



**Monthly Law Update | Social Housing**  
April 2017

## Introduction

This update shows the main legislative and case law developments and statutory guidance issued in connection with the Social Housing sector from the last month (March 2017) together with links to the relevant sources where you can obtain further information. It is not intended to be exhaustive and is designed to give you an overview of important recent developments.

If you have any concerns about any of the developments outlined in this update, or if you require any advice on the effect of the developments or on how to respond appropriately, please contact:



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## Data protection

### [ICO consults on GDPR consent guidance](#) (The Information Commissioner's Office | 2 March 2017)

The Information Commissioner's Office (ICO) is consulting on draft guidance on consent under the EU's General Data Protection Regulation (GDPR). Comments were accepted via the ICO's webpage GDPR consent guidance from 2 March to 31 March 2017.



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## Employment

### [EU workplace headscarf ban 'can be legal', says ECJ](#) (BBC News | 14 March 2017)

Workplace bans on the wearing of "any political, philosophical or religious sign" such as headscarves need not constitute direct discrimination, Europe's top court has ruled. But the ban must be based on internal company rules requiring all employees to "dress neutrally", said the European Court of Justice (ECJ). It cannot be based on the wishes of a customer, it added.

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**'...the ban must be based on internal company rules requiring all employees to "dress neutrally"...'**

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### [Reporting reforms: payment practices, gender pay gap and non-financial information](#) (TLT Legal Insight | 24 February 2017)

2017 will see the introduction of a raft of new reporting requirements for large organisations. Obligations to report on payment practices and gender pay gaps are expected to come into force in April. Meanwhile changes to the UK's narrative reporting regime have already come into effect requiring certain large companies to disclose a range of non-financial information in their strategic reports.

### [DWP green paper - Defined benefit pension schemes: security and sustainability](#) (Department for Work and Pensions | 20 February 2017)

While the green paper does not cover statutory schemes such as the Local Government Pension Scheme, it does concern schemes run by quasi-public and third sector employers – meaning that Social Housing Pension Schemes (SHPS) and single-employer schemes run by housing associations are within scope. This consultation closes on 14 May 2017.

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## Housing

### [Reduced regulation of English social housing providers: registration requirements](#)

**(Land Registry | 21 March 2017)**

On 6 April 2017, regulations relating to English social housing providers changed. When a private registered provider (such as a housing association) applies to be registered after 6 April 2017, the Land Registry will no longer require them to certify their status.

### [Notification process replaces complex consent regime for the disposal of social housing](#)

**(TLT Legal Insight | 16 March 2017)**

As of 6 April 2017, registered providers no longer need to get consent to dispose of social housing.

A new notification scheme is being introduced, which is part of a series of amendments to existing rules designed to reduce the regulatory burden surrounding social housing.

### [Housing and Planning Act 2016 \(Consequential Provisions\) \(England\) Regulations 2017](#)

**(Legislation.gov.uk | 15 March 2017)**

These regulations, which came into force on 6 April 2017, amongst other matters, revoke paragraph (1A) of rule 183A of the Land Registration Rules 2003, which requires a private registered provider of social housing who applies for registration as the proprietor of a registered estate or registered charge to include a statement to that effect.

### [HCA guidance: restructures and constitutional changes \(Homes and Communities Agency | 15 March 2017\)](#)

New guidance explaining what information the regulator requires from providers who undertake certain constitutional changes and restructures.

### [HCA guidance: notifications about disposals \(Homes and Communities Agency | 15 March 2017\)](#)

Guidance published by the HCA explaining what information the regulator requires from providers undergoing disposals.

### [Abolition of the Right to Buy and Associated Rights \(Wales\) Bill \(National Assembly for Wales | 13 March 2017\)](#)

The National Assembly for Wales has published a Bill which intends to end all variations of the Right to Buy and the Right to Acquire in Wales. This Bill is currently at Stage 1. The Equality, Local Government and Communities Committee is undertaking an inquiry into the general principles of the Bill. The Committee is inviting submissions of written evidence to assist in its consideration of the Bill. Submissions should arrive by 28 April 2017.

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**'As of 6 April 2017, registered providers no longer need to get consent to dispose of social housing.'**

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### [Housing and Planning Act 2016: fifth commencement regulations made](#)

**(Legislation.gov.uk | 6 March 2017)**

The Housing and Planning Act 2016 (Commencement No. 5, Transitional Provisions and Savings) Regulations 2017 (SI 2017/281) were made on 6 March 2017 and brought various provisions of the Housing and Planning Act 2017 into force on either 10 March 2017 or 6 April 2017.

### [Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(SI 2017/276\)](#)

**(Legislation.gov.uk | 6 March 2017)**

The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (SI 2017/276) were made on 6 March 2017 and came into force on 27 March 2017.

### [Social housing regulator to charge fees from October 2017 \(Homes and Communities Agency | 3 March 2017\)](#)

The regulator carried out a consultation in late 2016 on introducing fees for social housing regulation. The regulator of social housing has confirmed that it has listened to the sector and will delay the introduction of fees for social housing regulation to October 2017. Providers will pay 50% of the annual fee for 2017 to 2018.

### [Roger Boot v Bromford Housing Association Limited \(BAILII | 2 March 2017\)](#)

The case concerns a parcel of (essentially garden land) (the Land) which lies between 105 and 107 Oak Lane, Burntwood, Staffs WS7 2HD, which are residential properties on an estate. Part of the estate was laid out by Lichfield Council and comprised part of its social housing stock.

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## Planning and environment

[Planning Act 2008: nationally significant infrastructure projects and housing](#)  
(Department for Communities and Local Government | 21 March 2017)

This guidance covers changes to the Planning Act 2008 made by section 160 of the Housing and Planning Act 2016. The changes allow development consent to be obtained for housing that is related to a nationally significant infrastructure project under the 2008 Act.

[Community Infrastructure Levy - significant change recommended](#) (TLT Legal Insights | 07 March 2017)

Since coming into force in April 2010, the Community Infrastructure Levy (CIL) Regulations have been fraught with difficulty. A new report was released last month by a group commissioned to look at the current system and recommend alternative approaches to developer contributions.

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## Real estate/Commercial property

[Rateable value of property undergoing works must reflect reality](#) (TLT Legal Insight | 1 March 2017)

Property owners undertaking redevelopment works will welcome the recent Supreme Court decision in *Newbigin (Valuation Officer) (Respondent) v SJ & J Monk (a firm) (Appellant)*.

The issue in the case was how the rateable value of a property undergoing redevelopment works should be assessed.

[Consultation on draft Money Laundering Regulations 2017: property aspects](#) (HM Treasury | 15 March 2017)

The Treasury has launched a consultation on the draft Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017). The MLR 2017 will replace the Money Laundering Regulations 2007 (SI 2007/2157) (MLR 2007). The consultation has implications for estate agents and letting agents. The consultation ended on 12 April 2017. The MLR 2017 will come into force on 26 June 2017.

[Budget 2017 - implications for Real Estate](#) (TLT Legal Insights | 08 March 2017)

Chancellor Philip Hammond presented the 2017 Spring Budget. What does this mean for the UK Real Estate market?

[Sanctions to tackle tobacco duty evasion and other excise duty evasion](#) (HM Revenue & Customs | 17 February 2017)

A consultation was launched on proposed new sanctions to tackle tobacco duty evasion and other excise duty evasion. The consultation includes proposals to place a statutory duty of care on landlords and landowners where an offence has been committed. This consultation closes on 10 May 2017.

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**'The consultation has implications for estate agents and letting agents.'**

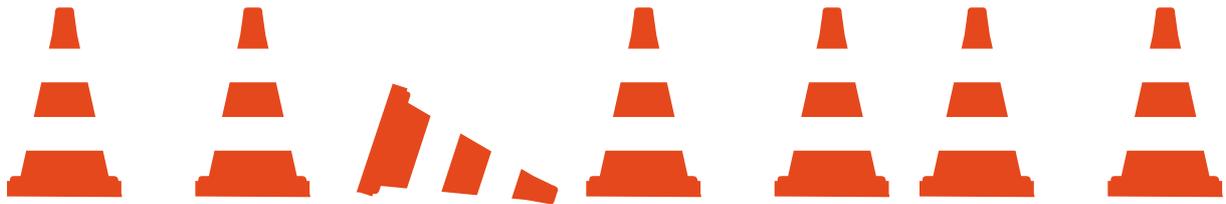
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## Tax

[Taylor Wimpey Plc v HMRC \[2017\] UKUT 34 \(TCC\)](#)  
(Practical Law Tax / BAILII | 3 March 2017)

The Upper Tribunal has dismissed the taxpayer's appeal in relation to its claim to recover input tax incurred on the provision of certain items in new-build houses, finding that the UK builder's block was valid under EU law.



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## Welfare reform

[Universal Credit \(Tenant Incentive Scheme\) Amendment Regulations 2017](#) (Legislation.gov.uk | 16 March 2017)

These regulations, which come into force on 30 April 2017, amend Part 5 of Schedule 4 to the Universal Credit Regulations 2013, which provides for the calculation of the housing costs element in universal credit for claimants who are liable to pay rent to providers of social housing (other than temporary accommodation). Regulation 2 inserts new paragraph 32A which provides for any reduction in a claimant's rent or service charges that has been applied by a provider of social housing under an incentive scheme approved by the Secretary of State to be disregarded in the calculation of the housing costs element.

[The Universal Credit \(Housing Costs Element for claimants aged 18 to 21\) \(Amendment\) Regulations 2017](#) (Legislation.gov.uk | 3 March 2017)

The government has published its regulations on the removal of the housing element of Universal Credit for under-21s, which is due to come into force in April 2017.





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