Draft Regulations laid before Parliament under section 10B(8) of the Landlord and Tenant Act 1985 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. ***

HOUSING, ENGLAND

LANDLORD AND TENANT, ENGLAND

The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025

Made - - - -	***
Coming into force	***

CONTENTS

PART 1
Introduction

1. Citation, commencement, extent and application
2. Interpretation
3. Meaning of "significant hazard" and "emergency hazard"
4. Meaning of "required work" etc.

PART 2
Requirement to take emergency action

5. Requirement to take emergency action

PART 3
Investigation of hazards

6. Requirement to undertake standard investigation
7. Requirement to undertake renewed investigation including physical inspection
8. Requirement to undertake further investigation

PART 4
Requirement to provide written summary following investigation

9. Requirement to provide written summary following investigation
10. Giving of documents under regulation 9

PART 5
Non-emergency action

11. Requirement to make safe: significant hazards
12. Requirement to keep safe
13. Supplementary preventative work
14. Requirement to keep the lessee updated

PART 6
Temporary rehousing etc.

15. Application of this Part
16. Temporary rehousing
17. Provision of safety advice

PART 7
General

18. Restriction on contracting out
19. Availability of specific performance
20. Implied covenant allowing entry
21. Transitional provision: prior awareness of relevant matters
22. Saving provision: lease ceasing to be relevant social housing lease
23. Review

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 10A(3) and 10B of the Landlord and Tenant Act 1985(**a**).

In accordance with section 10B(8) of the Landlord and Tenant Act 1985, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1
Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025.

(2) These Regulations come into force on 27th October 2025.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply to lessors of social homes in England (whenever the lease was granted).

Interpretation

2. In these Regulations—

(**a**) 1985 c. 70. Sections 10A and 10B were inserted by section 42 of the Social Housing (Regulation) Act 2023 (c. 36). Section 10B(8) was amended by paragraph 3 of Schedule 11, from a date to be appointed.

"associated investigation" means, in relation to a relevant investigation, another relevant investigation into the same issue of concern;

"cladding work" means—

(a) the installation of a cladding system that forms the outer wall of an external wall system, or

(b) the removal or replacement of any part of such a cladding system;

"competent investigator" means a person that, in the reasonable opinion of the lessor, has the skills and experience necessary to determine whether a social home is affected by a significant hazard or emergency hazard;

"emergency hazard" has the meaning given in regulation 3;

"emergency investigation" means an investigation under regulation 5(4)(a)(i) (emergency action: investigation) and includes any investigation that began but was not completed under regulation 6 (standard investigation) or 7 (renewed investigation) because regulation 5 (emergency action) began to apply;

"further investigation" means an investigation under regulation 8;

"issue of concern" means—

(a) a relevant matter, or

(b) a material change relating to a relevant matter of which a lessor is already aware;

"make safe" means, in relation to a social home affected by a significant hazard or emergency hazard, to remove the hazard in question, except in regulation 3;

"relevant investigation" means—

(a) an emergency investigation,

(b) a standard investigation,

(c) a renewed investigation, or

(d) a further investigation;

"relevant matter" means a matter or circumstance that is or may be a significant hazard or emergency hazard affecting a social home;

"relevant safety work" means any required work necessary to make a social home safe that is not cladding work;

"renewed investigation" means an investigation under regulation 7;

"required work" has the meaning given in regulation 4;

"significant hazard" has the meaning given in regulation 3;

"social home" means a dwelling let under a lease to which section 10A of the Landlord and Tenant Act 1985 (remedying of hazards occurring in dwellings let on relevant social housing leases) applies;

"standard investigation" means an investigation under regulation 6;

"work" has the meaning given in regulation 4;

"working day" means any day other than—

(a) a Saturday or Sunday,

(b) Christmas Day or Good Friday, or

(c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**) in England and Wales.

(**a**) 1971 c. 80. Schedule 1 to the Act specifies the days that are bank holidays in England and Wales. Section 1(2) and (3) makes provision allowing His Majesty to, by proclamation, appoint different or additional bank holidays.

Meaning of "significant hazard" and "emergency hazard"

3.—(1) In these Regulations—

(a) "significant hazard" means, in relation to a social home, a relevant hazard that poses a significant risk of harm to the health or safety of an occupier of the social home;

(b) "significant risk of harm" means a risk of harm to the occupier's health or safety that a reasonable lessor with the relevant knowledge would take steps to make safe as a matter of urgency (but not within 24 hours);

(c) "emergency hazard" means, in relation to a social home, a relevant hazard that poses an imminent and significant risk of harm to the health or safety of an occupier of the social home;

(d) "imminent and significant risk of harm" means a risk of harm to the occupier's health or safety that a reasonable lessor with the relevant knowledge would take steps to make safe within 24 hours.

(2) In paragraph (1)—

"relevant hazard" means a hazard affecting a social home that—

(a) is a prescribed hazard(**a**) where—

(i) in relation to a significant hazard, the risk of harm is associated with exposure to damp, mould or fungal growth, or

(ii) in relation to an emergency hazard, the risk of harm is not associated with a lack of adequate space for living and sleeping (or either of those things),

(b) arises from a deficiency in the social home, or in any building, part of a building or land in the vicinity of the social home, for which the lessor is responsible, and

(c) is not wholly or mainly attributable to—

(i) the lessee's(**b**) breach of a covenant under the lease, or

(ii) disrepair which the lessor is not obliged to make good because of an exclusion or modification under section 12 of the Landlord and Tenant Act 1985 (power of county court to authorise exclusions or modifications in leases in respect of repairing obligations);

"relevant knowledge" means the knowledge that the lessor of the social home has, or reasonably ought to have, about the health and circumstances of the occupier.

(3) For the purposes of paragraph (2), a lessor is "responsible" for a building, part of a building or land if—

(a) the lessor is required, under a lease or by virtue of an enactment, to repair or maintain it, or

(b) the lessor holds a legal estate in possession in it and no other person is required, under a lease or by virtue of an enactment, to repair or maintain it (but the reference to "possession" does not include the receipt of rents and profits or the right to receive the same).

Meaning of "required work" etc.

4. In these Regulations—

"required work" means, in relation to a significant hazard or emergency hazard affecting a social home, any work—

(a) that is necessary in order to—

(i) make the home safe, and

(**a**) See section 10A(7) of the Landlord and Tenant Act 1985 for the definition of "prescribed hazard".
(**b**) See section 10A(7) of the Landlord and Tenant Act 1985 for the definition of "lessee".

(ii) ensure, so far as is possible, that the hazard in question does not recur,

(b) that the lessor—

(i) can lawfully undertake, or

(ii) can lawfully undertake if it obtains any necessary consents and in respect of which the lessor has not exhausted all reasonable endeavours to obtain such consents, and

(c) that is not work—

(i) for which the lessee is liable by virtue of—

(aa) the duty of the lessee to use the premises in a tenant-like manner, or

(bb) an express covenant of the lessee of substantially the same effect as that duty,

(ii) to rebuild or reinstate the dwelling in the case of destruction or damage by fire, storm, flood or other inevitable accident, or

(iii) to keep in repair or maintain anything which the lessee is entitled to remove from the dwelling;

"work" includes any action to make a home safe.

PART 2

Requirement to take emergency action

Requirement to take emergency action

5. —(1) This regulation applies if Condition 1 or 2 applies.

(2) Condition 1 is that a lessor of a social home—

(a) becomes aware of an issue of concern in relation to the social home, and

(b) has reasonable grounds to believe that there is an emergency hazard affecting the social home (whether those grounds arise at the time the lessor becomes aware of the issue of concern or at a later time) but a relevant investigation has not so concluded.

(3) Condition 2 is that—

(a) a relevant investigation concludes that there is an emergency hazard affecting a social home, and

(b) that investigation, or a subsequent associated investigation, identifies relevant safety work in relation to that hazard.

(4) Subject to paragraph (6), the lessor must secure that as soon as reasonably practicable, but before the end of the emergency action period—

(a) where Condition 1 applies—

(i) an investigation of the relevant matter is completed by a competent investigator, and

(ii) where that investigation concludes that there is an emergency hazard and identifies relevant safety work in relation to that hazard, the relevant safety work is completed;

(b) where Condition 2 applies, the relevant safety work is completed.

(5) Where the lessor complies with Part 6 (temporary rehousing etc.), paragraph (4) is to be read as if ", but before the end of the emergency action period" were omitted.

(6) The requirement in paragraph (4)(a)(ii) or (b) ceases to apply from the time that any of the following events occur—

(a) where the relevant safety work cannot be undertaken lawfully unless the lessor obtains the consent of another person, the lessor has exhausted all reasonable endeavours to obtain such consent,

(b) a subsequent associated investigation concludes that the social home is not affected by a significant hazard or emergency hazard, or

(c) a subsequent associated investigation concludes that there is no relevant safety work in relation to the hazard in question.

(7) An emergency investigation—

(a) must determine whether the social home is affected by a significant hazard or emergency hazard,

(b) must, if possible, determine what work (if any) is required work in relation to any such hazard,

(c) must, for the purposes of sub-paragraph (a), take into account any information provided by the lessee or any third party as to the impact of the relevant matter on, and the risk that the relevant matter poses to, the health or safety of an occupier of the social home, and

(d) may consider any other relevant information.

(8) In this regulation, "emergency action period" means the period of 24 hours beginning—

(a) where Condition 1 applies, at the time that Condition 1 begins to apply, or

(b) where Condition 2 applies, at the time that the investigation that identifies the relevant safety work is completed.

PART 3

Investigation of hazards

Requirement to undertake standard investigation

6.—(1) This regulation applies if—

(a) a lessor of a social home becomes aware of an issue of concern in relation to the social home, and

(b) Condition 1 in regulation 5 (reason to believe emergency hazard affecting home) does not apply.

(2) The lessor must secure that an investigation of the relevant matter is completed by a competent investigator before the end of—

(a) the standard investigation period, or

(b) if the lessee requests a physical inspection of the relevant matter before the investigation is completed, the extended investigation period.

(3) The investigation—

(a) must determine whether the social home is affected by a significant hazard or emergency hazard,

(b) must, if possible, determine what work (if any) is required work in relation to any such hazard,

(c) must include a physical inspection of the relevant matter if, before the investigation is completed, the lessee so requests,

(d) must, for the purposes of sub-paragraph (a), take into account any information provided by the lessee or any third party as to the impact of the relevant matter on, and the risk that the relevant matter poses to, the health or safety of an occupier of the social home, and

(e) may consider any other relevant information.

(4) In this regulation—

"standard investigation period" means the period of 10 working days beginning on the day after the day on which the lessor becomes aware of the issue of concern;

"extended investigation period" means the period of 10 working days beginning on the day after the day on which the lessee requests the physical inspection.

Requirement to undertake renewed investigation including physical inspection

7.—(1) This regulation applies if—

(a) since the lessor of the social home became aware of an issue of concern, an emergency or standard investigation of the relevant matter has been completed but no physical inspection of the relevant matter was undertaken as part of that investigation,

(b) any preventative work identified by that investigation has not been begun,

(c) regulations 5(4)(a)(ii) or (b) (emergency action: relevant safety work) and 8 (further investigation) do not apply.

(2) If the lessee requests a physical inspection of the relevant matter, the lessor must secure that a renewed investigation of the relevant matter is completed by a competent investigator before the end of the period of 10 working days beginning on the day after the day on which the lessee makes that request.

(3) The renewed investigation—

(a) must determine whether the social home is affected by a significant hazard or emergency hazard,

(b) must, if possible, determine what work (if any) is required work in relation to any such hazard,

(c) must include a physical inspection of the relevant matter,

(d) must, for the purposes of sub-paragraph (a), take into account any information provided by the lessee or any third party as to the impact of the relevant matter on, and the risk that the relevant matter poses to, the health or safety of an occupier of the social home, and

(e) may consider any other relevant information.

(4) In this regulation, "preventative work" means, in relation to a significant hazard or emergency hazard, any required work that is necessary to ensure, so far as is possible, that the hazard in question does not recur (whether or not that work is also necessary to make the social home safe).

Requirement to undertake further investigation

8.—(1) This regulation applies if a standard, renewed or emergency investigation concludes that a social home is affected by a significant hazard or emergency hazard but that a further investigation is necessary to determine—

(a) what work (if any) is required work in relation to the hazard in question, or

(b) any other matter relevant to any required work (apart from whether the social home is affected by a significant hazard or emergency hazard).

(2) The lessor must secure that the further investigation is completed by a competent investigator as soon as reasonably practicable.

(3) The further investigation—

(a) must include a physical inspection of the relevant matter if—

(i) before the investigation is completed, the lessee so requests, and

(ii) no physical inspection was undertaken as part of a previous associated investigation, and

(b) may consider any relevant information.

PART 4

Requirement to provide written summary following investigation

Requirement to provide written summary following investigation

9.—(1) This regulation applies following a relevant investigation unless—

(a) the relevant investigation identifies required work, and

(b) the required work is completed before the end of the relevant period.

(2) The lessor must, before the end of the relevant period, give the lessee a document setting out the information specified in paragraph (3).

(3) The following is the specified information—

(a) where the investigation was an emergency, standard or renewed investigation—

(i) whether or not the investigation identified a significant hazard or emergency hazard, and

(ii) where such a hazard was identified, what that hazard is;

(b) where further action is required under these Regulations, what that action is and a target timescale for beginning and completing the action;

(c) where sub-paragraph (b) does not apply, that there is no further action required under these Regulations, and the reasons why;

(d) information about how the lessee may contact the lessor.

(4) In this regulation, "the relevant period" means the period of 3 working days beginning on the day after the day on which the relevant investigation is completed

Giving of documents under regulation 9

10. A document that is required to be given to the lessee under regulation 9 may be given by—

(a) being delivered personally to the lessee,

(b) being left at the social home,

(c) being sent to the social home by first class post (or equivalent service which provides for next day delivery in the majority of cases), or

(d) being transmitted electronically to an address or number provided by the lessee to the lessor for the purpose of receiving communications from the lessor in relation to the lease or the social home,

and the time at which it is given is the time that it is delivered, left, posted, entrusted to a service equivalent to first class post or transmitted, as the case may be.

PART 5

Non-emergency action

Requirement to make safe: significant hazards

11.—(1) Paragraph (2) applies if a relevant investigation identifies relevant safety work in relation to a significant hazard that was not identified by a previous associated investigation.

(2) Subject to paragraph (3), the lessor must secure that the relevant safety work is completed—

(a) within the period of 5 working days beginning on the day after the day on which the relevant investigation is completed, or

(b) where the lessor complies with Part 6 (temporary rehousing etc.), as soon as reasonably practicable thereafter.

(3) The requirement in paragraph (2) ceases to apply from such time that any of the following events occur—

(a) where the relevant safety work cannot be undertaken lawfully unless the lessor obtains the consent of another person, the lessor has exhausted all reasonable endeavours to obtain such consent,

(b) a subsequent associated investigation concludes that the social home is not affected by a significant hazard or emergency hazard, or

(c) a subsequent associated investigation concludes that there is no relevant safety work in relation to the hazard in question.

Requirement to keep safe

12.—(1) This regulation applies where relevant safety work in relation to a significant hazard or emergency hazard affecting a social home has been completed.

(2) Where a relevant investigation concludes that a further investigation is necessary to determine whether any supplementary preventative work is required in relation to the hazard, the lessor must secure that the social home is kept safe until the further investigation is completed.

(3) Where a relevant investigation identifies relevant supplementary preventative work in relation to the hazard, the lessor must secure that the social home is kept safe until that work is completed, subject to paragraph (4).

(4) The requirement in paragraph (3) ceases to apply from such time that any of the following events occur—

(a) where the relevant supplementary preventative work cannot be undertaken lawfully unless the lessor obtains the consent of another person, the lessor has exhausted all reasonable endeavours to obtain such consent,

(b) a subsequent associated investigation concludes that the social home is not affected by a significant hazard or emergency hazard, or

(c) a subsequent associated investigation concludes that there is no relevant supplementary preventative work in relation to the hazard in question.

(5) In this regulation—

"keep safe" means, in relation to a social home where relevant safety work has been completed, to keep the social home in the condition it is in on completion of that work;

"relevant supplementary preventative work" means, in relation to a significant hazard or emergency hazard, any required work that—

(a) is necessary to ensure, so far as is possible, that the hazard in question does not recur,

(b) is not necessary to make the social home safe, and

(c) is not cladding work.

Supplementary preventative work

13.—(1) Subject to paragraph (5), paragraphs (2) to (4) apply where a relevant investigation identifies any relevant supplementary preventative work that was not identified by a previous associated investigation and—

(a) does not conclude that a further investigation is necessary before the relevant supplementary preventative work can be begun, or

(b) concludes that a further investigation is necessary before the relevant supplementary preventative work can be begun and that further investigation is completed.

(2) Before the end of the period of 5 working days beginning with the relevant day, the lessor must—

(a) begin the relevant supplementary preventative work, or

(b) where it is not reasonably practicable to begin the relevant supplementary preventative work before the end of that period, take steps to secure that the relevant supplementary preventative work begins in accordance with paragraph (3).

(3) Where paragraph (2)(b) applies, the lessor must secure that the relevant supplementary preventative work begins—

(a) as soon as reasonably practicable, but

(b) before the end of the period of 12 weeks beginning with the day after the day on which the relevant investigation that determined that the social home is affected by a significant hazard or emergency hazard is completed.

(4) The lessor must secure that the relevant supplementary preventative work is completed within a reasonable period.

(5) The requirements in paragraphs (2) to (4) cease to apply from such time that any of the following events occur—

(a) where the relevant supplementary preventative work cannot be undertaken lawfully unless the lessor obtains the consent of another person, the lessor has exhausted all reasonable endeavours to obtain such consent,

(b) a subsequent associated investigation concludes that the social home is not affected by a significant hazard or emergency hazard, or

(c) a subsequent associated investigation concludes that there is no relevant supplementary preventative work in relation to the hazard in question.

(6) In this regulation—

"relevant day" means—

(a) where paragraph (1)(a) applies, the day after the day on which the relevant investigation is completed, or

(b) where paragraph (1)(b) applies, the day after the day on which the further investigation is completed;

"relevant supplementary preventative work" has the meaning given by regulation 12(5).

Requirement to keep the lessee updated

14.—(1) This regulation applies if a relevant investigation identifies required work.

(2) The lessor must take reasonable steps to keep the lessee informed about the timing and progress of the required work until the appropriate time.

(3) In paragraph (2), "the appropriate time" means such time that—

(a) the required work is completed,

(b) where the required work cannot be undertaken lawfully unless the lessor obtains the consent of another person, the lessor has exhausted all reasonable endeavours to obtain such consent,

(c) a subsequent associated investigation concludes that the social home is not affected by a significant hazard or emergency hazard, or

(d) a subsequent associated investigation concludes that there is no required work in relation to the hazard in question.

(4) The lessor must inform the lessee when the required work is completed.

(5) Where a circumstance mentioned in paragraph (3)(b), (c) or (d) arises, the lessor must, as soon as reasonably practicable, give the lessee a document setting out—

(a) that there is no further action required under these Regulations, and the reasons why, and

(b) information about how the lessee may contact the lessor.

(6) Regulation 10 applies to the giving of a document required to be given to the lessee under paragraph (5) as it applies to the giving of a document required to be given to the lessee under regulation 9.

PART 6

Temporary rehousing etc.

Application of this Part

15.—(1) This Part applies if—

(a) a relevant investigation concludes that a social home is affected by a significant hazard or emergency hazard, and

(b) that investigation or a subsequent associated investigation—

(i) identifies relevant safety work in relation to that hazard and the lessor is, or is likely to be, unable to secure that the relevant safety work is completed within the initial remediation period, or

(ii) concludes that a further investigation is necessary to determine what work (if any) is relevant safety work in relation to that hazard where the lessor—

(aa) has reasonable grounds to believe that a further investigation will identify relevant safety work, and

(bb) is, or is likely to be, unable to secure that the further investigation is completed within the initial remediation period.

(2) In this Part—

"assumed rehousing period" means the period—

(a) beginning at the time that the initial remediation period ends, and

(b) ending with the time by which the lessor reasonably anticipates that the relevant safety work will be completed;

"initial remediation period" means—

(a) in relation to an emergency hazard—

(i) where the investigation mentioned in paragraph (1)(a) was an emergency investigation, the emergency action period as defined in regulation 5(8)(a), and

(ii) in any other case, the period of 24 hours beginning at the time that the investigation mentioned in paragraph (1)(a) is completed, or

(b) in relation to a significant hazard, the period of 5 working days beginning on the day after the day on which the investigation mentioned in paragraph (1)(a) is completed.

Temporary rehousing

16.—(1) The lessor must secure the provision of suitable alternative accommodation to the lessee's household, at no cost to the lessee, from the time that the initial remediation period ends until the appropriate time, unless the lessee refuses an offer to secure such provision.

(2) In this regulation—

"the appropriate time" means such time that—

(a) the relevant safety work is completed,

(b) where the relevant safety work cannot be undertaken lawfully unless the lessor obtains the consent of another person, the lessor has exhausted all reasonable endeavours to obtain such consent,

(c) a subsequent associated investigation concludes that the social home is not affected by a significant hazard or emergency hazard,

(d) where regulation 15(b)(ii) applies, the further investigation concludes that there is no relevant safety work in relation to the hazard in question, or

(e) the lessee gives the lessor notice in writing that they no longer wish to be provided with suitable alternative accommodation;

"the lessee's household" means, in relation to a social home—

(a) the lessee of the social home or, in the case of joint lessees, such of the joint lessees as occupy the social home as their only or principal home, and

(b) any person who normally resides in the social home—

(i) as a member of the family of a person within sub-paragraph (a), and

(ii) in accordance with the lease.

(3) For the purposes of sub-paragraph (b) of the definition of "the lessee's household", a person under the age of 18 years ("C") will be taken to meet sub-paragraph (b)(i) of that definition if—

(a) a person within sub-paragraph (a) or (b) of that definition has caring responsibilities for C, and

(b) C usually stays overnight in the social home at least once per week and would have been expected to have continued to do so during the assumed rehousing period.

Provision of safety advice

17.—(1) This regulation applies unless the lessor has reasonable grounds to believe that the social home will be unoccupied for the whole of the assumed rehousing period.

(2) The lessor must give the lessee a document setting out the information mentioned in paragraph (3) before the end of the initial remediation period or as soon as reasonably practicable thereafter.

(3) The information that must be given under paragraph (2) is—

(a) where the lessor considers that action by an occupier can sufficiently mitigate the risk of harm, information about any action that can, for the time being, reasonably be taken, or avoided, by occupiers of the social home to sufficiently mitigate the risk of harm until the relevant safety work is completed, or

(b) where sub-paragraph (a) does not apply—

(i) a statement that the lessor does not think that any such steps can sufficiently mitigate the risk until that time, and

(ii) information about any action that can, for the time being, reasonably be taken, or avoided, by occupiers of the social home to reduce the risk of harm until the relevant safety work is completed.

(4) In this regulation, "sufficiently mitigate the risk of harm" means to reduce the risk of harm to the health or safety of an occupier posed by a significant hazard or emergency hazard to a level that, in the reasonable opinion of the lessor, is tolerable for continued occupation.

(5) Regulation 10 applies to the giving of a document required to be given to the lessee under paragraph (2) as it applies to the giving of a document required to be given to the lessee under regulation 9.

PART 7

General

Restriction on contracting out

18. Any provision of a lease of a social home or of any agreement relating to such 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) of the Landlord and Tenant Act 1985, 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.

Availability of specific performance

19. 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) of the Landlord and Tenant Act 1985, the court may order specific performance of the obligation (regardless of any equitable rule restricting the scope of that remedy).

Implied covenant allowing entry

20.—(1) In a lease of a social home, there is implied a covenant by the lessee that the lessor, or a person authorised in writing by the lessor, may enter the social home for the purposes of complying with any requirement under these Regulations that is applicable in relation to the social home.

(2) The covenant implied by paragraph (1) requires entry to the social home to be permitted—

(a) only at reasonable times of the day, and

(b) only if at least 24 hours' notice in writing has been given to the occupier of the dwelling.

Transitional provision: prior awareness of relevant matters

21.—(1) This regulation applies in relation to a relevant matter in relation to a social home of which the lessor became aware before the relevant time.

(2) Regulation 2 (interpretation) has effect as if—

(a) after the definition of "emergency investigation" there were inserted—

""first reported" means, in relation to a concern reported after the relevant time, reported to the lessor for the first time after the relevant time (whether or not the concern was previously reported);";

(b) for the definition of "issue of concern" there were substituted—

""issue of concern" means—

(a) a prior awareness relevant matter about which a concern is first reported after the relevant time, or

(b) a material change relating to a prior awareness relevant matter;

"prior awareness relevant matter" means a relevant matter of which the lessor of the social home affected became aware before the relevant time;";

(c) after the definition of "relevant matter" there were inserted—

""relevant time" means, in relation to a relevant matter in relation to a social home—

(a) 27th October 2025, or

(b) if later, the time that these Regulations begin to apply in relation to that social home;".

(3) Regulation 5 (requirement to take emergency action) has effect as if—

(a) for paragraphs (1) and (2) there were substituted—

"**5.**—(1) This regulation applies if any of the following conditions apply.

(2) Condition 1A is that—

(a) a concern about a prior awareness relevant matter is first reported after the relevant time, and

(b) the lessor has reasonable grounds to believe that an emergency hazard is affecting the social home (whether those grounds are present, or arise, at the time the concern is first reported or arise at a later time) but a relevant investigation has not so concluded.

(2A) Condition 1B is that—

(a) a lessor of a social home becomes aware after the relevant time of a material change relating to a prior awareness relevant matter, and

(b) the lessor has reasonable grounds to believe that an emergency hazard is affecting the social home (whether those grounds are present, or arise, at the time the lessor becomes aware of the material change or arise at a later time) but a relevant investigation has not so concluded.";

(b) in paragraphs (4)(a) and (8)(a), for "Condition 1", in each place, there were substituted "Condition 1A or 1B".

(4) Regulation 6 (requirement to undertake standard investigation) has effect as if—

(a) for paragraph (1) there were substituted—

"**6.**—(1) This regulation applies if—

(a) either—

(i) a concern is first reported after the relevant time about a prior awareness relevant matter ("relevant concern"), or

(ii) a lessor of a social home becomes aware after the relevant time of a material change relating to a prior awareness relevant matter ("relevant material change"), and

(b) Conditions 1A and 1B in regulation 5 (reason to believe emergency hazard affecting home) do not apply.";

(b) in paragraph (4), for the definition of "standard investigation period" there were substituted—

""standard investigation period" means the period of 10 working days beginning on the day after the day on which—

(a) the relevant concern is first reported, or

(b) the lessor becomes aware of the relevant material change,".

Saving provision: lease ceasing to be relevant social housing lease

22.—(1) This regulation applies where the covenant in section 10A(2) of the Landlord and Tenant Act 1985 ("the implied covenant") ceases to be implied in a lease because the lease ceases to be a relevant social housing lease(**a**).

(2) Where the implied covenant ceases to be implied in the lease because the lessor ceases to be a registered provider of social housing, any requirement under these Regulations that arises before that occurs continues to have effect.

(3) Despite the fact that the implied covenant ceases to be implied in the lease, the lessor continues to be liable for—

(a) any breach of a requirement under these Regulations which occurs before the implied covenant ceases to have effect;

(b) any breach of a requirement under these Regulations that continues to have effect by virtue of paragraph (2).

(**a**) See section 10A(6) of the Landlord and Tenant Act 1985 for the definition of "relevant social housing lease".

Review

23.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 27th October 2030.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) A report published under this regulation must, in particular—

(a) set out the objectives to be achieved by the regulatory provision referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015(**a**) (see section 32 of that Act).

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name
Minister of State
Date Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 10A(2) of the Landlord and Tenant Act 1985 (c. 70) implies into the lease of a dwelling to which section 10A applies a covenant that the lessor will comply with all prescribed requirements that are applicable to the lease ("implied covenant"). These Regulations prescribe such requirements.

Dwellings let under a lease to which section 10A applies are referred to in the Regulations as "social homes" (defined in regulation 2). The lessor of a social home to which the requirements in these Regulations apply will be a registered provider of social housing (unless saving provisions in regulation 22 apply).

Regulation 2 defines various terms used in these Regulations.

Regulation 3 defines the key terms "significant hazard" and "emergency hazard". In essence a "significant hazard" is a damp and mould hazard that affects a social home and which poses a risk of harm to the health or safety of its occupier that a reasonable lessor would take urgent steps to address and for which the lessor has responsibility. An "emergency hazard" is any hazard (other than an overcrowding hazard) that affects a social home and poses a risk of harm to the health or safety of its occupier that a reasonable lessor would take steps to address within 24 hours and for which the lessor has responsibility.

(**a**) 2015 c. 26.

Regulation 4 defines the key term "required work". Subject to some limited exceptions "required work" is the work necessary to make a home that is affected by a significant hazard or emergency hazard safe and ensure, so far as is possible, that the hazard does not recur. "Work" includes any action to make a home safe.

Regulation 5 requires the lessor to take emergency action where it knows or believes that a social home is affected by an emergency hazard. The action the lessor must take is to investigate (if the matter has not already been investigated) and/or to complete relevant safety work (if relevant safety work is identified) as soon as reasonably practicable and within 24 hours. However, if the lessor complies with the requirements in Part 6 (temporary rehousing etc.) the time limit of 24 hours to complete relevant safety work is disapplied. "Relevant safety work" is required work necessary to make the home safe that is not cladding work.

Regulations 6 to 8 relate to the investigation of hazards, other than in the emergency situation described above.

Regulation 6 applies if a lessor becomes aware of an issue of concern in relation to a social home. In that case the lessor must complete a standard investigation into it within 10 working days unless, before the investigation is completed, the lessee requests a physical inspection in which case the period for investigation is extended.

Regulation 7 requires the lessor to conduct a renewed investigation if a standard or emergency investigation into the matter did not include a physical inspection, the lessor requests one, any required work to ensure a hazard does not recur has not been begun and the requirements to complete relevant safety work under regulation 5 or a further investigation under regulation 8 do not apply. The lessor must complete this investigation within 10 working days.

Regulation 8 requires the lessor to conduct a further investigation if that is deemed necessary by an investigation under regulations 5 to 7. Such an investigation must be completed as soon as reasonably practicable and must include a physical inspection if one has not already been undertaken and the lessee requests one.

Regulation 9 concerns the information that the lessor is required to give to the lessee after an investigation. It provides that a written summary of information relating to the investigation must usually be given within 3 working days of the completion of the investigation and sets out requirements that a written summary must satisfy.

Regulation 10 sets out how documents under regulation 9 may be given to the lessee.

Regulation 11 provides that where an investigation identifies relevant safety work in relation to a significant hazard the lessor must ensure that it is completed within 5 working days, unless it complies with the requirements in Part 6 (temporary rehousing etc.) in which case the lessor must do that work as soon as reasonably practicable. This regulation does not apply if it is an emergency situation, in which case the rules about completing relevant safety work in regulation 5 apply.

Regulation 12 provides that a lessor who has completed relevant safety work must keep the social home in the condition it is in on the completion of that work until such time as any relevant supplementary preventative work is completed. Relevant supplementary preventative work is any required work that is necessary to ensure, so far as is possible, that a significant hazard or emergency hazard does not recur but which is not necessary to make the social home safe and is not cladding work.

Regulation 13 concerns the completion of relevant supplementary preventative work. The relevant supplementary preventative work must be begun within 5 working days of the relevant day unless it is not reasonably practicable to begin it within that period. Where the latter applies, the lessor must, within that period, take steps with a view to securing that those works are begun as soon as reasonably practicable and within 12 weeks. Relevant supplementary preventative work must be completed within a reasonable period. The relevant day will normally be the day after the day on which the relevant investigation that identifies the supplementary preventative work is completed,

however if a further investigation is necessary before the relevant supplementary work can be begun it will be the day after that further investigation is completed.

Regulation 14 imposes a requirement on the lessor to keep the lessee informed about the timing and progress of any required work until it is completed or the requirement to complete the work comes to an end. It also requires the lessor to inform the lessee when the required work is completed and provide information in writing if the requirement to keep the lessee informed about the timing and progress of the required work comes to an end in any other way.

Regulation 15 details the application of regulations 16 and 17 (temporary rehousing etc.). They apply if a relevant investigation identifies relevant safety work in relation to a significant hazard or emergency hazard, or the lessor has reasonable grounds to believe that a further investigation will identify relevant safety work in relation to that hazard, and the relevant safety work or the further investigation cannot be completed within 24 hours (in the case of an emergency hazard), or 5 working days (in the case of a significant hazard).

Regulation 16 provides that if the relevant safety work or further investigation cannot be completed within the required timeframes, the lessor must secure and pay for the provision of suitable alternative accommodation to the lessee's household until the relevant safety work is completed. The requirement to provide suitable alternative accommodation also comes to an end if another investigation concludes that the social home is not affected by a significant hazard or emergency hazard or concludes there is no relevant safety work, if any necessary consent to do the work is not forthcoming or if the lessee no longer wants the alternative accommodation.

Regulation 17 provides that if, for any reason, any person remains in occupation of the social home in the period before the relevant safety work is completed, the lessor must provide the lessee with certain information to help the occupants keep themselves safe (or inform the lessee that this is not possible and provide them with information about what they can do to reduce any risk of harm).

Regulation 18 provides that the lessor may not contract out of the implied covenant.

Regulation 19 provides that a court may order specific performance of any requirement under these Regulations.

Regulation 20 provides the lessor with a right of entry for purposes of complying with any requirements under these Regulations at reasonable times of day and on 24 hours' notice.

Regulation 21 is a transitional provision which modifies the application of these Regulations in cases where a lessor became aware of a relevant matter before these Regulations come into force, or, if later, before the requirements in these Regulations begin to apply in relation to the social home in question.

Regulation 22 is a saving provision that applies where a lease ceases to be one in which the implied covenant to comply with the requirements of these Regulations applies.

Regulation 23 provides that the Secretary of State must review these Regulations at intervals of no more than 5 years.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published alongside these Regulations on www.legislation.gov.uk and is also available from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

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£8.14

http://www.legislation.gov.uk/id/ukdsi/2025/9780348273083

ISBN 978-0-34-827308-3

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