

## STATUTORY INSTRUMENT CONSENT MEMORANDUM

### *The Social Housing (Regulation) Act 2023 (Consequential and Miscellaneous Amendments) Regulations 2024*

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO30A prescribes that a Statutory Instrument Consent Memorandum must be laid, and a Statutory Instrument Consent Motion may be tabled before Senedd Cymru, if a UK Statutory Instrument makes provision in relation to Wales amending primary legislation within the legislative competence of the Senedd.

2. The Social Housing (Regulation) Act 2023 (Consequential and Miscellaneous Amendments) Regulations 2024 (“the Regulations”) are subject to the affirmative procedure and were laid before the UK Parliament on 18 January 2024 and can be found at:

<https://www.legislation.gov.uk/ukdsi/2024/9780348256420/contents>

3. Copies of the Regulations and associated documentation have today been laid before the Senedd alongside this memorandum.

#### **Summary of the Instrument and its objective**

4. The objective of the Regulations is to make amendments that are consequential on the Social Housing (Regulation) Act 2023 and to make miscellaneous amendments to the Housing and Regeneration Act 2008 in relation to the regulation of social housing.

5. That Act makes provision to improve the regulation of registered providers of social housing in England (“RPs”), including the bodies potentially eligible to voluntarily register, the housing moratorium regime and improve the regulator’s powers of enforcement. It also amends the special housing administration regime.

6. In accordance with these objectives, the Regulations amend the following primary legislation:

- a. Housing and Regeneration Act 2008 (HRA 2008)
- b. Greater London Authority Act 1999
- c. Charities Act 2011
- d. Housing and Planning Act 2016.

7. The Regulations also amend secondary legislation in the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016.

8. The territorial extent of these regulations is England and Wales, save for the provisions which amend the Housing and Planning Act 2016 (“HPA 2016”) (which are England and Wales, Scotland and Northern Ireland).

### **Provision to be made by the Instrument for which consent is sought**

9. It is the view of Welsh Government that all the provisions in Part 1 of Schedule 1 and in Schedule 2 make provision in relation to Wales amending primary legislation within the legislative competence of the Senedd. These provisions make amendments to Part 2 of the HRA 2008. The HRA 2008 extends to England and Wales, and applies to Wales. However, Part 2 of the HRA 2008 concerns the social housing regulatory regime in England and has limited practical effect in Wales. The English regulatory regime applies to social housing providers based in England, of which a small number own or manage social housing units in Wales (approximately 500 units in total). As such, the amendments make provision in relation to Wales insofar as they apply to that small number of English-based RPs who have housing stock in Wales.

10. It is the view of the Welsh Government that the provisions described in paragraph 9 above make provision in relation to Wales amending primary legislation within the legislative competence of the Senedd.

11. I previously recommended Senedd members consent to the Legislative Consent Memoranda (LCMs) which I deemed were required in relation to the Social Housing (Regulation) Act 2023 that amended the HRA 2008, on the same basis.

12. The amendments to provisions in Part 2 of the HRA 2008 include the following:

- a. amendments which are consequential upon provisions in the Social Housing (Regulation) Act 2023;
- b. amendments which add clarity to provisions;
- c. amendments which “tidy up” the legislation;
- d. amendments which insert a cross reference to where the defined term used can be found;
- e. consequential amendments to non-operative provisions e.g. the heading or defined term; and
- f. miscellaneous amendments which tidy up legislation.

13. The remaining amendments in the Instrument either do not make provision in relation to Wales, or amend primary legislation that is not within the competence of the Senedd. The instrument also includes amendments to a statutory instrument which is not within the competence of the Senedd.

### **Why is it appropriate for the SI to make this provision**

14. As outlined in the LCMs laid in relation to the passage of the Social Housing (Regulation) Act 2023, I considered it appropriate to recommend that

the Senedd give consent to the provisions of that Act, which had the aim of improving the regulation of registered providers of social housing based in England.

15. As set out in those LCMs and above, although Part 2 of the HRA 2008 concerns the social housing regulatory regime in England and has limited practical effect in Wales, the amendments to HRA 2008 in the Act and this Instrument affect Wales insofar as they apply to the small number of English-based RPs who have housing stock in Wales.

16. My view is that the proper functioning of that Act, as supported by this Instrument, will have a generally positive impact on the experiences of the tenants of the approximately 500 units of social housing in Wales which are owned or managed by registered providers subject to the regulatory regime for social housing in England.

17. Therefore, it is my view that it is appropriate to deal with these provisions in this Instrument.

### **Financial implications**

18. There are any no financial implications in Wales of consenting to the provisions in the Regulations.

**Julie James MS**  
**Minister for Climate Change**  
**19 January 2024**