

**Changes to legislation:** Housing Act 1988, SCHEDULE 9 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 9

Section 76.

ORDERS VESTING LAND IN HOUSING ACTION TRUSTS

PART I

PROVISIONS SUPPLEMENTING SECTION 76(1)—(3)

- 1
- In this Part of this Schedule “the principal section” means section 76 of this Act.
- 2
- (1) In the principal section and paragraph 3 below, “statutory undertakers” and “statutory undertaking” shall be construed in accordance with paragraph 4 below.

(2) In the principal section and the following provisions of this Part of this Schedule, “wholly-owned subsidiary” has the meaning given by [<sup>F1</sup>section 1159 of the Companies Act 2006].

**Textual Amendments**

**F1** Words in [Sch. 9 para. 2\(2\)](#) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 100](#) (with art. 10)

- 3
- (1) In subsection (3) of the principal section the reference to the Secretary of State and the appropriate Minister—

(a) in relation to statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of [<sup>F2</sup>the Town and Country Planning Act 1990], shall be construed as if contained in that Part; and

(b) in relation to any other statutory undertakers shall be construed in accordance with an order made by the Secretary of State.

(2) If, for the purposes of subsection (3) of the principal section, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.

**Textual Amendments**

**F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 4, [Sch. 2 para. 79\(5\)\(a\)](#)

- 4
- In the principal section and, except where the context otherwise requires, in paragraph 3 above “statutory undertakers” means—

(a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock,

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harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, hydraulic power or water;

- (b) <sup>F3</sup>... the British Steel Corporation, the Civil Aviation Authority, <sup>F4</sup> . . . , <sup>F5</sup> . . . , <sup>F6</sup> . . . and any other authority, body or undertakers which, by virtue of any enactment, are to be treated as statutory undertakers for any of the purposes of [<sup>F7</sup>the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990];
- (c) any other authority, body or undertakers specified in an order made by the Secretary of State; and
- (d) any wholly-owned subsidiary of any person, authority, body or undertakers mentioned in sub-paragraphs (a) and (b) above or specified in an order made under sub-paragraph (c) above;

and “statutory undertaking” shall be construed accordingly.

#### Textual Amendments

- F3** Words in Sch. 9 para. 4(b) omitted (22.3.2013) by virtue of The Public Bodies (Abolition of British Shipbuilders) Order 2013 (S.I. 2013/687), art. 1(2), **Sch. 1 para. 11**
- F4** Words in Sch. 9 Pt. I para. 4(b) repealed (31.10.1994) by 1994 c. 21, ss. 7, 67, Sch. 9 para. 76, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F5** Words in Sch. 9 Pt. I para. 4(b) repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt. I**; S.I. 1991/2721, **art. 2**
- F6** Words in Sch. 9 Pt. I para. 4(b) repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), **Sch. 2**
- F7** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 para. 79(5)(b)**

- 5 An order under any provision of this Part of this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## PART II

### MODIFICATIONS OF ENACTMENTS

#### *Land Compensation Act 1961*

- 6 The <sup>M1</sup> Land Compensation Act 1961 shall have effect in relation to orders under section 76 of this Act subject to the modifications in paragraphs 7 to 11 below.

#### Marginal Citations

- M1** 1961 c.33.

- 7 References to the date of service of a notice to treat shall be treated as references to the date on which an order under section 76 of this Act comes into force.
- 8 Section 17(2) shall be treated as if for the words “the [<sup>F8</sup>acquiring authority] have served a notice to treat [<sup>F9</sup>in respect of the interest] or an agreement has been made for the [<sup>F10</sup>sale of the interest] to that authority” there were substituted the words

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“an order under section 76 of the Housing Act 1988 vesting the land in which the interest subsists in a housing action trust has come into force, or an agreement has been made for the sale of the interest to such a trust”.

#### Textual Amendments

- F8** Words in [Sch. 9 para. 8](#) substituted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 232\(7\)\(a\)](#), 240(2); [S.I. 2012/628](#), [art. 8\(d\)](#) (with [arts. 912131618-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4)
- F9** Words in [Sch. 9 para. 8](#) substituted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 232\(7\)\(b\)](#), 240(2); [S.I. 2012/628](#), [art. 8\(d\)](#) (with [arts. 912131618-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4)
- F10** Words in [Sch. 9 para. 8](#) substituted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 232\(7\)\(c\)](#), 240(2); [S.I. 2012/628](#), [art. 8\(d\)](#) (with [arts. 912131618-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4)

- 9 In section 22—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “or
- (cc) where an order has been made under section 76 of the Housing Act 1988 vesting the land in which the interest subsists in a housing action trust”; and
- (b) subsection (3) shall be treated as if, in paragraph (a), after the words “paragraph (b)” there were inserted “or paragraph (cc)”.
- 10 Any reference to a notice to treat in section 39(2) shall be treated as a reference to an order under section 76 of this Act.
- 11 In Schedule 2, paragraph 1(2) shall be treated as if at the end there were added the following paragraph—
- “(k) an acquisition by means of an order under section 76 of the Housing Act 1988 vesting land in a housing action trust.”

#### *Compulsory Purchase (Vesting Declarations) Act 1981*

- 12 (1) In Schedule 2 to the Compulsory Purchase (Vesting Declarations) Act 1981 (vesting of land in urban development corporation), in paragraph I after the word “declaration” there shall be inserted “ or under section 76 of the Housing Act 1988 (subsection (5) of which contains similar provision) ”.
- (2) At the end of sub-paragraph (a) of paragraph 3 of that Schedule there shall be added “ or, as the case may be, the housing action trust ”.

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)