

SCHEDULES

SCHEDULE 2

Article 6

Amendment of other enactments

Interpretation Act 1978

1. In Schedule 1 to the Interpretation Act 1978(1) (defined expressions), for the definition of “registered provider of social housing” substitute—

““Registered provider of social housing” and “private registered provider of social housing” have the meanings given by section 80 of the Housing and Regeneration Act 2008 (and “non-profit” and “profit-making” in connection with a registered provider are to be read in accordance with section 115 of that Act).”

County Courts Act 1984

2. In section 60A of the County Courts Act 1984(2) (rights of audience etc of employees of housing management bodies), in subsection (7), for the definition of “housing management agreement” substitute—

““housing management agreement” means—

- (a) an agreement under section 27 of the Housing Act 1985 (including an agreement to which section 27B(2) or (3) applies), or
- (b) a section 247 or 249 arrangement, as defined by section 250A(6) of the Housing and Regeneration Act 2008.”

Housing Act 1985

3. The Housing Act 1985(3) is amended as follows.

4. In section 12 (provision of shops, recreation grounds etc), after subsection (3) insert—

“(4) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.”

5. In section 19 (appropriation of land), after subsection (3) insert—

“(4) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.”

6. In section 21 (general powers of management), at the end of subsection (2) insert “and to any requirement imposed on the authority under Part 2 of the Housing and Regeneration Act 2008”.

(1) 1978 c. 30. The definition of “registered provider of social housing” was inserted by paragraph 5 of Schedule 9 to the Housing and Regeneration Act 2008 (c.17).

(2) 1984 c. 28. Section 60A was inserted by section 191 of the Legal Services Act 2007 (c.29). Section 191 of the Legal Services Act 2007 comes into force on a date to be appointed under that Act.

(3) 1985 c. 68. Section 27AB was inserted by section 132 of the Leasehold Reform, Housing and Urban Development Act 1993 (c.28). Section 34A was inserted by section 296 of the Housing and Regeneration Act 2008 (c.17). Section 171D (2A) was inserted by section 191 of the Housing and Regeneration Act 2008. Section 427A was inserted by section 24 of the Housing and Planning Act 1986 (c.63).

Status: This is the original version (as it was originally made).

7. In section 23 (byelaws), after subsection (3) insert—
 - “(4) Byelaws made under this section by a local housing authority in England are to be read subject to any requirement imposed on the authority under Part 2 of the Housing and Regeneration Act 2008.”
8. In section 24 (rents), after subsection (4) insert—
 - “(5) In exercising their functions under this section, a local housing authority in England shall have regard in particular to any relevant standards set for them under section 193 of the Housing and Regeneration Act 2008.”
- 9.—(1) Section 27 (management agreements) is amended as follows.
 - (2) In subsection (4), for “Secretary of State” substitute “appropriate Minister”.
 - (3) In subsection (6), for “Secretary of State”, in each place it occurs, substitute “appropriate authority”.
 - (4) In subsection (7)—
 - (a) for “Secretary of State” substitute “appropriate authority”, and
 - (b) for “his approval” substitute “the appropriate authority’s approval”.
 - (5) In subsection (8), for “Secretary of State”, in each place it occurs, substitute “appropriate authority”.
 - (6) In subsection (10), for the words from “the approval” to “his approval” substitute “the approval of the appropriate authority, the appropriate authority may extend the moratorium period if it is satisfied that it will not give its approval”.
 - (7) In subsection (11), for “Secretary of State” substitute “appropriate authority”.
 - (8) In subsection (12), for “Secretary of State” substitute “appropriate authority”.
 - (9) In subsection (16), for “Secretary of State” substitute “appropriate Minister”.
 - (10) In subsection (17), for paragraph (c) substitute—
 - “(c) shall be made by statutory instrument which shall be subject to annulment in pursuance of—
 - (i) in the case of regulations made by the Secretary of State, a resolution of either House of Parliament;
 - (ii) in the case of regulations made by the Welsh Ministers, a resolution of the National Assembly for Wales.”
 - (11) For subsection (18) substitute—
 - “(18) In this section—
 - “sub-agreement” means an agreement made by a manager and another person pursuant to a provision included in an agreement by virtue of subsection (5)(a);
 - “the appropriate authority” means—
 - (a) in relation to a local housing authority in England which is a registered provider of social housing, the Regulator of Social Housing;
 - (b) in relation to any other local housing authority in England, the Secretary of State;
 - (c) in relation to a local housing authority in Wales, the Welsh Ministers;
 - “the appropriate Minister” means—
 - (a) in relation to a local housing authority in England, the Secretary of State;
 - (b) in relation to a local housing authority in Wales, the Welsh Ministers.”

10.—(1) The amendments made by paragraph 9 do not affect the validity of anything done under section 27 of the Housing Act 1985 before the date on which this Schedule comes into force.

(2) As respects functions transferred to the regulator by those amendments—

- (a) an approval given, or moratorium period or circumstance specified, by the Secretary of State before that date has effect, so far as necessary for continuing its effect on and after that date, as if given, or specified, by the regulator,
- (b) the regulator may do anything further in relation to it that the Secretary of State could have done, had the functions not been transferred, and
- (c) the regulator may continue anything that is in the process of being done immediately before that date.

11. In section 27AB (management agreements with tenant management organisations), in subsection (8)—

- (a) in the definition of “previous agreement”, after “management agreement” insert “, or a section 247 or 249 arrangement,”, and
- (b) insert the following definition in the appropriate place—

““section 247 or 249 arrangement” has the meaning given by section 250A(6) of the Housing and Regeneration Act 2008;”.

12. In section 32 (power to dispose of land held for housing purposes), after subsection (5) insert—

“(6) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.”

13. In section 33 (covenants and conditions which may be imposed), after subsection (4) insert—

“(5) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.”

14. In section 34A (requirements to co-operate in relation to certain disposals), in subsection (9), in paragraph (a) of the definition of “relevant housing provider”, for “registered provider” substitute “private registered provider”.

15. In section 43 (consent required for certain disposals not within section 32), after subsection (5A) insert—

“(6) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.”

16. In section 56 (minor definitions)—

- (a) the existing provision becomes subsection (1),
- (b) at the end of that subsection insert—

““social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.”, and

- (c) after that subsection insert—

“(2) For the purposes of this Part, something is within the remit of the Regulator of Social Housing if it is related to or affects the provision of social housing by a local housing authority, or county council, in England.”

17. In section 171D (consent to certain disposals of housing obtained subject to preserved right to buy), in subsection (2A)(a), for “registered provider” substitute “private registered provider”.

18. In section 427A (entitlement to subsidy in case of land subject to management agreement)—

Status: This is the original version (as it was originally made).

- (a) the existing provision becomes subsection (1), and
- (b) after that subsection insert—

“(2) Reference in subsection (1) to a management agreement includes a section 247 or 249 arrangement, as defined by section 250A(6) of the Housing and Regeneration Act 2008.”

19. In Schedule 3 (grounds for withholding consent to assignment by way of exchange), in Ground 10, at the end insert—

“Reference to a management agreement includes a section 247 or 249 arrangement, as defined by section 250A(6) of the Housing and Regeneration Act 2008.”

Local Government Act 1988

20. In section 26 of the Local Government Act 1988(4) (consents under section 25 for provision of financial assistance etc), after subsection (2) insert—

“(2A) Before determining whether to consent under section 25 to the exercise of a power, the Secretary of State shall consult the Regulator of Social Housing if—

- (a) the power is to be exercised by a local authority in England, and
- (b) exercise of the power would involve the disposal by the authority of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008).”

Housing Act 1988

21.—(1) The Housing Act 1988(5) is amended as follows.

(2) In section 81 (consent to certain disposals of housing obtained from housing action trusts), in subsection (3A)(a), for “registered provider” substitute “private registered provider”.

(3) In section 133 (consent to certain disposals of housing obtained from local authorities)—

- (a) in subsection (1ZA)(a), for “registered provider” substitute “private registered provider”, and
- (b) in subsection (1B), for “registered provider” substitute “private registered provider”.

(4) In Part 1 of Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12ZA(3), for “registered provider” substitute “private registered provider”.

Local Government and Housing Act 1989

22. In section 173 of the Local Government and Housing Act 1989(6) (consent to certain disposals of housing obtained from new town corporations), in subsection (1A)(a), for “registered provider” substitute “private registered provider”.

Housing Act 1996

23.—(1) The Housing Act 1996(7) is amended as follows.

(4) 1988 c. 9
(5) 1988 c. 50. Sections 81(3A) and 133(1ZA) and (1B) were inserted by section 191 of the Housing and Regeneration Act 2008 (c.17). Paragraph 12ZA of Schedule 1 was inserted by section 297 of the Housing and Regeneration Act.
(6) 1989 c. 42. Section 173(1A) was inserted by section 191 of the Housing and Regeneration Act 2008 (c.17).
(7) 1996 c. 52. Sections 16, 20 and 21 were amended by section 185 of the Housing and Regeneration Act 2008 (c.17). Section 51 was amended by section 124 of the Housing and Regeneration Act 2008.

(2) In section 16 (right to acquire), for “registered provider”, in each place where it occurs, substitute “private registered provider”.

(3) In section 20 (purchase grant where right to acquire exercised)—

(a) in subsection (1), for “registered providers” substitute “private registered providers”, and

(b) in subsection (4), for “registered provider” substitute “private registered provider”.

(4) In section 21 (purchase grant in respect of other disposals)—

(a) in subsection (1), for “registered providers” substitute “private registered providers”, and

(b) in subsection (4), for “registered provider” substitute “private registered provider”.

(5) In section 51 (schemes for investigation of complaints), in subsection (2)(a), for “registered provider” substitute “private registered provider”.

Audit Commission Act 1998

24.—(1) The Audit Commission Act 1998⁽⁸⁾ is amended as follows.

(2) In section 40—

(a) in subsection (1), for “registered providers” substitute “private registered providers”, and

(b) accordingly, in the heading, for “registered providers” substitute “private registered providers”.

(3) In section 41C (advice and assistance for registered providers of social housing)—

(a) in subsection (1), for “registered provider”, in both places it occurs, substitute “private registered provider”, and

(b) accordingly, in the heading, for “registered providers” substitute “private registered providers”.

(4) In section 49 (restriction on disclosure of information), in subsection (1), after paragraph (cb) insert—

“(cc) for the purposes of the functions of the Regulator of Social Housing under Part 2 of the Housing and Regeneration Act 2008;”.

(5) In Schedule 2A (interaction with other authorities), in paragraph 1(1)—

(a) omit “or” at the end of paragraph (f),

(b) insert “or” at the end of paragraph (h), and

(c) after that paragraph insert—

“(i) the Regulator of Social Housing.”.

Finance Act 2003

25. In Schedule 9 to the Finance Act 2003⁽⁹⁾ (stamp duty land tax: right to buy, shared ownership leases etc)—

(a) in paragraph 1(5), for “registered provider” substitute “private registered provider”,

(8) 1998 c. 18. Section 40 was substituted by paragraph 20 of Schedule 9 to the Housing and Regeneration Act 2008 (c.17). Section 41C was inserted by section 155 of the Local Government and Public Involvement in Health Act 2007 (c.28) and amended by paragraph 23 of Schedule 9 to the Housing and Regeneration Act 2008. Schedule 2A was inserted by section 149 of the Local Government and Public Involvement in Health Act 2007.

(9) 2003 c.14. Paragraph 1(5) of Schedule 9 was amended by paragraph 32 of Schedule 9 to the Housing and Regeneration Act 2008 (c.17). Paragraphs 5(2)(g) and (2A) and 7(7) and (8) of Schedule 9 were inserted by section 81 of the Finance Act 2009 (c.10).

Status: This is the original version (as it was originally made).

- (b) in paragraph 5(2)(g) and (2A), for “registered provider” substitute “private registered provider”, and
- (c) in paragraph 7(7) and (8), for “registered provider” substitute “private registered provider”.

Housing and Regeneration Act 2008

26.—(1) The Housing and Regeneration Act 2008⁽¹⁰⁾ is amended as follows.

(2) In section 31 (duties in relation to social housing)—

- (a) in subsections (2), (4), (6) and (8), for “relevant provider of low cost rental accommodation” substitute “registered provider of social housing”, and
- (b) in subsection (12), omit the definitions of “English local housing authority” and “relevant provider of low cost rental accommodation”.

(3) In section 35 (duty to give financial assistance in respect of certain disposals), in subsection (6)

- (a) in the definition of “registered provider of social housing”, for “registered provider” substitute “private registered provider”, and
- (b) in paragraph (a) of the definition of “relevant provider of social housing”, for “registered provider” substitute “private registered provider”.

⁽¹⁰⁾ 2008 c. 17.