made by section 9A(4) to (8).
- (5) A power to make regulations under section 10A or this section includes power to make—
- (a) incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (6) The power to make transitional or saving provision may (in particular) be used to make provision about situations where the covenant in section 10A(2)—
- (a) begins to be implied in a lease after its grant because it becomes a relevant social housing lease;
  - (b) ceases to be implied in a lease because it ceases to be a relevant social housing lease (including provision to save the lessor's liability for any breach of the covenant occurring before it ceases to be implied).
- (7) Regulations under section 10A or this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under section 10A or this section may not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament. ” ”

**Member's explanatory statement**

This new clause would enable registered providers of social housing to be required to deal with hazards affecting leased dwellings of which they are the landlord.

As Amendments to Secretary Michael Gove's proposed New Clause (Social housing leases: remedying hazards) (Gov NC1):—

\_\_\_\_\_ **Matthew Pennycook** (a)

★ Line 1, after "leases:" insert "prescribing and"

\_\_\_\_\_ **Matthew Pennycook** (b)

★ Line 14, after "requirements" insert "under regulations made under this section and section 10B"

\_\_\_\_\_ **Matthew Pennycook** (c)

★ Line 41, at end insert "or section 10B"

\_\_\_\_\_ **Matthew Pennycook** (d)

★ Line 43, at end insert—

"(8) Any provision of a lease or of any agreement relating to a lease (whether made before or after the grant or creation of the lease) is void to the extent that it purports—

- (a) to exclude or limit the obligations of the lessor under the covenant implied by section 10A(2), or
- (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of the lessee enforcing or relying upon those obligations.

(9) Where in any proceedings before a court it is alleged that a lessor is in breach of an obligation under the covenant implied by section 10A(2), the court may order specific performance of the obligation (regardless of any equitable rule restricting the scope of that remedy).

(10) Where a lease to which this section applies of a dwelling in England forms part only of a building, the implied covenant has effect as if the reference to the dwelling in subsection (1) included a reference to any common parts of the building in which the lessor has an estate or interest."

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**Matthew Pennycook**

(e)

★ Leave out line 50

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**Matthew Pennycook**

(f)

★ Leave out lines 79 to 81

**Member's explanatory statement**

These amendments seek to strengthen Gov NC1 by clarifying the relevant prescribed requirements at 10A(2), making clear the extent of their application, inserting non-avoidance and non-penalisation provisions and detailing where courts may order specific performance of certain obligations.

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**Secretary Michael Gove**

Gov NC2

To move the following Clause—

**“Power of housing ombudsman to issue guidance to scheme members**

- (1) The Housing Act 1996 is amended as follows.
- (2) In the italic heading before section 51, for “complaints” substitute “ombudsman”.
- (3) After section 51 insert—

**“51ZA Power of housing ombudsman to issue guidance to scheme members**

- (1) This section applies where a scheme is approved by the Secretary of State under Schedule 2.
- (2) The housing ombudsman may issue to the members of the scheme guidance as to good practice in the carrying on of housing activities covered by the scheme.
- (3) Before issuing, revising or replacing guidance under this section, the housing ombudsman must consult—
  - (a) the Regulator of Social Housing,
  - (b) members of the scheme, and
  - (c) individuals who may make complaints under the scheme.
- (4) If the housing ombudsman issues, revises or replaces guidance under this section, the housing ombudsman must publish the guidance, the revised guidance or (as the case may be) the replacement guidance.
- (5) Subsection (7) applies if—
  - (a) an individual makes a complaint against a member of the scheme,
  - (b) the complaint is made under the scheme or the conditions in subsection (6) are met in relation to the complaint, and

- (c) it appears to the housing ombudsman that the complaint relates to a matter to which guidance issued by the ombudsman under this section relates.
- (6) The conditions referred to in subsection (5)(b) are that—
  - (a) the complaint is made to the member of the scheme,
  - (b) the complaint is one that the individual could subsequently make under the scheme, and
  - (c) the individual has notified the ombudsman about the complaint.
- (7) The housing ombudsman may order the member of the scheme to—
  - (a) assess whether the member’s policies and practices in relation to the matter mentioned in subsection (5)(c) are consistent with the guidance issued by the ombudsman under this section in relation to that matter, and
  - (b) within a period specified in the order, submit to the ombudsman a written statement of the results of the assessment.
- (8) If a member of the scheme fails to comply with an order under subsection (7) within the period specified in the order, the housing ombudsman may order the member to publish in such manner as the ombudsman sees fit a statement that the member has failed to comply with the order.
- (9) If a member of the scheme fails to comply with an order under subsection (8), the housing ombudsman may—
  - (a) take such steps as the ombudsman considers appropriate to publish what the member ought to have published, and
  - (b) recover from the member the costs of doing so.
- (10) In this section, “the housing ombudsman” means the housing ombudsman appointed in accordance with the scheme.””

#### **Member's explanatory statement**

This new clause confers a power on a housing ombudsman to issue to scheme members guidance as to good practice in the carrying on of housing activities. The new clause also provides that in certain circumstances where a complaint is made against a scheme member the housing ombudsman may order the scheme member to assess whether its policies and practices in relation to a matter to which the complaint relates are consistent with the guidance.

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**Secretary Michael Gove**

**Gov NC3**

To move the following Clause—

#### **“Action after inspection**

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 202 (inspections: supplemental), omit subsections (1) to (3).
- (3) In section 203(12) (definition of “inspector”), after “this section” insert “and section 203A”.

(4) After section 203 insert—

**“203A Action after inspection**

- (1) After an inspection of a registered provider is carried out by an inspector under section 201, the inspector must produce—
  - (a) a written summary of the inspector’s findings, and
  - (b) a written report about any matters specified by the regulator.
- (2) The summary and any report must be in the form specified by the regulator.
- (3) The regulator may specify matters, or the form of a summary or report, for the purposes of inspections generally or for the purposes of a particular inspection or description of inspection.
- (4) The regulator must give the registered provider a copy of the summary of the inspector’s findings.
- (5) The regulator must also give the registered provider—
  - (a) a copy of the inspector’s report, or
  - (b) a notice confirming that no matters were specified for the purposes of subsection (1)(b).
- (6) The regulator may publish—
  - (a) all or part of the summary of the inspector’s findings,
  - (b) (where relevant) all or part of the inspector’s report, and
  - (c) related information.””

**Member's explanatory statement**

This new clause replaces and changes provision about what the inspector and the regulator must do after an inspection. It enables the regulator to determine whether the inspector must produce a report (rather than just a summary of findings) and, if so, what matters the report must cover.

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Secretary Michael Gove

Gov NC4

To move the following Clause—

**“Secretary of State’s duty to give direction about providing information to tenants**

- (1) The Secretary of State must give a direction to the Regulator of Social Housing under section 197(2A) of the Housing and Regeneration Act 2008 about setting a standard under section 194B of that Act (standards relating to information and transparency) for the purpose of securing that registered providers of social housing are required to provide their tenants of low cost rental accommodation with information about—
  - (a) their tenants’ rights in connection with the low cost rental accommodation and with facilities or services provided in connection with that accommodation, and
  - (b) how their tenants can make a complaint against them.

- (2) The Secretary of State must give the direction before the end of the period of six months beginning with the day on which this Act is passed.
- (3) In this section—
- “low cost rental accommodation” means accommodation which—
- (a) is low cost rental accommodation (as defined in section 69 of the Housing and Regeneration Act 2008) provided by a registered provider of social housing, and
  - (b) is not low cost home ownership accommodation (as defined in section 70 of that Act);
- “tenant”, in relation to low cost rental accommodation, includes other occupiers.”

#### Member's explanatory statement

This new clause requires the Secretary of State, within 6 months of Royal Assent, to give a direction to the regulator for the purpose of securing that registered providers of social housing are required to provide their tenants of low cost rental accommodation with information about the tenants' rights and about making complaints against their landlord.

Matthew Pennycook

NC5

★ To move the following Clause—

#### **“Persons engaged in the management of social housing to have relevant professional qualifications**

After section 217 of the Housing and Regeneration Act 2008 (accreditation), insert—

#### **“217A Professional qualifications and other requirements**

- (1) The Secretary of State may, by regulations, provide that a person may not engage in the management of social housing or in specified work in relation to the provision of social housing unless he or she—
  - (a) has appropriate professional qualifications, or
  - (b) satisfies specified requirements.
- (2) Regulations specifying work for the purpose of subsection (1) may make provision by reference to—
  - (a) one or more specified activities, or
  - (b) the circumstances in which activities are carried out.
- (3) Regulations made under this section may, in particular, require—
  - (a) the possession of a specified qualification or experience of a specified kind,
  - (b) participation in or completion of a specified programme or course of training, or
  - (c) compliance with a specified condition.
- (4) Regulations may make provision for any of the following matters—
  - (a) the establishment and continuance of a regulatory body;



- (b) the keeping of a register of qualified social housing practitioners;
- (c) requirements relating to education and training before and after qualification;
- (d) standards of conduct and performance;
- (e) discipline and fitness to practise;
- (f) removal or suspension from registration or the imposition of conditions on registration;
- (g) investigation and enforcement by or on behalf of the regulatory body, and appeals against the decisions or actions of the regulatory body.””

#### Member's explanatory statement

This new clause would require managers of social housing to have appropriate qualifications and expertise.

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Matthew Pennycook

NC6

★ To move the following Clause—

#### “Application of Freedom of Information Act 2000 to registered providers

Within six months of this Act receiving Royal Assent, the Secretary of State must by order designate registered providers of social housing as public authorities for the purposes of the Freedom of Information Act 2000.”

#### Member's explanatory statement

This new clause would bring registered providers of social housing within the scope of the Freedom of Information Act 2000.

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Helen Hayes

NC7

★ To move the following Clause—

#### “Regulator duty to ensure continuity of secure and assured tenancy in cases of threat to safety

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

(2) After section 92K insert—

#### “92KA Duty to ensure continuity of secure and assured tenancy in cases of threat to safety

(1) This section applies where—

- (a) a registered provider of social housing has granted a secure tenancy or assured tenancy of a dwelling-house in England to a person (whether as the sole tenant or a joint tenant), and
- (b) the registered provider is satisfied that there is a threat to the personal safety of that person or of a member of that person’s household which means there is a risk to their personal safety unless they move.

- (2) When subsection (1) applies, the regulator must ensure that the registered provider grants the tenant a new secure tenancy which is—
  - (a) on terms at least equivalent to the existing tenancy; and
  - (b) in a dwelling where the threat to the tenant’s personal safety does not apply.
- (3) In this section, a “threat to personal safety” means any threat of violence, including in circumstances of—
  - (a) domestic abuse where the perpetrator does not live at the same address as the victim;
  - (b) an escalating neighbour dispute;
  - (c) a threat of targeted youth or gang violence.
- (4) In assessing the threat under subsection (1)(b), the registered provider must act in accordance with any relevant police advice provided to—
  - (a) the registered provider,
  - (b) the tenant, or
  - (c) any member of the tenant’s household.
- (5) In the event that a registered provider is unable to ensure the provision of an appropriate new secure tenancy pursuant to subsection (2), the regulator must ensure that the registered provider concerned co-operates with other registered providers to ensure an appropriate new secure tenancy is provided in a timely manner.””

#### Member's explanatory statement

This new clause would require the regulator to ensure that tenants whose safety is threatened are granted alternative accommodation by their housing provider on equivalent terms to their existing tenancy. It also requires the regulator to ensure that a provider which is unable to provide appropriate alternative accommodation co-operates with other providers to do so.

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Siobhain McDonagh

NC8

★ To move the following Clause—

#### “Regulator duties relating to supported exempt and temporary accommodation

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) In section 192 (Overview), in paragraph (a), after “social housing” insert “, supported exempt accommodation and temporary accommodation”.
- (3) In section 193 (Standards relating to consumer matters), in paragraph (a), after “social housing” insert “, supported exempt accommodation and temporary accommodation”.
- (4) After section 195 (Code of practice) insert—
 

**“195A Regulation of codes of guidance issued by the Secretary of State**  
The regulator shall have a duty to inspect local housing authorities as to their compliance with any code of guidance issued by the Secretary of State under section 182 of the Housing Act 1996.””

**Member's explanatory statement**

This new clause would enable the regulator to set standards for the provision of supported and temporary accommodation, make the regulator responsible for enforcing any Code of Guidance issued by the Secretary of State relating to local authorities' duty to provide temporary accommodation, and give the regulator the ability to inspect local authorities for compliance.

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Helen Morgan

NC9

★ To move the following Clause—

**“Review of impact of this Act**

- (1) The Secretary of State must, within one year of the passing of this Act, carry out a review of the impact of this Act.
- (2) A review under this section must make an assessment as to whether the Act has improved the safety and quality of social housing both in its own terms, and in comparison to the safety and quality of housing in the private rented sector.”

**Member's explanatory statement**

This new clause would require the Government to undertake a review of the impact of this Act.

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Helen Morgan

41

★ Clause 1, page 1, line 10, at end insert—

“(d) after paragraph (d) insert—

“(da) to safeguard and promote the interests of persons who are or who may become homeless in relation to the provision of social housing.””

**Member's explanatory statement**

This amendment would add to the regulator's remit an additional objective of safeguarding and promoting the interests of persons who are or who may become homeless in the context of the provision of social housing.

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Helen Morgan

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★ Clause 1, page 1, line 10, at end insert—

“(2) In section 92K of the Housing and Regeneration Act 2008 (fundamental objectives), after subsection (3) insert—

“(3A) In undertaking its objective under subsection (2)(b) the regulator must report to the Secretary of State at least every three years on whether the provision of social housing in England and Wales is sufficient to meet reasonable demands, and must make recommendations to the

Secretary of State on how to ensure that the provision of social housing is so sufficient.

- (3B) The Secretary of State must lay before Parliament a copy of any reports prepared by virtue of subsection (3A).
- (3C) In undertaking its objective under subsection (3)(a) the regulator must report to the Secretary of State on the progress of the removal of unsafe cladding and the remediation of other fire safety defects in social housing, and may make recommendations to the Secretary of State on further action required.””

**Member's explanatory statement**

This amendment would include in the regulator’s objective a requirement to report to the Government on the removal of cladding. It would also require the regulator to report to the Government on the adequacy of the stock of social housing, and lay a copy of any such report before Parliament.

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**Matthew Pennycook**

**37**

★ Clause 2, page 1, line 18, at end insert—

“(2A) The Panel may provide information and advice to the Secretary of State about, or on matters connected with, the regulator’s functions and wider issues affecting the regulation of social housing (whether or not it is requested to do so by either the regulator or the Secretary of State).”

**Member's explanatory statement**

This amendment would enable the Panel to provide information and advice and to proactively raise issues affecting social housing regulation more generally directly to the Secretary of State.

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**Matthew Pennycook**

**38**

★ Clause 2, page 1, line 19, leave out “subsection (2)” and insert “subsections (2) and (2A)”

**Member's explanatory statement**

This amendment is consequential on Amendment 37.

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**Matthew Pennycook**

**36**

★ Clause 2, page 2, line 17, at end insert—

- “(8) The Panel must be chaired by a tenant of social housing.
- (9) The Chair is responsible for setting Panel meeting agendas.
- (10) The majority of persons appointed to the Panel must be tenants of social housing.”

**Member's explanatory statement**

This amendment would ensure that tenant representation on the advisory panel is mandatory and that tenants are able to influence effectively what information and advice is presented to the regulator in respect of issues affecting social housing regulation.

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**Secretary Michael Gove**

**Gov 4**

Clause 12, page 11, line 30, leave out "with the day after the day on which" and insert "when"

**Member's explanatory statement**

This amendment changes the starting point of the moratorium so it begins when an insolvency event occurs, as opposed to the day after the event occurs.

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**Secretary Michael Gove**

**Gov 5**

Clause 12, page 12, leave out lines 5 and 6 and insert—

"(d) a notice of the appointment of an administrator of the provider under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 is filed with the court under paragraph 18 or 29 of that Schedule;"

**Member's explanatory statement**

Where there is an appointment of an administrator of a private registered provider, this amendment provides for the moratorium to start when the notice of appointment of the administrator is filed with the court (as opposed to when the appointment is made).

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**Secretary Michael Gove**

**Gov 6**

Clause 12, page 12, line 41, at end insert—

"(ea) in subsection (3), for the words from "period," to the end substitute "period if—

- (a) the regulator has made reasonable enquiries with a view to locating secured creditors of the registered provider, and
- (b) where the regulator located one or more such creditors, each of them has consented to the extension.";"

**Member's explanatory statement**

This amendment amends the provision which enables the regulator to extend a moratorium to make it clear that the regulator can do so where the regulator has made enquiries but has been unable to locate any secured creditors of the registered provider (as well as where secured creditors have been located and agreed to the extension).

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**Secretary Michael Gove**

**Gov 7**

Clause 12, page 12, line 41, at end insert—

“(eb) in subsection (5), omit the words from “if” to the end;”

**Member's explanatory statement**

This amendment widens the regulator’s power to cancel a moratorium so the regulator can cancel it for any reason.

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**Secretary Michael Gove**

**Gov 8**

Clause 12, page 12, line 43, at end insert—

“(4) In section 147 (further moratorium), in subsection (3), for the words from “period,” to the end substitute “period if—

- (a) the regulator has made reasonable enquiries with a view to locating secured creditors of the registered provider, and
- (b) where the regulator located one or more such creditors, each of them has consented to the further moratorium.”

**Member's explanatory statement**

This amendment amends the provision which enables the regulator to impose a further moratorium to make it clear that the regulator can do so where the regulator has made enquiries but has been unable to locate any secured creditors of the registered provider (as well as where secured creditors have been located and agreed to the further moratorium).

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**Secretary Michael Gove**

**Gov 9**

Clause 12, page 12, line 43, at end insert—

“(5) In section 151 (appointment of interim manager during moratorium), in subsection (4), for paragraph (b) (but not the “or” following it) substitute—

“(b) when the regulator notifies the interim manager that there are proposals under section 152 which are agreed proposals,”.

(6) In section 153 (procedure for proposals made during moratorium)—

(a) in subsection (1), after paragraph (b) insert—

“(ba) if the regulator is able to locate any secured creditors of the registered provider after making reasonable enquiries, those creditors,”;

(b) after subsection (1) insert—

“(1A) If no secured creditors are located for the purposes of subsection (1), the proposals made by the regulator following the consultation required by that subsection are agreed proposals for the purposes of this group of sections.”;

(c) in subsection (2)—

- (i) for the words before paragraph (a) substitute “Where the regulator locates one or more secured creditors of the registered provider for the purposes of subsection (1), the regulator must, before making proposals, send a copy of draft proposals to—”;
- (ii) for paragraph (b) (but not the “and” following it) substitute—
  - “(b) the secured creditors located for the purposes of subsection (1),”;
- (d) in subsection (3), in the words before paragraph (a) for the words from “The regulator” to “bringing” substitute “If the regulator sends draft proposals under subsection (2), the regulator must also make arrangements for bringing those”;
- (e) for subsection (4) substitute—
  - “(4) If each secured creditor to whom draft proposals were required to be sent agrees to them by notice to the regulator, the draft proposals become agreed proposals for the purposes of this group of sections.”;
- (f) in subsection (5)—
  - (i) in the words before paragraph (a) for “Proposals” substitute “Draft proposals”;
  - (ii) in paragraph (a), for “proposals were sent” substitute “draft proposals were required to be sent”;
- (g) in subsection (6)(b)—
  - (i) for “its” substitute “any”;
  - (ii) for “the original” substitute “draft”;
- (h) for subsection (8) substitute—
  - “(8) The regulator may make proposals amending agreed proposals; and this section and section 152 apply to such proposals.”

#### **Member's explanatory statement**

This amendment makes a number of changes to the process by which proposals about future management etc of a registered provider made during a moratorium are agreed.

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**Secretary Michael Gove**

**Gov 10**

Clause 12, page 12, line 43, at end insert—

- “(7) In section 158 (assistance by regulator in connection with proposals), in subsection (1), for “the agreement of proposals” substitute “the regulator deciding whether to exercise the power under section 152 to make proposals and (if proposals are made) the proposals becoming agreed proposals”.

#### **Member's explanatory statement**

This amendment enables the regulator to give financial or other assistance to a registered provider during a moratorium while the regulator is deciding whether or not to make proposals.

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**Matthew Pennycook**

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- ★ Page 17, line 16, leave out Clause 21

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**Secretary Michael Gove**

Gov 44

- ★ Clause 21, page 17, line 22, at end insert “(“relevant individuals”)”

**Member's explanatory statement**

This amendment provides a label by which to refer to the persons described so it is easier to refer to them again elsewhere in the provision.

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**Secretary Michael Gove**

Gov 45

- ★ Clause 21, page 17, line 26, leave out from beginning to “, and” in line 27 and insert “relevant individuals,”

**Member's explanatory statement**

This amendment is consequential on Amendment 44.

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**Secretary Michael Gove**

Gov 46

- ★ Clause 21, page 17, line 28, leave out “such” and insert “relevant”

**Member's explanatory statement**

This amendment is consequential on Amendment 44.

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**Secretary Michael Gove**

Gov 47

- ★ Clause 21, page 17, line 29, at end insert—

“(3) Standards under subsection (1) may require registered providers to secure that their relevant managers—

- (a) have a specified qualification in housing management or type of qualification in housing management, or
- (b) are working towards such a qualification or type of qualification.

(4) A “relevant manager” means—

- (a) a senior housing executive, or
- (b) a senior housing manager.

(5) A qualification or type of qualification specified for a senior housing executive may only be—

- (a) a foundation degree, or



- (b) a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 5.
- (6) A qualification or type of qualification specified for a senior housing manager may only be a qualification or type of qualification regulated by the Office of Qualifications and Examinations Regulation which is of a level not exceeding level 4.
- (7) Except as provided by subsections (3) to (6), standards under subsection (1) may not require registered providers to comply with rules about the qualifications to be required of relevant individuals.
- (8) In this section, “senior housing executive” means a relevant individual who—
  - (a) is an employee or officer of the registered provider,
  - (b) has responsibility (solely or jointly) for the day to day management of the provision of services in connection with the management of social housing provided by the provider, and
  - (c) is part of the provider’s senior management.
- (9) For the purposes of this section, an individual is part of a registered provider’s senior management if the individual plays a significant role in—
  - (a) the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or
  - (b) the management or organisation of the whole or a substantial part of such activities.
- (10) In this section, “senior housing manager” means a relevant individual who—
  - (a) is an employee of the registered provider, and
  - (b) is a senior housing and property manager for the registered provider.
- (11) For the purposes of subsection (10)(b), whether an individual is a senior housing and property manager is to be determined by reference to the description of the occupation of senior housing and property management published by the Institute for Apprenticeships and Technical Education under section ZA10(5) of the Apprenticeships, Skills, Children and Learning Act 2009.
- (12) The references in subsections (5) and (6) to the level of a qualification is to the level assigned to a qualification by virtue of general conditions set and published by the Office of Qualifications and Examinations Regulation under section 134 of the Apprenticeships, Skills, Children and Learning Act 2009.
- (13) For the purposes of this section, “employee” includes a person employed under a contract of apprenticeship.”

#### **Member's explanatory statement**

This amendment is to enable the regulator to set standards to ensure that those with management responsibilities at a registered provider have, or are working towards getting, certain qualifications.

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**Secretary Michael Gove**

**Gov 11**

Clause 22, page 17, line 36, at end insert “, including standards requiring information to be published”

**Member's explanatory statement**

This amendment makes clear that standards set by the regulator under section 194B of the Housing and Regeneration Act 2008 (inserted by clause 22) may require information to be published.

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**Secretary Michael Gove**

**Gov 12**

Clause 22, page 18, line 3, at end insert “including information concerning—

- (i) their tenants’ rights in connection with those things, and
- (ii) how to make complaints against registered providers,”

**Member's explanatory statement**

This amendment makes clear that the regulator’s power under section 194B(1) and (2)(a) of the Housing and Regeneration Act 2008 (inserted by clause 22) includes power to require compliance with rules about the provision of information to tenants about their rights and about making complaints against their landlord.

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**Matthew Pennycook**

**40**

★ Clause 28, page 23, line 36, leave out lines 23 to 26 and insert—

- “(a) the inspection of every registered provider within four years of the commencement of this Act,
- (b) the inspection of every registered provider at intervals of no longer than four years thereafter, and”

**Member's explanatory statement**

This amendment would ensure that the regulator is required to carry out regular inspections of every registered provider.

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**Helen Morgan**

**43**

★ Clause 30, page 28, line 39, leave out “24” and insert “48”

**Member's explanatory statement**

This amendment is intended to probe why an authorised person must only give 24 hours’ notice to tenants under this section, whereas providers are given 48 hours’ notice.

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**Secretary Michael Gove**

**Gov 13**

Clause 42, page 37, line 1, after "Section" insert "(Secretary of State's duty to give direction about providing information to tenants) and"

**Member's explanatory statement**

This amendment brings NC4 into force 2 months after Royal Assent.

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**Secretary Michael Gove**

**Gov 2**

Clause 42, page 37, line 1, after "Section 38" insert "and (Power of housing ombudsman to issue guidance to scheme members)"

**Member's explanatory statement**

This amendment brings NC2 into force 2 months after Royal Assent.

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**Secretary Michael Gove**

**Gov 15**

Schedule 2, page 41, line 11, leave out "and signed, by the petitioner," and insert—

"(aa) be signed by, or on behalf of, the petitioner,"

**Member's explanatory statement**

This amendment enables a notice of a petition for the winding-up of a registered provider, which is given to the regulator under section 104(2) of the Housing and Planning Act 2016, to be signed by someone acting on the petitioner's behalf.

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**Secretary Michael Gove**

**Gov 16**

Schedule 2, page 41, leave out line 14

**Member's explanatory statement**

This amendment removes the requirement for a notice of a petition for the winding-up of a registered provider, which is given to the regulator under section 104(2) of the Housing and Planning Act 2016, to explain why the petition is being presented.

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**Secretary Michael Gove**

**Gov 17**

Schedule 2, page 41, line 17, leave out "(b)," and insert "(aa), (b) or"

**Member's explanatory statement**

This amendment enables the regulator to treat a notice which hasn't been signed as validly given.

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**Secretary Michael Gove**

**Gov 18**

Schedule 2, page 41, line 17, leave out "or (d)"

**Member's explanatory statement**

This amendment is consequential on Amendment 16.

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**Secretary Michael Gove**

**Gov 19**

Schedule 2, page 41, line 25, leave out "and signed, by the registered provider," and insert—  
"(aa) be signed by, or on behalf of, the registered provider,"

**Member's explanatory statement**

This amendment enables a notice of an application for voluntary winding up of a registered provider, which is given to the regulator under section 105(4) of the Housing and Planning Act 2016, to be signed by someone acting on the registered provider's behalf.

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**Secretary Michael Gove**

**Gov 20**

Schedule 2, page 41, leave out line 28

**Member's explanatory statement**

This amendment removes the requirement for a notice of an application for voluntary winding up of a registered provider, which is given to the regulator under section 105(4) of the Housing and Planning Act 2016, to explain why the application has been made.

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**Secretary Michael Gove**

**Gov 21**

Schedule 2, page 41, line 31, leave out "(b)," and insert "(aa), (b) or"

**Member's explanatory statement**

This amendment enables the regulator to treat a notice which hasn't been signed as validly given.

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**Secretary Michael Gove**

**Gov 22**

Schedule 2, page 41, line 31, leave out "or (d)"

**Member's explanatory statement**

This amendment is consequential on Amendment 20.

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**Secretary Michael Gove**

**Gov 23**

Schedule 2, page 42, line 3, leave out from “writing,” to end of line 4 and insert—

“(aa) be signed by, or on behalf of, the person who made the ordinary administration application,”

**Member's explanatory statement**

This amendment enables a notice of an ordinary administration application in relation to a private registered provider, which is given to the regulator under section 106(3) of the Housing and Planning Act 2016, to be signed by someone acting on the applicant’s behalf.

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**Secretary Michael Gove**

**Gov 24**

Schedule 2, page 42, leave out line 7

**Member's explanatory statement**

This amendment removes the requirement for a notice of an ordinary administration application in relation to a private registered provider, which is given to the regulator under section 106(3) of the Housing and Planning Act 2016, to explain why the application has been made.

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**Secretary Michael Gove**

**Gov 25**

Schedule 2, page 42, line 10, leave out “(b),” and insert “(aa), (b) or”

**Member's explanatory statement**

This amendment enables the regulator to treat a notice which hasn’t been signed as validly given.

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**Secretary Michael Gove**

**Gov 26**

Schedule 2, page 42, line 10, leave out “or (d)”

**Member's explanatory statement**

This amendment is consequential on Amendment 24.

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**Secretary Michael Gove**

**Gov 27**

Schedule 2, page 42, line 23, leave out “and signed, by the person making the appointment,” and insert—

“(aa) be signed by, or on behalf of, the person making the appointment,”

**Member's explanatory statement**

This amendment enables a notice of appointment of an administrator in relation to a private registered provider, which is given to the regulator under section 107(4) of the Housing and Planning Act 2016, to be signed by someone acting on behalf of the person making the appointment.

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**Secretary Michael Gove**

**Gov 28**

Schedule 2, page 42, leave out line 30

**Member's explanatory statement**

This amendment removes the requirement for a notice of appointment of an administrator in relation to a private registered provider, which is given to the regulator under section 107(4) of the Housing and Planning Act 2016, to explain the reason for the appointment.

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**Secretary Michael Gove**

**Gov 29**

Schedule 2, page 42, line 33, leave out "(b)," and insert "(aa), (b) or"

**Member's explanatory statement**

This amendment enables the regulator to treat a notice which hasn't been signed as validly given.

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**Secretary Michael Gove**

**Gov 30**

Schedule 2, page 42, line 33, leave out "or (d)"

**Member's explanatory statement**

This amendment is consequential on Amendment 28.

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**Secretary Michael Gove**

**Gov 31**

Schedule 2, page 43, line 4, leave out from "and" to end of line 5 and insert—

“(aa) be signed by, or on behalf of, the person intending to enforce the security.”

**Member's explanatory statement**

This amendment enables a notice of intention to enforce a security over property of a private registered provider, which is given to the regulator under section 108(2) of the Housing and Planning Act 2016, to be signed by someone acting on behalf of the person intending to enforce the security.

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**Secretary Michael Gove**

**Gov 32**

Schedule 2, page 43, leave out lines 6 and 7

**Member's explanatory statement**

This amendment removes the requirement for a notice of intention to enforce a security over property of a private registered provider, which is given to the regulator under section 108(2) of the Housing and Planning Act 2016, to explain the reason for the person intending to enforce the security.

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**Secretary Michael Gove**

**Gov 33**

Schedule 2, page 43, line 10, after “paragraph” insert “(aa)”

**Member's explanatory statement**

This amendment enables the regulator to treat a notice which hasn't been signed as validly given.

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**Secretary Michael Gove**

**Gov 34**

Schedule 2, page 43, line 10, leave out “(b)”

**Member's explanatory statement**

This amendment is consequential on Amendment 32.

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**Secretary Michael Gove**

**Gov 14**

Schedule 5, page 52, line 25, at end insert—

“(aa) in subsection (2)(f), for “and informing tenants” substitute “tenants and providing them with information in connection with such consultation”;

**Member's explanatory statement**

This amendment is consequential on the insertion of section 194B of the Housing and Regeneration Act 2008 (standards relating to information and transparency) (by clause 22). It clarifies the scope of the existing power under section 193(1) and (2)(f) of the Housing and Regeneration Act 2008 to impose rules about methods of consulting and informing tenants.

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**Secretary Michael Gove**

**Gov 35**

Schedule 5, page 54, line 34, at end insert—

“43A After section 276A (inserted by section 33) insert—

**“276B Data protection**

- (1) This section applies to a duty or power to process information where the duty or power is imposed or conferred by or by virtue of any provision of this Part.
- (2) A duty or power to which this section applies does not operate to require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).
- (3) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

**Member's explanatory statement**

This amendment makes clear that nothing in Part 2 of the Housing and Regeneration Act 2008 (which is amended by the Bill) requires or enables a person to disclose or otherwise process personal data if doing so would contravene the data protection legislation.

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**Secretary Michael Gove**

**Gov 1**

Title, line 2, after "complaints;" insert "about hazards affecting social housing;"

**Member's explanatory statement**

This amendment is consequential on NC1.

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**Secretary Michael Gove**

**Gov 3**

Title, line 2, after "complaints;" insert "about the powers and duties of a housing ombudsman appointed under an approved scheme;"

**Member's explanatory statement**

This amendment is consequential on NC2.

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## Order of the House

[7 November 2022]

That the following provisions shall apply to the Social Housing (Regulation) Bill [Lords]—

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 13 December 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and on Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.



6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.