

SCHEDULE

Article 3

Modification of Enactments

References to the Housing Corporation treated as references to the Regulator of Social Housing

1. In the following provisions any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

- section 32(7B) of the Land Compensation Act 1973**(1)**
- section 16(6B)(a) of the Consumer Credit Act 1974**(2)**
- section 5(3)(d) of the Rent (Agriculture) Act 1976**(3)**
- sections 15(2)(a), 86(2)(a) and 93(1) of the Rent Act 1977**(4)**
- section 3A(8)(g) of the Protection from Eviction Act 1977**(5)**
- section 12A(7)(b) of the Criminal Law Act 1977**(6)**
- the forms in Schedule 1 to the Rent Act (Forms etc) Regulations 1980**(7)**
- the forms in Schedule 1 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986**(8)**
- section 58(1)(e) of the Landlord and Tenant Act 1987**(9)**
- the Schedule to the Secure Tenancies (Notices) Regulations 1987**(10)**
- paragraph 1(1) of Schedule 9 and paragraph 8 of Schedule 9A to the Social Security (Claims and Payments) Regulations 1987**(11)**
- sections 376(4)(k), 488(7A) and 489(5A) of the Income and Corporation Taxes Act 1988**(12)**
- sections 35(5), 81(6) and 133(6) of the Housing Act 1988**(13)**
- sections 172(2)(b) and 173(6) of the Local Government and Housing Act 1989**(14)**
- regulation 5 of the New Towns (Transfer of Housing Stock) Regulations 1990**(15)**
- sections 218 and 219 of the Taxation of Chargeable Gains Act 1992**(16)**

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- (1) 1973 c.26. Section 32(7B) was inserted by section 9 of the Housing Act 1988 (c.50) and amended by section 152 of, and Schedule 18 to the Government of Wales Act 1998 (c.38) and sections 68 and 70 of, and paragraph 23 of Schedule 15 to the Planning and Compensation Act 1991 (c.34).
 - (2) 1974 c. 39. Section 16(6B) was inserted by section 22 of the Housing and Planning Act 1986 (c. 63) and amended by section 140 of, and Schedule 17 to the Housing Act 1988 (c. 50) and section 152 of, and Schedule 18 to the Government of Wales Act 1998 (c. 38).
 - (3) 1976 c.80.
 - (4) 1977 c.42. Sections 86 and 93 were amended by S.I. 1999/61. Further amendments were made not relevant to this Order.
 - (5) 1977 c.43. Section 3A was inserted by section 31 of the Housing Act 1988 (c.50). Further amendments were made to the section not relevant to this Order.
 - (6) 1977 c.45. Section 12A was inserted by section 74 of the Criminal Justice and Public Order Act 1994 (c.33) and amended by S.I. 1996/2325 and by section 140 of, and paragraph 3 of Schedule 16 to the Government of Wales Act 1998 (c.38).
 - (7) S.I. 1980/1697 amended by S.I. 1984/1391 and 1999/655.
 - (8) S.I. 1986/2194, substituted by S.I.2007/784; there are other amending instruments but none is relevant.
 - (9) 1987 c.31. There are amendments to section 58 not relevant to this Order.
 - (10) S.I. 1987/755 to which there are amendments not relevant to this Order.
 - (11) S.I. 1987/1968; revoked in part by S.I.2003/492; there are other amending instruments but none is relevant.
 - (12) 1988 c.1. Section 488(7A) and 489(5A) were inserted by paragraph 8 of Schedule 3 to the Housing Act 1996.
 - (13) 1988 c.50; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Further amendments have been made not relevant to this Order.
 - (14) 1989 c.42. Sections 172(2)(b) and 173 were amended by section 140 of, and paragraph 76 of Schedule 16 to the Government of Wales Act 1998 (c.38). Section 173(6) is also amended by S.I. 1996/2325. Further amendments have been made not relevant to this Order.
 - (15) S.I. 1990/1700; to which there are amendments not relevant to this Order.
 - (16) 1992 c.12. Section 218 was amended by section 140 of, and paragraph 80 of Schedule 16 to the Government of Wales Act 1998 (c.38). Section 219 was inserted by S.I. 1996/2325 and amended by section 140 of, and paragraph 80 of Schedule 16 to the Government of Wales Act 1998.

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article 3(2) of the Housing (Extension of Right to Buy) Order 1993(17)
 sections 40 to 41B of the Audit Commission Act 1998(18)
 regulation 5(a) of the Assured and Protected Tenancies (Lettings to Students) Regulations 1998(19)
 paragraph 1(3) of Schedule 9 to the Finance Act 2003(20)
 section 59(1)(h) of the Finance Act 2004(21)
 section 256(2)(e) of the National Health Service Act 2006(22)
 section 194(2)(e) of the National Health Service (Wales) Act 2006(23)
 in the definition of “registered housing association” in regulation 2(1) of Housing Benefit Regulations 2006(24)
 in the definition of “registered housing association” in regulation 2(1) of the Housing Benefit (Persons who have attained qualifying age for state pension benefit) Regulations 2006(25)
 in the definition of “registered social landlord” in regulation 2 of the Community Benefit Societies (Restrictions on Use of Assets) Regulations 2006(26).

Housing Act 1985

2.—(1) In the following provisions of the Housing Act 1985 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

sections 5(4), 6A, 45(2), 92(2A)(a), 171(2) and 429A(2A)

ground 10A in Part II and paragraph 6 of Part V of Schedule 2 and paragraph 7(1) of Schedule 4(27)

(2) Section 151B of the Housing Act 1985 shall have effect as if after subsection (5) there were inserted—

“(5A) In subsection (5) “the Relevant Authority” includes the Homes and Communities Agency but does not include the Regulator of Social Housing.”.

(3) Section 156(4) of the Housing Act 1985 shall have effect as if after subsection (4) there were inserted—

“(4ZA) In subsection (4) “the Relevant Authority” includes the Homes and Communities Agency but does not include the Regulator of Social Housing.”.

(17) [S.I. 1993/2240](#).

(18) [1998 c.18](#). Sections 40 and 41 were amended by section 66 of, and paragraphs 21 and 27 of Schedule 2 to the Public Audit (Wales) Act [2004 \(c.23\)](#) and section 155 of the Local Government and Public Involvement in Health Act [2007 \(c.28\)](#). Section 41A was inserted by section 109 of the Local Government Act [2003 \(c.26\)](#) and amended by Schedule 2 to the Public Audit (Wales) Act 2004 and section 155 of the Local Government and Public Involvement in Health Act 2007. Section 41B was inserted by section 109 of the Local Government Act 2003 and amended by Schedule 2 to the Public Audit (Wales) Act 2004.

(19) [S.I. 1998/1967](#) to which there are amendments not relevant to this Order.

(20) [2003 c.14](#) to which there are amendments not relevant to this Order.

(21) [2004 c.12](#) to which there are amendments not relevant to this Order.

(22) [2006 c.41](#).

(23) [2006 c.42](#).

(24) [S.I. 2006/213](#); amended by [S.I. 2007/2869](#) and [S.I. 2008/586](#); there are other amending instruments but none is relevant.

(25) [S.I. 2006/214](#); amended by [S.I. 2007/2869](#) and [S.I. 2008/586](#); there are other amending instruments but none is relevant.

(26) [S.I. 2006/264](#).

(27) [1985 c.68](#); amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act [1998 \(c.38\)](#). Section 5(4) was substituted by [S.I.1996/2325](#). Section 6A was inserted by section 140 of, and Schedule 17 to the Housing Act [1988 \(c.50\)](#) and amended by [S.I.1996/2325](#). Section 45 was amended by sections 41 and 61 of the Landlord and Tenant Act [1987 \(c.31\)](#). Section 92(2A) was inserted by section 163 of the Local Government and Housing Act [1989 \(c. 42\)](#). Section 171(2) was amended by section 83 of the Housing Act 1988 and by [S.I. 1996/2325](#). Section 429A(2A) was inserted by section 216 of, and paragraph 54 of Schedule 17 to the Housing Act 1988. Ground 10A and Part V of Schedule 2 were inserted by section 9 of the Housing and Planning Act [1986 \(c.63\)](#).

Housing Associations Act 1985

3.—(1) In the following provisions of the Housing Associations Act 1985 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—
sections 9(1A)(a), 9(6)(a), 10(1)(a), 33A, 75(1A) and 77
paragraph 6(2)(b) of Part I and paragraph 2(2)(b) of Part VI of Schedule 5**(28)**.

(2) Section 69 of the Housing Associations Act 1985**(29)** (power to vary or terminate certain agreements with housing associations) shall have effect as if—

- (a) in subsection (1) in paragraph (a) for the words from “(including” to the end there were substituted “under which rights and obligations have been transferred to the Regulator of Social Housing;”,
- (b) subsection (2A) were omitted, and
- (c) before subsection (3) there were inserted—

“(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.”.

(3) In section 74 of the Housing Associations Act 1985**(30)**—

- (a) the reference to the Housing Corporation in subsection (1) shall be treated as if it included a reference to the Regulator of Social Housing and the Homes and Communities Agency, and
- (b) the reference to the Housing Corporation in subsection (4) shall be treated as if it were a reference to Regulator of Social Housing.

(4) The modifications made by this Order to section 74(4) of the Housing Associations Act 1985 shall not have effect for the purposes of the construction of “the Relevant Authority” in relation to sections 75(1)(c) and (e) and (4), 84, 88, 89 and 90 of that Act.

(5) In section 76 of the Housing Associations Act 1985 any reference to the Housing Corporation shall be treated as if it included a reference to the Regulator of Social Housing and the Homes and Communities Agency.

(6) In section 79 of the Housing Associations Act 1985—

- (a) in relation to loans to persons other than registered social landlords any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),
- (b) the reference to the Housing Corporation in subsection (1) shall be treated as if it were a reference to the Homes and Communities Agency, and
- (c) the reference to the Housing Corporation in subsection (4) shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.

(7) In section 80 of the Housing Associations Act 1985—

- (a) any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing), and

(28) 1985 c.69; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Further amendments have been made to Schedule 5 not relevant to this Order.

(29) Further amendments have been made to section 69 not relevant to this Order.

(30) Section 74 was amended by section 59 of, and paragraph 31 of Schedule 6 to the Housing Act 1988 and S.I. 1996/2325.

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- (b) any reference to the Housing Corporation in subsections (3A) and (4) shall be treated as if it were a reference to the Homes and Communities Agency.
- (8) In section 81 of the Housing Associations Act 1985 the reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).
- (9) In section 83 of the Housing Associations Act 1985—
- (a) in relation to guarantees in respect of loans to persons other than registered social landlords any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),
 - (b) the reference to the Housing Corporation in subsection (1) shall be treated as if it were a reference to the Homes and Communities Agency, and
 - (c) any reference to the Housing Corporation in subsections (1A) and (3) shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.
- (10) In relation to any assistance under section 87 of the Housing Associations Act 1985⁽³¹⁾ given in the form of grant by the Regulator of Social Housing, any reference to the Relevant Authority in section 52 of the Housing Act 1988 as it applies to such a grant shall be treated as a reference to the Regulator of Social Housing.
- (11) Schedule 7 to the Housing Associations Act 1985 (powers exercisable where loan outstanding under section 2 of the Housing Act 1964) shall have effect as if—
- (a) for paragraph 1 there were substituted—
 - “1. This Schedule applies where—
 - (a) the Housing Corporation made a loan to a housing association under section 2 of the Housing Act 1964 before the repeal of that section by the Housing (Consequential Provisions) Act 1985,
 - (b) the Housing Corporation’s rights and obligations in respect of the loan have been transferred to the Regulator of Social Housing, and
 - (c) the loan has not been repaid.”
 - (b) for “Housing Corporation”, wherever appearing, there were substituted “Regulator of Social Housing”,
 - (c) for “Relevant Authority”, wherever appearing, there were substituted “Regulator of Social Housing”,
 - (d) in paragraph 3 the words from “; and the Secretary of State shall not” to the end were omitted,
 - (e) paragraph 4(2) were omitted, and
 - (f) paragraph 5(1A) and (6) were omitted.

⁽³¹⁾ Section 87 was substituted in relation to England and Wales by section 183 of the Local Government and Housing Act 1989 (c.42) and amended by paragraph 7 of Schedule 3 to the Housing Act 1996, S.I.1996/2325 and section 218 of, and paragraph 1 of Schedule 11 to, and section 266 of, and Schedule 18 to the Housing Act 2004 (c.34).

Housing Act 1988

4.—(1) In sections 50 to 53 of the Housing Act 1988 any reference to the Relevant Authority shall be treated, in relation to a body falling within section 56(3) of the Housing Act 1996, as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(2) In section 50 of the Housing Act 1988—

- (a) the reference to the Housing Corporation in subsection (5) shall be treated as if it were a reference to the Homes and Communities Agency,
- (b) the first reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Regulator of Social Housing, and
- (c) the second reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Homes and Communities Agency.

(3) In section 53(2) of the Housing Act 1988 the reference to the Housing Corporation shall be treated as if it were a reference to the Homes and Communities Agency.

Housing Act 1996

5.—(1) In the following provisions of the Housing Act 1996⁽³²⁾ any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

sections 1, 9(1A), 29, 30(5), 36(4), 46(7), 49(3), 51(2)(d) and 56

paragraphs 9(3A), 11(3A), 12(6)(a), 13(7)(a) and 15(5)(b), 20(3), 27(4) of Schedule 1 and paragraphs 6(2) and 11(4) of Schedule 2⁽³³⁾

(2) In sections 16, 16A, 18, 20, 21 and 27 of the Housing Act 1996 any reference to the Relevant Authority shall be treated, in relation to a body falling within section 56(3) of that Act, as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(3) In section 16(5) of the Housing Act 1996 the reference to the Housing Corporation shall be treated as if it were a reference to the Homes and Communities Agency.

(4) In section 18 of the Housing Act 1996—

- (a) the reference to the Housing Corporation in subsection (5) shall be treated as if it were a reference to the Homes and Communities Agency,
- (b) the first reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Regulator of Social Housing, and
- (c) the second reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Homes and Communities Agency.

(5) Where the Regulator of Social Housing is the Relevant Authority for the purposes of section 25 of the Housing Act 1996, subsection (2) of that section shall have effect as if for the words “shall be paid to it” there were substituted “shall be paid to the Homes and Communities Agency”.

(6) In section 27A of the Housing Act 1996—

(32) 1996 c.52; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38).

(33) Section 36 was amended by section 218 of and paragraph 7 of Schedule 11 to the Housing Act 2004 (c.34). Section 46 was amended by section 75 of, by paragraphs 183 and 189 of Schedule 8 to the Charities Act 2006 (c.50). Section 51 was amended by section 228 of the Housing Act 2004 and section 39 of, and paragraphs 56 and 57 of Schedule 6 to the Public Services Ombudsman (Wales) Act 2005 (c.10). Section 56 was amended by section 39 of, and paragraphs 183 and 190 of Schedule 8 to the Charities Act 2006. Section 56 defines the Relevant Authority for the purposes of the Housing Act 1996 and for the purposes of Part III of the Housing Associations Act 1985 (see section 74(3) of that Act). Paragraph 9 of Schedule 1 was amended by S.I. 2001/3649. Paragraph 11 of Schedule 1 was amended by S.I. 2007/2194. Paragraph 12 of Schedule 1 was amended by S.I. 2001/3649 and 2007/2194. Paragraph 13 of Schedule 1 was amended by S.I. 2007/2194 and 2008/948. Paragraph 15 of Schedule 1 was amended by section 218 of, and paragraphs 7 and 15 of Schedule 11 to the Housing Act 2004. Paragraph 20 of Schedule 1 was amended by section 218 of, and paragraphs 7 and 24 of Schedule 11 to the Housing Act 2004.

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- (a) any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),
- (b) the reference to the Housing Corporation in subsection (5) shall be treated as if it were a reference to the Homes and Communities Agency, and
- (c) the references to the Housing Corporation in subsection (7) shall be treated as if they were references to the Homes and Communities Agency.

(7) In section 27B of the Housing Act 1996 any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(8) In sections 53 and 54 of the Housing Act 1996 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.

(9) The modifications made by this Order to section 56 of the Housing Act 1996 as applied by section 74(3) of the Housing Associations Act 1985 shall not have effect for the purposes of the construction of “the Relevant Authority” in relation to sections 75(1)(c) and (e), 75(4), 84, 88, 89 and 90 of the Housing Associations Act 1985.

Greater London Authority Act 1999

6.—(1) Section 333A(8) of the Greater London Authority Act 1999⁽³⁴⁾ shall have effect as if after paragraph (a) there were inserted “(ab) the Regulator of Social Housing;”.

(2) Section 333A(10) of the Greater London Authority Act 1999 shall have effect as if any reference to housing financial assistance included grant under section 18 or 27A of the Housing Act 1996.

(3) Section 333D(1) of the Greater London Authority Act shall have effect as if after “Act)” there were inserted “or section 18 or 27A of the Housing Act 1996”.

⁽³⁴⁾ 1999 c. 29. Sections 333A and 333D were inserted by section 28 of the Greater London Authority Act 2007 (c24) and were amended by paragraphs 72 to 74 of Schedule 8 to the Housing and Regeneration Act 2008 (c.17).