

## SCHEDULE

### Transitional and saving provisions: Parts 1 and 2

#### *Regulation; general*

#### **Control of payments etc, change of rules, amalgamation and dissolution**

**28.**—(1) The control provisions continue to apply on and after the commencement date in relation to—

- (a) in the case of Part 1 of Schedule 1 to the 1996 Act, a gift or payment made, or benefit granted, by or to an English registered social landlord before the commencement date, and
- (b) in the case of paragraphs 9 to 13 of that Schedule—
  - (i) an application for consent made by an English registered social landlord before that date, or
  - (ii) an obligation to send a notice incurred by an English registered social landlord before that date under paragraph 9(2) or 11(2) of that Schedule.
- (2) In their application by virtue of sub-paragraph (1), the control provisions have effect—
  - (a) without any amendments or repeals of them brought into force by this Order,
  - (b) as if the 2008 Order were not revoked,
  - (c) as if references to registered social landlords or their registration—
    - (i) in relation to times, circumstances or purposes before the commencement date, related only to English registered social landlords, and
    - (ii) in relation to times, circumstances or purposes on and after the commencement date, were references to private registered providers of social housing or their registration, and
  - (d) as if section 163(4) of the 2008 Act (industrial and provident society: restructuring) applied instead of paragraph 12(3) of Schedule 1 to the 1996 Act in relation to any new body or transferee mentioned in that paragraph.

(3) In this paragraph “the control provisions” means Part 1 of Schedule 1 to the 1996 Act or paragraphs 9 to 13 of that Schedule and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that Part or those paragraphs.

#### **Removal of directors etc**

**29.**—(1) Sub-paragraph (2) applies if—

- (a) the TSA has given (or is treated as having given) notice to an English registered social landlord before the commencement date under paragraph 4 of Schedule 1 to the 1996 Act that it intends to make an order under that paragraph, and
  - (b) the period of 14 days mentioned in that paragraph has not ended before the commencement date or no such order has been made before that date.
- (2) The notice is to be treated, on and after the commencement date, as a notice under section 267(1) of the 2008 Act (removal of officers).
- (3) Accordingly, the relevant days before the commencement date are to be counted for the purposes of a notice period which has not ended before that date.
- (4) Sub-paragraph (5) applies if, before the commencement date and in relation to an English registered social landlord—

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- (a) a person has made an appeal under paragraph 4(5) of Schedule 1 to the 1996 Act, and
- (b) the appeal has not been finally decided or withdrawn.

(5) The appeal is to be treated, on and after the commencement date, as an appeal under section 268 of the 2008 Act (appeal against removal or suspension) against removal under section 266 of that Act (removal of officers).

(6) Sub-paragraph (7) applies if, immediately before the commencement date and in relation to an English registered social landlord, a person—

- (a) has a right of appeal under paragraph 4(5) of Schedule 1 to the 1996 Act, but
- (b) has not exercised that right.

(7) The right of appeal is to be treated, on and after the commencement date, as a right of appeal under section 268 of the 2008 Act against removal under section 266 of that Act.

### **Appointment of directors etc**

**30.**—(1) Sub-paragraph (2) applies if—

- (a) the TSA has consulted (or is treated as having consulted) the Charity Commission before the commencement date under paragraph 6(2) of Schedule 1 to the 1996 Act with a view to appointing a new trustee or director of an English registered social landlord under that paragraph, and
- (b) no such appointment has been made under that paragraph before that date and nor has the TSA decided before that date not to make such an appointment.

(2) The consultation is to be treated, on and after the commencement date, as a consultation under section 269(6) of the 2008 Act (appointment of new officers) with a view to appointing a new trustee or director under that section.

(3) Sub-paragraph (4) applies if, before the commencement date, the TSA has appointed (or is treated as having appointed) a person under paragraph 6, 7 or 8 of Schedule 1 to the 1996 Act.

(4) That appointment (including any terms and conditions attaching to it) is, if in force immediately before the commencement date, to be treated on and after that date as an appointment made under section 269 of the 2008 Act.

### **Winding up**

**31.**—(1) Sub-paragraph (2) applies if—

- (a) the TSA has presented (or is treated as having presented) a petition before the commencement date under paragraph 14 of Schedule 1 to the 1996 Act for the winding up of an English registered social landlord, and
- (b) the petition has not been finally decided or withdrawn before that date.

(2) The petition is to be treated, on and after the commencement date, as a petition under section 166 of the 2008 Act (winding up petition by regulator) in relation to the person in question.

### **Transfer of net assets on dissolution or winding up**

**32.**—(1) Sub-paragraph (2) applies in relation to any transfers or other activities under paragraph 15 of Schedule 1 to the 1996 Act which are in progress immediately before the commencement date in relation to the dissolution or winding up of an English registered social landlord.

(2) Section 167 of the 2008 Act applies, on and after that date, in relation to the transfers or other activities concerned.

(3) Sub-paragraph (4) applies if the TSA has not, before the commencement date, disposed of the property of an English registered social landlord transferred to the TSA by virtue of paragraph 15 of Schedule 1 to the 1996 Act.

(4) Section 168(2) to (4) of the 2008 Act applies, on and after that date, in relation to the disposal of the property.

### **Requirements as to accounts and audit etc**

**33.**—(1) The accounts and audit provisions continue to apply on and after the commencement date in relation to the accounts of an English registered social landlord where the period of account began before that date (whether or not the period ended before that date).

(2) In their application by virtue of sub-paragraph (1), the accounts and audit provisions have effect—

- (a) without any amendments or repeals of them brought into force by this Order,
- (b) as if the 2008 Order were not revoked, and
- (c) as if references to registered social landlords—
  - (i) in relation to times, circumstances or purposes before the commencement date, related only to English registered social landlords, and
  - (ii) in relation to times, circumstances or purposes on and after the commencement date, were references to private registered providers of social housing.

(3) In sub-paragraphs (1) and (2) “the accounts and audit provisions” means Part 3 (other than paragraph 19A) of Schedule 1 to the 1996 Act and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that Part.

(4) Section 143 of the 2008 Act applies to a person who has been an auditor or reporting accountant of an English registered social landlord as it applies to a person who is or has been an auditor or reporting accountant of a private registered provider of social housing.

### **Inquiries and audits under the 1996 Act**

**34.**—(1) The inquiry provisions continue to apply on and after the commencement date in relation to inquiries into the affairs of English registered social landlords which, before the commencement date, were directed under paragraph 20 of Schedule 1 to that Act to be held (whether or not such inquiries or related audits have begun before that date or were completed before that date).

(2) In their application by virtue of sub-paragraph (1), the inquiry provisions have effect—

- (a) without any amendments or repeals of them brought into force by this Order,
- (b) as if the 2008 Order were not revoked, and
- (c) as if references to registered social landlords—
  - (i) in relation to times, circumstances or purposes before the commencement date, related only to English registered social landlords, and
  - (ii) in relation to times, circumstances or purposes on and after the commencement date, were references to private registered providers of social housing.

(3) In this paragraph “the inquiry provisions” means Part 4 (other than paragraphs 25(4) and (5) and 26(1) to (3)) of Schedule 1 to the 1996 Act and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that Part.

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### **Inquiries and audits: pre-commencement date acts or omissions**

**35.**—(1) The TSA may hold an inquiry under section 206 of the 2008 Act (inquiry), or an audit under section 210 of that Act (extraordinary audit), in relation to acts and omissions of a private registered provider of social housing which occurred (or are alleged to have occurred) before the commencement date if the person concerned was, at that time, an English registered social landlord.

(2) In conducting an inquiry under section 206 of the 2008 Act, the inquirer may consider acts and omissions of a subsidiary or associate of a private registered provider of social housing which occurred (or are alleged to have occurred) before the commencement date if the subsidiary or associate was, at that time, a subsidiary or associate of an English registered social landlord.

### **Disqualified persons**

**36.**—(1) A person who, immediately before the commencement date, is disqualified from being an officer of an English registered social landlord by virtue of paragraph 25 of Schedule 1 to the 1996 Act is to be treated, on and after that date, as disqualified under section 262 of the 2008 Act from acting as an officer of a private registered provider of social housing.

(2) A person who, on or after the commencement date, is disqualified from being an officer of a private registered provider of social housing by virtue of paragraph 25 of Schedule 1 to the 1996 Act as saved by paragraph 34 above is to be treated, as from the time of disqualification, as disqualified under section 262 of the 2008 Act from acting as an officer of a private registered provider of social housing and as disqualified under paragraph 25 of Schedule 1 to the 1996 Act from acting as an officer of a registered social landlord.