



Regulation of Registered Social Landlords (Wales) Act 2018

2018 anaw 4

An Act of the National Assembly for Wales to make provision about the regulation of registered social landlords by the Welsh Ministers and local authorities. [13 June 2018]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

Overview

1 Overview of this Act

- (1) This Act makes provision in respect of registered social landlords by amending existing Acts, including in particular the Housing Act 1996 (c. 52).
- (2) Sections 3 to 5 make provision about requirements to be complied with when certain changes are made in respect of the constitutional arrangements or structure of a registered social landlord.
- (3) Sections 6 to 9 make provision about the Welsh Ministers' power to intervene in respect of the officers or management of a registered social landlord.
- (4) Section 10 makes provision about the Welsh Ministers' powers in respect of inquiries into registered social landlords.
- (5) Sections 11 and 12 make provision about enforcement notices and penalties.
- (6) Sections 13 to 15 make provision about disposals of land by registered social landlords.
- (7) Section 16 introduces Schedule 1, making provision limiting local authority influence on the boards of registered social landlords.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Registered Social Landlords (Wales) Act 2018. (See end of Document for details)

- (8) Sections 17 to 20 contain general provisions applicable to the Act, including provision about the power to make consequential amendments, and the coming into force of the Act.

Annotations:

Commencement Information

- I1** [S. 1](#)
in force at 15.6.2018 by
[S.I. 2018/777](#)
,
[art. 2\(a\)](#)

Interpretation

2 Meaning of the “1996 Act”

References in this Act to the “1996 Act” are to the Housing Act 1996 (c. 52).

Annotations:

Commencement Information

- I2** [S. 2](#)
in force at 15.6.2018 by
[S.I. 2018/777](#)
,
[art. 2\(b\)](#)

Notification by registered social landlord of constitutional changes, etc.

3 Change of rules or articles

- (1) Schedule 1 to the 1996 Act is amended as follows.
- (2) In paragraph 9 (change of rules of registered society), for sub-paragraphs (2) to (5) substitute—
- “(2) The registered society must notify the Welsh Ministers of any amendment to its rules (including a change in its registered office or name).
- (3) The reference in sub-paragraph (2) to an amendment to the rules of a society is to be interpreted in accordance with section 149 of the Co-operative and Community Benefit Societies Act 2014 (c. 14).”
- (3) In paragraph 11 (change of company articles), for sub-paragraphs (2) to (4) substitute—
- “(2) The company must notify the Welsh Ministers of any change to—
- (a) its name;
 - (b) the address of its registered office;

(c) its articles of association.”

Annotations:

Commencement Information

I3 [S. 3](#)
in force at 15.8.2018 by
[S.I. 2018/777](#)
,
[art. 3\(a\)](#)

4 Amalgamation and other structural changes

- (1) Schedule 1 to the 1996 Act is amended as follows.
- (2) In paragraph 12 (amalgamation and dissolution), in sub-paragraph (2)—
 - (a) for “The Financial Conduct Authority shall not register a special resolution which is” substitute “ The society must notify the Welsh Ministers of a special resolution which it has ”, and
 - (b) omit the words from “unless” to the end of the sub-paragraph.
- (3) In paragraph 12, after sub-paragraph (2) insert—
 - “(2A) On giving notification under sub-paragraph (2), a society must also provide the Welsh Ministers with a statement about the consultation carried out by the society with its tenants before passing the resolution to which the notification relates.
 - (2B) But the requirement in sub-paragraph (2A) does not apply in respect of a resolution passed for the purposes of paragraph (a) of section 112(1) of the 2014 Act (conversion of society into a company).”
- (4) In paragraph 12, in sub-paragraph (4), for the words from “the resolution has no effect” to the end of the sub-paragraph substitute “ the society must notify the Welsh Ministers of the resolution. ”
- (5) In paragraph 12, for sub-paragraph (5) substitute—
 - “(5) If an instrument of dissolution is approved in accordance with section 119(3) of the 2014 Act (dissolution of society by instrument), the society to which the instrument relates must notify the Welsh Ministers of the approval.”
- (6) In paragraph 12, omit sub-paragraph (6).
- (7) In paragraph 13 (arrangement, reconstruction, etc.), for sub-paragraphs (2) to (5) substitute—
 - “(2) If a court makes an order under section 899 of the Companies Act 2006 (sanction of compromise or arrangement with creditors or members) in relation to the company, the company must notify the Welsh Ministers of the order.
 - (3) If a court makes an order under section 900 of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation) in relation to the company, the company must notify the Welsh Ministers of the order.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Registered Social Landlords (Wales) Act 2018. (See end of Document for details)

- (4) If the company passes a resolution under section 115 of the Co-operative and Community Benefit Societies Act 2014 (conversion of company into registered society), the company must notify the Welsh Ministers of the resolution.
- (5) If a voluntary arrangement is proposed under Part 1 of the Insolvency Act 1986 in relation to a company, the company must notify the Welsh Ministers of the proposal.”
- (8) In paragraph 13, in sub-paragraph (6), for the words from “the resolution has no effect” to the end of the sub-paragraph substitute “ the company must notify the Welsh Ministers of the resolution. ”
- (9) In paragraph 13, omit sub-paragraph (7).
- (10) Omit paragraph 14 (Welsh Ministers' power to petition for winding up).

Annotations:

Commencement Information

I4 [S. 4](#)
in force at 15.8.2018 by
[S.I. 2018/777](#)
,
[art. 3\(a\)](#)

5 Directions about notifications to be given to Welsh Ministers

In Schedule 1 to the 1996 Act, after paragraph 13 insert—

- 13A (1) The Welsh Ministers may give directions to registered social landlords about—
- (a) the delivery, form and content of a notification given to the Welsh Ministers under paragraph 9, 11, 12 or 13;
 - (b) the deadline for giving a notification referred to in paragraph (a).
- (2) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give a notification referred to in sub-paragraph (1)(a).
- (3) A direction under this paragraph may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.
- (4) A direction may vary or revoke a previous direction under this paragraph.
- (5) A registered social landlord must comply with a direction under this paragraph.”

Annotations:

Commencement Information

I5 [S. 5](#)
in force at 15.8.2018 by
[S.I. 2018/777](#)
,
[art. 3\(a\)](#)

Powers exercisable in respect of officers and management of registered social landlord

6 Removal or appointment of officer of registered social landlord

- (1) Schedule 1 to the 1996 Act is amended as follows.
- (2) In paragraph 4 (Welsh Ministers' power to remove officer), in sub-paragraph (2)(g), for “proper management of the registered social landlord's affairs” substitute “ registered social landlord's compliance with a requirement imposed by or under an enactment ”.
- (3) In paragraph 6 (power to appoint officer of registered charity), in sub-paragraph (1)(c), for “for the proper management of the charity's affairs to have an additional officer” substitute “ to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment ”.
- (4) In paragraph 7 (power to appoint officer of company), in sub-paragraph (1)(c), for “for the proper management of the company's affairs to have an additional officer” substitute “ to have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment ”.
- (5) In paragraph 8 (power to appoint officer of registered society), in sub-paragraph (1)(c), for “for the proper management of the society's affairs to have an additional officer” substitute “ to have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment ”.

Annotations:

Commencement Information

I6 [S. 6](#)
in force at 15.8.2018 by
[S.I. 2018/777](#)
,
[art. 3\(b\)](#)

7 Tender or transfer of registered social landlord's management functions

- (1) Schedule 1 to the 1996 Act is amended as follows.
- (2) In paragraph 15B (management tender), in sub-paragraph (1), for the words from “that” to the end of the sub-paragraph substitute “ that a registered social landlord has failed to comply with a requirement imposed by or under an enactment. ”