

Draft Order laid before Parliament under section 320(3) of the Housing and Regeneration Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

HOUSING, ENGLAND AND WALES

**The Housing and Regeneration Act 2008
(Consequential Provisions) Order 2010**

Made - - - - *xxx*
Coming into force - - *1st April 2010*

The Secretary of State, in exercise of the powers conferred by sections 320 and 321 of the Housing and Regeneration Act 2008(1), makes the following Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 320(3) of the Housing and Regeneration Act 2008.

Citation and commencement

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010.

(2) This Order comes into force on 1st April 2010.

Interpretation

2.—(1) In this Order—

“the 1996 Act” means the Housing Act 1996(2);

“the 2008 Act” means the Housing and Regeneration Act 2008;

“the 2008 Order” means the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008(3); and

“the commencement date” means the day on which this Order comes into force.

(2) References in this Order to words in an enactment which are being amended or repealed by the Order are references to the words in the text of the enactment (and therefore do not describe any non-textual modification of that enactment made by the 2008 Order or any other provision).

(1) 2008 c.17.
(2) 1996 c.52.
(3) S.I. 2008/2839.

(3) References in this Order to repeals include revocations.

Extent

3.—(1) Subject to paragraph (2), an amendment or repeal made by this Order has the same extent as the enactment to which it relates.

(2) The amendments and repeals in respect of the following enactments extend to England and Wales only—

- (a) sections 2B, 69 and 69A and Part 3 of the Housing Associations Act 1985**(4)**;
- (b) paragraph 42 (and the italic heading before it) of Schedule 5 to the Housing and Planning Act 1986**(5)**;
- (c) section 57 of, and paragraphs 28, 29, 31(3) and 33 of Schedule 6 to, the Housing Act 1988**(6)**;
- (d) paragraphs 27(2) and (4), 28, 29, 31, 33, 35(3), 36, 37, 53(3), (4), and (5) and 66 of Schedule 16 to the Government of Wales Act 1998**(7)**;
- (e) paragraph 5(3) of Schedule 2 to the Public Audit (Wales) Act 2004**(8)**;
- (f) paragraphs 3 and 11 of Schedule 11 to the Housing Act 2004**(9)**; and
- (g) paragraph 23 of Schedule 8 and paragraph 1(2)(d) of Schedule 9 to the Local Government and Public Involvement in Health Act 2007**(10)**.

Consequential amendments for Part 1 of the 2008 Act

4. The enactments specified in Schedule 1 to this Order have effect with the amendments specified.

Consequential amendments for Part 2 of the 2008 Act

5. The enactments specified in Schedule 2 to this Order have effect with the amendments specified.

Transitional and saving provisions

6. The amendments and repeals made by this Order have effect subject to the transitional and saving provisions in Schedule 3 to this Order

Repeals

7. The enactments specified in Schedule 4 to this Order are repealed to the extent specified.

(4) 1985 c.69. Section 2B was inserted by paragraph 15(2) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(5) 1986 c.63.

(6) 1988 c.50.

(7) 1998 c.38.

(8) 2004 c.23.

(9) 2004 c.34.

(10) 2007 c.28.

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

Name
Minister of State
Department for Communities and Local
Government

SCHEDULE 1

Article 4

Amendment of enactments: Part 1

Housing Act 1985

1. The Housing Act 1985(11) is amended as follows.
2. In section 151B (mortgage for securing redemption of landlord’s share: approved lending institutions) after subsection (5) insert—

“(5A) In subsection (5) “the Relevant Authority” does not include the Regulator of Social Housing but does include the Homes and Communities Agency.”.
3. In section 156(4) (liability to repay discount on early disposal is a charge on the premises: approved lending institutions) after subsection (4) insert—

“(4ZA) In subsection (4) “the Relevant Authority” does not include the Regulator of Social Housing but does include the Homes and Communities Agency.”.
4. In Schedule 5 (exceptions to right to buy) in paragraph 3 omit “or” after “social housing grants”.

Housing Associations Act 1985

5. Omit section 69A of the Housing Associations Act 1985(12) (land subject to housing management agreement).

Housing Act 1996

6. The Housing Act 1996(13) is amended as follows.
7. In section 24(2) (the disposal proceeds fund)—
 - (a) in paragraph (a) after sub-paragraph (ii) insert—

“or

(iii) in respect of which a grant was made under section 19 of the Housing and Regeneration Act 2008 in respect of discounts given by it on the disposal to the tenant;”,
 - (b) after paragraph (b) insert—

“(ba) payments of grant received by it under section 19 of the Housing and Regeneration Act 2008 in respect of discounts given by it on disposals of dwellings to tenants;”, and
 - (c) in paragraph (c) for “such grant” substitute “grant as mentioned in paragraph (b) or (ba)”.
8. In section 51(3)(a) (schemes for investigation of complaints) after “grant under—” insert—

“section 19 of the Housing and Regeneration Act 2008 (financial assistance) where the grant was made on condition that the recipient provides social housing (and “provides social housing” has the same meaning as in Part 1 of that Act);”.
9. In Schedule 1 (registered social landlords: regulation) in paragraphs 5(2) and 28(2) after “provisions are—” insert—

(11) 1985 c. 68.

(12) 1985 c. 69. Section 69A was inserted by paragraph 42 of Schedule 5 to the Housing and Planning Act 1986 (c. 63).

(13) 1996 c. 52.

“section 19 of the Housing and Regeneration Act 2008 (financial assistance) but only in the case of a grant made on condition that the charity provides social housing (and “provides social housing” has the same meaning as in Part 1 of that Act).”

SCHEDULE 2

Article 5

Amendment of enactments: Part 2

Industrial and Provident Societies Act 1965

1. In section 6 of the Industrial and Provident Societies Act 1965⁽¹⁴⁾ (maximum shareholding in society) after subsection (1) insert—

“(1A) In the case of a society which is a private registered provider of social housing, the restriction in subsection (1) does not apply to shares acquired by a local authority under the power in section 2 of the Local Government Act 2000.”

Leasehold Reform Act 1967

2.—(1) Schedule 4A to the Leasehold Reform Act 1967⁽¹⁵⁾ (shared ownership leases excluded from the Act) is amended as follows.

(2) In paragraph 2 (certain leases granted by certain public authorities)—

- (a) in sub-paragraph (1) for “, to a registered social landlord” substitute “, to a relevant housing provider”,
- (b) in sub-paragraph (3)(b) for “or to a registered social landlord” substitute “or to a relevant housing provider”, and
- (c) for sub-paragraph (5) substitute—

“(5) In this paragraph “relevant housing provider” means—

- (a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or
- (b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.”

(3) In paragraph 4 (certain leases for the elderly)—

- (a) in sub-paragraphs (1) and (2)(c) for “a registered social landlord”, wherever appearing, substitute “a relevant housing provider”, and
- (b) in sub-paragraph (3) for the definition of “registered social landlord” substitute—

““relevant housing provider” means—

 - (a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or
 - (b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.”

⁽¹⁴⁾ 1965 c.12.

⁽¹⁵⁾ 1967 c.88. Schedule 4A was inserted by paragraph 6 of Schedule 4 to the Housing and Planning Act 1986 (c. 63).

Land Compensation Act 1973

3. The Land Compensation Act 1973(16) is amended as follows.

4. In section 29(1)(d) (right to home loss payment where person displaced from dwelling) after “displacement is” insert “either a private registered provider of social housing or”.

5. In section 32(7B) (supplementary provisions about home loss payments) for “Housing Corporation” substitute “Regulator of Social Housing”.

6. In section 37(1)(d) (disturbance payments for persons without compensatable interests) after “displacement is” insert “either a private registered provider of social housing or”.

Consumer Credit Act 1974

7. In section 16(6B)(a) of the Consumer Credit Act 1974(17) (exempt agreements) for “the Housing Corporation and” substitute “the Regulator of Social Housing and”.

Rent (Agriculture) Act 1976

8.—(1) Section 5 of the Rent (Agriculture) Act 1976(18) (no statutory tenancy where landlord’s interest belongs to certain bodies) is amended as follows.

(2) In subsection (3)(d) for “Housing Corporation” substitute “Regulator of Social Housing”.

(3) In subsection (4) before paragraph (a) insert—

“(za) is a private registered provider of social housing,”.

Rent Act 1977

9. The Rent Act 1977(19) is amended as follows.

10.—(1) Section 15 (landlord’s interest belonging to housing association, etc) is amended as follows.

(2) In subsection (2)(a) for “Housing Corporation” substitute “Regulator of Social Housing”.

(3) In subsection (3) before paragraph (a) insert—

“(za) it is a private registered provider of social housing,”.

11. In section 86(2)(a) (tenancies to which Part VI applies) for “Housing Corporation” substitute “Regulator of Social Housing”.

12. In section 93(1) (increase of rent without notice to quit) for “Housing Corporation” substitute “Regulator of Social Housing”.

Protection from Eviction Act 1977

13. In section 3A(8) of the Protection from Eviction Act 1977(20) (excluded tenancies and licences)—

(a) in paragraph (g) for “Housing Corporation” substitute “Regulator of Social Housing”, and

(b) in paragraph (h) after “charity” insert “, a private registered provider of social housing”.

(16) 1973 c.26. Section 32(7B) was inserted by section 9 of the Housing and Planning Act 1986 (c. 63).

(17) 1974 c.39. Section 16(6B) was inserted by section 22 of the Housing and Planning Act 1986 (c. 63).

(18) 1976 c.80.

(19) 1977 c.42.

(20) 1977 c.43. Section 3A was inserted by section 31 of the Housing Act 1988 (c. 50).

Criminal Law Act 1977

14. In section 12A(7) of the Criminal Law Act 1977(21) (protected intending occupiers: supplementary provisions)—

- (a) in paragraph (b) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) after that paragraph insert—

- “(ba) a non-profit registered provider of social housing;
- (bb) a profit-making registered provider of social housing, but only in relation to premises which are social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008;”.

Housing Act 1985

15. The Housing Act 1985(22) is amended as follows.

16. In section 5 (definition of “registered social landlord”) for subsection (4) substitute—

“(4) In this Act “registered social landlord” means a housing association registered in the register maintained under section 1 of the Housing Act 1996, subject as follows.”.

17. In section 6A(1) and (4) (the Relevant Authority) for “Housing Corporation” substitute “Regulator of Social Housing”.

18. In section 45 (disposals in relation to which sections 46 to 51 apply, etc)—

- (a) in subsection (2), in the definition of “public sector authority”—
 - (i) for “Housing Corporation” substitute “Regulator of Social Housing”, and
 - (ii) after “Scottish Homes,” insert—

“a non-profit registered provider of social housing,” and

- (b) after subsection (2A) insert—

“(2B) In subsection (1)(a) “public sector authority” also includes a profit-making registered provider of social housing in respect of any house which, before the conveyance, was social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”.

19.—(1) Section 80 (the landlord condition for secure tenancies) is amended as follows.

(2) In subsection (1)—

- (a) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) for “housing association” substitute “housing association to which this section applies by virtue of subsection (2)”.

(3) In subsection (2)—

- (a) in paragraph (a) for “registered social landlord other than” substitute—

“a housing association which—

(21) 1977 c.45. Section 12A was inserted by section 74 of the Criminal Justice and Public Order Act 1994 (c. 33).

(22) 1985 c.68. Section 6A was inserted by paragraph 107 of Schedule 17 to the Housing Act 1988 (c. 50) and paragraph 5 of Schedule 16 to the Government of Wales Act 1998 (c. 38). Section 82A was inserted by section 14 of the Anti-social Behaviour Act 2003 (c. 38). Section 92(2A) was inserted by section 163 of the Local Government and Housing Act 1989 (c. 42). Section 106A was inserted by section 6 of the Housing and Planning Act 1986 (c. 63). Section 429A was inserted by section 16 of the Housing and Planning Act 1986 (c. 63) and subsection (2A) was inserted by paragraph 54 of Schedule 17 to the Housing Act 1988 (c.50). Sections 450A and B were inserted by section 5 of the Housing and Planning Act 1986 (c. 63). Section 554(2A) was inserted by paragraph 61 of Schedule 17 to the Housing Act 1988 (c. 50). Ground 10A in Part 2 of Schedule 2 was inserted by section 9 of the Housing and Planning Act 1986 (c. 63).

- (i) is a private registered provider of social housing or a registered social landlord, but
 - (ii) is not”, and
 - (b) in paragraph (b) for “not a registered social landlord” substitute “neither a private registered provider of social housing nor a registered social landlord”.
 - (4) In subsection (3)—
 - (a) after “housing association ceases to be” insert “a private registered provider of social housing or”, and
 - (b) for “a registered social landlord”, in the second place where it appears, substitute “such a body”.
 - (5) The amendments made by sub-paragraphs (2) and (3) have effect only so far as the words amended continue to have effect by virtue of section 35(5) of, and paragraph 4 of Schedule 18 to, the Housing Act 1988⁽²³⁾.
- 20.**—(1) Section 82A (demotion because of anti-social behaviour) is amended as follows.
- (2) After subsection (1)(b) insert—
 - “(ba) a private registered provider of social housing;”.
 - (3) In subsection (8)(b) after “tenancy is” insert “a private registered provider of social housing or”.
- 21.** In section 92(2A)(a) (assignments by way of exchange) for “either the Housing Corporation,” substitute “the Regulator of Social Housing, a private registered provider of social housing,”.
- 22.** In section 105(6) (consultation on matters of housing management) after “which is” insert “a private registered provider of social housing or”.
- 23.** In section 106(3) (information about housing allocation) after “which is” insert “a private registered provider of social housing or”.
- 24.** In section 106A(3)(b) (consultation before disposal to private sector landlord) after “disposal to” insert “a private registered provider of social housing or”.
- 25.** In section 114(1) (meaning of landlord authority) after the entry for local housing authorities insert—
- “a private registered provider of social housing other than a co-operative housing association,”.
- 26.** In section 115(2)(a) (meaning of long tenancy) after “at the time of the grant is” insert “a private registered provider of social housing or”.
- 27.** In section 171(2) (power to extend right to buy)—
- (a) for “Housing Corporation” substitute “Regulator of Social Housing”, and
 - (b) after “Scottish Homes,” insert—
 - “a non-profit registered provider of social housing”.
- 28.** In section 185(2)(b) (meaning of “secure tenancy” and “secure tenant”) after “or was a” insert “private registered provider of social housing or”.
- 29.** In section 240(5) (steps to be taken after declaration of housing action area) after “participation of” insert “private registered providers of social housing or (as the case may be)”.
- 30.** In section 429A(2A) (housing management: financial assistance etc)—

(23) 1988 c.50.

- (a) omit paragraph (a),
- (b) in paragraph (d) for “registered social landlord” substitute “private registered provider of social housing, or a registered social landlord,” and
- (c) in paragraph (e) for “not a registered social landlord” substitute “neither a private registered provider of social housing nor a registered social landlord”.

31. In section 450A(6) (right to a loan to pay service charge after exercise of the right to buy) for the definition of “housing authority” and the “and” following it substitute—

““housing authority”—

- (a) does not include a private registered provider of social housing, or a registered social landlord, which is a co-operative housing association;
- (b) includes a co-operative housing association which is neither a private registered provider of social housing nor a registered social landlord; and”.

32. In section 450B(4) (power to make loans in other cases) for the definition of “housing authority” and the “and” following it substitute—

““housing authority”—

- (a) does not include a private registered provider of social housing, or a registered social landlord, which is a co-operative housing association;
- (b) includes a co-operative housing association which is neither a private registered provider of social housing nor a registered social landlord; and”.

33.—(1) Section 458 (minor definitions) is amended as follows.

(2) In subsection (1) in the definition of “housing authority”—

- (a) for “subject to subsection (2)” substitute “subject to subsections (1A) and (2) and sections 450A(6), 450B(4) and 450D(10)”, and
- (b) after “Relevant Authority” insert “, a private registered provider of social housing”.

(3) After subsection (1) insert—

“(1A) A profit-making registered provider of social housing is a housing authority for the purposes of this Part only in relation to social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”.

34. In section 548(1) (repurchase by authority other than local housing authority) before entry 1 in the table insert—

“A1. A non-profit registered provider of social housing (other than a co-operative housing association) or a predecessor housing association of that provider.”

35. In section 554(2A) (grant of tenancy to former owner-occupier) after “or a”, where it first appears, insert “private registered provider of social housing or”.

36. In section 573(1) (meaning of “public sector authority”: Part XVI) after the entry for the Relevant Authority insert—

“a non-profit registered provider of social housing other than a co-operative housing association (or a predecessor housing association of such a provider),”.

37.—(1) Schedule 2 (grounds for possession of dwelling houses let under secure tenancies) is amended as follows.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 ISBN 978-0-11-149226-0

(2) In Ground 10A in Part 2 for “Housing Corporation” substitute “Regulator of Social Housing”.

(3) In paragraph 6 of Part 5—

- (a) for “social landlord registered in the register maintained by the Housing Corporation under section 1 of the Housing Act 1996” substitute “private registered provider of social housing”, and
- (b) for “the Housing Corporation”, in the second place where it appears, substitute “the Regulator of Social Housing”.

38.—(1) Schedule 4 (qualifying period for right to buy and discount) is amended as follows.

(2) In paragraph 7(1)—

- (a) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) before the entry for registered social landlords insert—

“a non-profit registered provider of social housing which is not a co-operative housing association,”.

(3) In paragraph 10 after “under”, in the first place where it appears, insert “Part 2 of the Housing and Regeneration Act 2008,”.

Housing Associations Act 1985

39. The Housing Associations Act 1985(24) is amended as follows.

40. In section 2B (meaning of “registered housing association” etc) for the definition of “unregistered” substitute—

““unregistered”, in relation to a housing association, means—

- (a) not registered as a provider of social housing under Part 2 of the Housing and Regeneration Act 2008,
- (b) not registered as a social landlord under Part 1 of the Housing Act 1996, and
- (c) not registered as a social landlord under Part 3 of the Housing (Scotland) Act 2001 (asp 10).”.

41. In section 35(2) (housing trusts: power to transfer housing to local housing authority) before paragraph (a) insert—

“(za) it does not apply to private registered providers of social housing (on whom power to dispose of land is conferred by section 171 of the Housing and Regeneration Act 2008);”.

42. In section 58(4) (powers of local authorities to promote and assist housing associations: exception for registered social landlords) after “does not apply where the housing association is” insert—

“__

- (a) a private registered provider of social housing, or
- (b) ”.

43. In section 61(3) (power of local housing authority to supply furniture to housing association tenants) after “does not apply where the housing association is” insert—

“__

(24) 1985 c.69. Section 2B was inserted by paragraph 15 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325). Section 83(3A) was inserted by paragraph 34 of Schedule 6 to the Housing Act 1988 (c. 50).

- (a) a private registered provider of social housing, or
- (b) ”.

44.—(1) Section 69 (power to vary or terminate certain agreements with housing associations) is amended as follows.

(2) In subsection (1)(a) for the words from “(including” to the end substitute “under which rights and obligations have been transferred to the Regulator of Social Housing;”.

(3) Omit subsection (2A).

(4) Before subsection (3) insert—

“(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.”.

45. For the heading to Part 3 substitute “Social Housing in Wales”.

46. In the italic heading before section 74 for “Constitution” substitute “Functions of the Welsh Ministers”.

47. In section 74—

(a) for subsections (1) and (1A) substitute—

“(1) This Part has effect with respect to the Welsh Ministers.”.

(b) omit subsection (3),

(c) for subsection (4) substitute—

“(4) The functions in this Part exercisable by the Welsh Ministers may only be exercised in relation to Wales.”, and

(d) in the heading for “Housing Corporation” substitute “Welsh Ministers”.

48.—(1) Section 75 (general functions of the Relevant Authority) is amended as follows.

(2) In subsection (1)—

(a) for “Relevant Authority”, where it first appears, substitute “Welsh Ministers”,

(b) for “has” substitute “have”, and

(c) in paragraph (e) for “Relevant Authority considers” substitute “Welsh Ministers consider”.

(3) Omit subsections (1A) and (1B).

(4) In subsections (2) to (4) for “Relevant Authority”, wherever appearing, substitute “Welsh Ministers”.

(5) In subsection (2) for “its” substitute “their”.

(6) In subsection (4) for “its” substitute “their”.

(7) Omit subsection (6).

(8) For the heading substitute “General functions”.

49. Omit section 76 (directions to Housing Corporation).

50.—(1) Section 77 (advisory service) is amended as follows.

(2) In subsections (1) and (2) for “Relevant Authority” substitute “Welsh Ministers”.

(3) For subsection (3) substitute—

“(3) The powers conferred on the Welsh Ministers by subsections (1) and (2) may be exercised by the Welsh Ministers acting jointly with the Regulator of Social Housing.”.

51.—(1) Section 79 (lending powers) is amended as follows.

(2) In subsection (1)—

- (a) for “Relevant Authority” substitute “Welsh Ministers”, and
- (b) omit “, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest.”.

(3) In subsection (2)—

- (a) for “Relevant Authority”, where it first appears, substitute “Welsh Ministers”,
- (b) in paragraph (a) for “Relevant Authority” substitute “Welsh Ministers”, and
- (c) for paragraph (b) substitute—
 - “(b) a registered social landlord or an unregistered self-build society.”.

(4) In subsection (3) for “Relevant Authority” substitute “Welsh Ministers”.

(5) For subsection (4) substitute—

“(4) Subject to that, the terms of a loan under this section shall be such as the Welsh Ministers determine either generally or in a particular case.”.

52.—(1) Section 80 (security for loans to unregistered self-build societies) is amended as follows.

(2) In subsection (1)—

- (a) for “Relevant Authority” substitute “Welsh Ministers”,
- (b) in paragraph (a) for “makes” substitute “make”,
- (c) in paragraph (b)—
 - (i) omit “or heritable security”, and
 - (ii) for “has” substitute “have”, and
- (d) for “it may” substitute “they may”.

(3) In subsection (2) for “Relevant Authority continues” substitute “Welsh Ministers continue”.

(4) Omit subsection (3A).

(5) In subsection (4) for the words from the beginning to “unless he is satisfied” substitute “The Welsh Ministers shall not give directions under this section requiring a society to transfer its interest in land to them or any other person unless they are satisfied”.

53. In section 81(b) (further advances in case of disposal on shared ownership lease)—

- (a) for “Relevant Authority has” substitute “Welsh Ministers have”, and
- (b) for “its” substitute “their”.

54.—(1) Section 83 (power to guarantee loans) is amended as follows.

(2) For subsections (1) to (3) substitute—

“(1) The Welsh Ministers may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by registered social landlords or unregistered self-build societies.

(2) A guarantee may be subject to terms and conditions.”.

(3) In subsection (3A)—

- (a) in paragraph (a) for the words from “which” to “has” substitute “which the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) have”,
- (b) in paragraph (b)—

- (i) for the words from the first “by” to “in” substitute “by the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) in”, and
 - (ii) for the words from “to” to the end of the paragraph substitute “to the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales)”, and
 - (c) for the words “as the” to the end substitute “the Welsh Ministers may specify by order”.
- (4) For subsection (4) substitute—
- “(4) An order under subsection (3A)—
- (a) shall be made by statutory instrument, and
 - (b) shall not be made unless, a draft of the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

55.—(1) Section 87 (financial assistance with respect to formation etc of certain housing associations) is amended as follows.

- (2) In subsection (1) for “Relevant Authority” substitute “Welsh Ministers”.
- (3) In subsection (2) for “Relevant Authority considers appropriate, except that the Relevant Authority” substitute “Welsh Ministers consider appropriate, except that they”.
- (4) In subsection (3) for “Relevant Authority” substitute “Welsh Ministers”.
- (5) In subsection (4)—
 - (a) for “Relevant Authority” substitute “Welsh Ministers”, and
 - (b) for “it” substitute “they”.
- (6) In subsection (5) for “housing association” substitute “relevant housing association”.

56.—(1) Schedule 5 (housing association finance: superseded subsidies, contributions and grants) is amended as follows.

- (2) In paragraph 6(2) of Part 1 (residual subsidies in England and Wales: powers exercisable where lease granted to or vested in the Housing Corporation) omit paragraph (b) and the “or” before it.
- (3) In paragraph 2(2) of Part 6 (new building subsidy and improvement subsidy: powers exercisable where lease granted to or vested in the Housing Corporation) omit paragraph (b) and the “or” before it.

57.—(1) Schedule 7 (powers exercisable where loan outstanding under section 2 of the Housing Act 1964) is amended as follows.

- (2) For paragraph 1 substitute—

“**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.”.
- (3) In paragraph 2(1), for “Relevant Authority”, in both places where it appears, substitute “Regulator of Social Housing”.
- (4) In paragraph 2(3) for “Housing Corporation” substitute “Regulator of Social Housing”.
- (5) In paragraph 3—

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- (a) for “Housing Corporation”, in both places where it appears, substitute “Regulator of Social Housing”, and
 - (b) omit the words from “; and the Secretary of State shall not” to the end.
- (6) In paragraph 4—
- (a) for “Housing Corporation”, in both places where it appears, substitute “Regulator of Social Housing”, and
 - (b) omit sub-paragraph (2).
- (7) In paragraph 5—
- (a) in sub-paragraph (1), for “Housing Corporation”, in both places where it appears, substitute “Regulator of Social Housing”,
 - (b) omit sub-paragraph (1A),
 - (c) in sub-paragraph (2), for “Corporation” substitute “Regulator of Social Housing”,
 - (d) in sub-paragraphs (3), (4) and (5), for “Housing Corporation” substitute “Regulator of Social Housing”, and
 - (e) omit sub-paragraph (6).

Landlord and Tenant Act 1985

58. The Landlord and Tenant Act 1985(25) is amended as follows.

59. In section 14(4) (repairing obligations in leases: exceptions) after “the Development Board for Rural Wales” insert—

“a non-profit registered provider of social housing”.

60. In section 26(3)(a) (exceptions to service charge controls etc) after “at the time of the grant is” insert “a private registered provider of social housing or”.

Insolvency Act 1986

61.—(1) Section 72G of the Insolvency Act 1986(26) (floating charge holder not to appoint administrative receiver: exception for registered social landlords) is amended as follows.

(2) After “company which is” insert—

“—

- (a) a private registered provider of social housing, or
- (b)”.

(3) In the heading for “registered social landlord” substitute “social landlords”.

Landlord and Tenant Act 1987

62.—(1) Section 58 of the Landlord and Tenant Act 1987(27) (landlords exempt from certain provisions of the Act) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (e) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) for paragraph (g) (but not the “or” following it) substitute—

(25) 1985 c.70.

(26) 1986 c.45. Section 72G was inserted by section 250 of the Enterprise Act 2002 (c. 40).

(27) 1987 c.31. Section 58(1A) was inserted by paragraph 17 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

- “(g) a non-profit private registered provider of social housing;
- (ga) a registered social landlord;
- (gb) a fully mutual housing association which is neither a private registered provider of social housing nor a registered social landlord.”.

(3) After subsection (1) insert—

“(1ZA) In this Act “exempt landlord”, in relation to social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), includes a landlord which is a profit-making private registered provider of social housing.”.

(4) For subsection (1A) substitute—

“(1A) In subsection (1)(ga) “registered social landlord” has the same meaning as in the Housing Act 1985 (see section 5(4) and (5) of that Act).

(1B) In subsection (1)(gb) “fully mutual housing association” has the same meaning as in the Housing Associations Act 1985 (see section 1(1) and (2) of that Act).”.

Housing Act 1988

63. The Housing Act 1988(**28**) is amended as follows.

64. In section 6A(1) (demotion of assured tenancy because of anti-social behaviour) after “if” insert—

“—

- (a) the landlord is a non-profit registered provider of social housing,
- (b) the landlord is a profit-making registered provider of social housing and the dwelling-house let on the tenancy is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
- (c) ”.

65. In section 20B(1) (demoted assured shorthold tenancies) after “the landlord is” insert “a private registered provider of social housing or”.

66.—(1) Section 35 (removal of special regimes for tenancies of housing associations) is amended as follows.

(2) In subsection (3) after “commencement of this Act,” insert “a private registered provider of social housing or”.

(3) In subsection (5) for “or the Housing Corporation” substitute “or the Regulator of Social Housing”.

67. In section 38(4A) (transfer of existing tenancies from public to private sector) after “passes to” insert “a private registered provider of social housing or”.

68. Omit section 57 (delegation of certain functions by Secretary of State).

69. In section 59(1A) (interpretation) omit “and 57”.

70. In section 79(2) (disposal of land by housing action trusts) before paragraph (a) insert—

“(za) to a non-profit registered provider of social housing.”.

(28) 1988 c.50. Section 6A was inserted by section 14 of the Anti-social Behaviour Act 2003 (c. 38). Section 20B was inserted by section 15 of the Anti-social Behaviour Act 2003. Section 38(4A) was inserted by paragraph 106 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42).

71.—(1) Section 81 (consent required for certain disposals of housing obtained from housing action trusts) is amended as follows.

(2) In subsection (1) for “section 79(2)(a)” substitute “section 79(2)(za) or (a)”.

(3) In subsection (7) after “required under” insert “section 148 or 172 of the Housing and Regeneration Act 2008,”.

(4) In subsection (8)(ab) after “acquire it under” insert “section 180 of the Housing and Regeneration Act 2008 or”.

72.—(1) Section 82 (power of Relevant Authority to provide legal assistance to tenants after disposal) is amended as follows.

(2) For “Relevant Authority”, wherever appearing, substitute “appropriate authority”.

(3) For subsection (5) substitute—

“(5) In this section “the appropriate authority” means—

- (a) in a case where the disposal mentioned in subsection (1) was to a private registered provider of social housing, the Regulator of Social Housing, and
- (b) in a case where the disposal mentioned in that subsection was to a registered social landlord, the Welsh Ministers.”.

(4) In the heading for “Power of Relevant Authority to provide” substitute “Provision of”.

73. Section 133(7) (consent for certain disposals of housing obtained from local authorities) after “required under” insert “section 148 or 172 of the Housing and Regeneration Act 2008,”.

74.—(1) Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) is amended as follows.

(2) In Ground 6—

- (a) after “landlord is a” insert “non-profit registered provider of social housing,” and
- (b) after “trust”, where it first appears, insert “or (where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008) a profit-making registered provider of social housing, ”.

(3) In paragraph (b) of Ground 14A—

- (a) after “landlord who is seeking possession is” insert “a non-profit registered provider of social housing,” and
- (b) after “trust” insert “or, where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing,”.

Local Government and Housing Act 1989

75. The Local Government and Housing Act 1989(29) is amended as follows.

76. In section 172(2)(b) (transfer of new town housing stock) for “Housing Corporation” substitute “Regulator of Social Housing”.

77. In section 173(7) (consent required for subsequent disposals) after “required under” insert “section 148 or 172 of the Housing and Regeneration Act 2008,”.

(29) 1989 c.42.

Charities Act 1993

78. In Schedule 2 to the Charities Act 1993(30) (exempt charities) before paragraph (y) insert—

- “(xa) any registered society within the meaning of the Industrial and Provident Societies Act 1965 which is also a non-profit registered provider of social housing.”.

Leasehold Reform, Housing and Urban Development Act 1993

79. In Schedule 10 to the Leasehold Reform, Housing and Urban Development Act 1993(31) (acquisition of interests from local authorities etc) in paragraph 1(2) (current provisions whose effect is excluded) for paragraph (b) substitute—

- “(b) sections 148 and 172 of the Housing and Regeneration Act 2008 (disposals by registered providers of social housing);
(ba) sections 9 and 42 of the Housing Act 1996 (disposals by registered social landlords);
(bb) section 9 of the Housing Associations Act 1985 (disposals by unregistered housing associations);”.

Criminal Justice and Public Order Act 1994

80. In section 62A(6) of the Criminal Justice and Public Order Act 1994(32) (power to remove trespassers: alternative site available) after paragraph (a) of the definition of “relevant site manager” insert—

- “(aa) a private registered provider of social housing;”.

Housing Act 1996

81. The Housing Act 1996(33) is amended as follows.

82. In section 9(1A) (consent required for disposal of land by registered social landlord)—

- (a) for the words from the beginning to “given by” in paragraph (b) substitute “Consent given by”, and
(b) in that paragraph before “, shall be given” insert “under this section”.

83. In section 10(1)(a) (disposals not requiring consent) after “paragraph 12(1)(h),” insert “or any of paragraphs 12ZA to 12B,”.

84. In section 16 (right to acquire) omit subsections (5) to (7).

85.—(1) Section 18 (social housing grants) is amended as follows.

(2) In subsection (5)—

- (a) for the words from the beginning to “made by” in paragraph (b) substitute “An appointment made by”,
(b) in that paragraph before “, shall be on” insert “under this section”, and

(30) 1993 c.10.

(31) 1993 c.28.

(32) 1994 c.33. Section 62A was inserted by section 60 of the Anti-social Behaviour Act 2003 (c. 38).

(33) 1996 c.52. Section 9(1A) was inserted by paragraph 84 of Schedule 16 to the Government of Wales Act 1998 (c. 38). Section 27A was inserted by section 220 of the Housing Act 2004. Section 143C was inserted by paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38). Section 153E was inserted by section 13 of the Anti-social Behaviour Act 2003. Section 218A was inserted by section 12 of the Anti-social Behaviour Act 2003. Paragraphs 9(3A) and 11(3A) of Schedule 1 were inserted by paragraph 96 of Schedule 16 to the Government of Wales Act 1998.

- (c) for the words from “, with the consent” in paragraph (b) to the end of the subsection substitute “specify; and the authority shall act in accordance with those terms.”.
- (3) Omit subsection (8).
- 86.** In section 24(2)(a)(i) (disposal proceeds fund) after “section 16” insert “above or section 180 of the Housing and Regeneration Act 2008”.
- 87.** In section 27A (social housing grants) omit subsections (5) and (7).
- 88.** In section 29 (commutation of payments of special residual subsidy) omit subsection (4).
- 89.** In section 30(5) (general power to obtain information) omit paragraph (a) and the “and” following it.
- 90.**—(1) Section 36 (issue of guidance) is amended as follows.
- (2) Omit subsection (4).
- (3) In subsection (5) for “subsections (3) and (4) apply” substitute “subsection (3) applies”.
- 91.** In section 46(7) (appointment of manager to implement agreed proposals)—
- (a) for the words from the beginning to “made by” in paragraph (b) substitute “An order made by”, and
- (b) in that paragraph before “, shall be made” insert “under this section”.
- 92.** In section 49 (assistance by relevant authority) omit subsection (3).
- 93.** In section 53(1), (4) and (5) (general provision as to determinations) omit “the Housing Corporation or”.
- 94.** Omit section 54 (Housing Corporation determinations requiring approval).
- 95.** In section 64 (index of defined expressions) omit the entry for “the Relevant Authority”.
- 96.**—(1) Section 124 (introductory tenancies) is amended as follows.
- (2) In subsection (2) for paragraph (b) substitute—
- “(b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2)(b) “relevant assured tenancy” means—
- (a) an assured tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or
- (b) an assured tenancy under which the landlord is a registered social landlord;
- and for these purposes “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.”.
- 97.**—(1) Section 125 (duration of introductory tenancy) is amended as follows.
- (2) In subsection (3) for “or held an assured shorthold tenancy from a registered social landlord” substitute “or a relevant assured shorthold tenancy”.
- (3) After subsection (3) insert—
- “(3A) In subsection (3) “relevant assured shorthold tenancy” means—
- (a) an assured shorthold tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or

(b) an assured shorthold tenancy under which the landlord is a registered social landlord;

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

98.—(1) Section 143C (demoted tenancy: change of landlord) is amended as follows.

(2) In subsection (3) after “landlord is” insert “a private registered provider of social housing,”.

(3) For subsection (4) substitute—

“(4) If the new landlord—

(a) is neither a private registered provider of social housing nor a registered social landlord, and

(b) satisfies the landlord condition,

the tenancy becomes a secure tenancy.”.

99.—(1) Section 153E (injunctions against anti-social behaviour: supplementary) is amended as follows.

(2) In subsection (7) after paragraph (b) insert—

“(ba) a non-profit registered provider of social housing;”.

(3) In subsection (8) for “which is not a registered social landlord” substitute “which does not fall within subsection (7)(ba) or (c)”.

100. In section 159(2)(c) (allocation of housing accommodation) after “held by” insert “a private registered provider of social housing or”.

101. In section 167(7)(a) (allocation scheme: consultation) after “to every” insert “private registered provider of social housing and”.

102. In section 170 (co-operation between registered social landlords and local housing authorities)—

(a) after “so request, a” insert “private registered provider of social housing or”, and

(b) in the heading for “registered” substitute “certain”.

103. In section 213(2)(a) (co-operation between relevant housing authorities and bodies) after “new town corporation,” insert “a private registered provider of social housing”.

104.—(1) Section 218A (anti-social behaviour: landlords’ policies and procedures) is amended as follows.

(2) In subsection (1) after paragraph (b) insert—

“(ba) a non-profit registered provider of social housing;”.

(3) In subsection (7)—

(a) after paragraph (a) insert—

“(aa) by the Regulator of Social Housing in the case of a non-profit registered provider of social housing;”, and

(b) in paragraph (b) for “Relevant Authority” substitute “Welsh Ministers”.

(4) Omit subsection (9).

105.—(1) Section 219 (directions as to service charges by certain landlords) is amended as follows.

- (2) In subsection (4)—
- (a) omit the “or” following paragraph (a), and
 - (b) after that paragraph insert—
 “(aa) a private registered provider of social housing, or”.
- (3) After subsection (4) insert—
 “(4A) A direction may be given to a social landlord which is a profit-making private registered provider of social housing only in relation to charges relating to its social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008).”.

106.—(1) Schedule 1 (registered social landlord: regulation) is amended as follows.

- (2) In paragraph 9(3A)—
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
 - (b) in that paragraph before “, shall be given” insert “under sub-paragraph (3)”.
- (3) In paragraph 11(3A)—
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
 - (b) in that paragraph before “, shall be given” insert “under sub-paragraph (3)”.
- (4) In paragraph 12(6)—
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
 - (b) in that paragraph for “, to consent” substitute “under this paragraph shall be”.
- (5) In paragraph 13(7) —
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
 - (b) in that paragraph for “, to consent” substitute “under this paragraph shall be”.
- (6) In paragraph 15 for sub-paragraph (5) substitute—
 “(5) In any other case the Welsh Ministers may dispose of property transferred to them by virtue of this paragraph to a registered social landlord.”.
- (7) In paragraph 20 omit sub-paragraph (3).
- (8) For paragraph 25(1) substitute—
 “(1) A person is disqualified from acting as an officer of a registered social landlord if the person has been removed under—
- (a) paragraph 24(2)(a) (removal for misconduct or mismanagement), or
 - (b) section 260 of the Housing and Regeneration Act 2008, section 30(1)(a) of the Housing Associations Act 1985 or section 20(1)(a) of the Housing Act 1974 (other similar provisions).”.
- (9) In paragraph 27—
- (a) in sub-paragraph (1) omit the second sentence, and
 - (b) in sub-paragraph (4) omit the second sentence.

107. In paragraph 2(2) of Schedule 18 (payments to encourage local housing authority tenants to move to other accommodation) after paragraph (a) (but before the “or” following it) insert—

- “(aa) a private registered provider of social housing;”.

Housing Grants, Construction and Regeneration Act 1996

108. In section 95(6) of the Housing Grants, Construction and Regeneration Act 1996⁽³⁴⁾ (parsonages, charities, etc) after “does not include” insert “a private registered provider of social housing or”.

Crime and Disorder Act 1998

109. The Crime and Disorder Act 1998⁽³⁵⁾ is amended as follows.

110.—(1) Section 1 (anti-social behaviour orders) is amended as follows.

(2) In subsection (1A) after paragraph (c) insert—

“(ca) any non-profit registered provider of social housing which provides or manages any houses or hostel in a local government area;”.

(3) In subsection (1B)(d) after “paragraph” insert “(ca),”.

111. In section 115(2) (disclosure of information) after paragraph (d) insert—

“(dza) a non-profit registered provider of social housing;”.

Government of Wales Act 1998

112. The Government of Wales Act 1998⁽³⁶⁾ is amended as follows.

113.—(1) Section 145C (studies relating to registered social landlords) is amended as follows.

(2) In subsections (1) and (4) omit “in Wales”.

(3) For subsection (9) substitute—

“(9) “Registered social landlord” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.”.

114.—(1) Section 145D (advice and assistance for registered social landlords) is amended as follows.

(2) In subsection (1) omit “in Wales”.

(3) For subsection (4) substitute—

“(4) “Registered social landlord” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.”.

115.—(1) Section 146A (transfer etc of functions of Welsh Ministers) is amended as follows.

(2) In subsection (1) omit “in Wales”.

(3) In subsection (2)—

(a) for the definition of “registered social landlord in Wales” substitute—

““registered social landlord” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;” and

(b) in the definition of “supervisory functions” omit “in Wales”.

⁽³⁴⁾ 1996 c.53.

⁽³⁵⁾ 1998 c.37. Sections 1(1A) and (1B) were inserted by section 61 of the Police Reform Act 2002 (c. 30).

⁽³⁶⁾ 1998 c.38. Section 145C was inserted by section 5 of the Public Audit (Wales) Act 2004 (c. 23). Section 145D was inserted by section 166 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 146A was inserted by section 1 of the Public Audit (Wales) Act 2004.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 ISBN 978-0-11-149226-0

Greater London Authority Act 1999

116.—(1) Section 333A of the Greater London Authority Act 1999⁽³⁷⁾ (London housing strategy) is amended as follows.

(2) In subsection (8)—

(a) after paragraph (a) insert—

“(ab) the Regulator of Social Housing;”, and

(b) in paragraph (b) for “registered social landlord” substitute “private registered providers of social housing”.

(3) In subsection (10) omit the definition of “registered social landlord”.

Welfare Reform and Pensions Act 1999

117.—(1) Section 79 of Welfare Reform and Pensions Act 1999⁽³⁸⁾ (measures to reduce under-occupation by housing benefit claimants) is amended as follows.

(2) In subsection (10) for paragraph (b) (but not the “or” following it) substitute—

“(b) an unregistered housing association within the meaning of the Housing Associations Act 1985,

(ba) a private registered provider of social housing,

(bb) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.”.

(3) After subsection (10) insert—

“(10A) But if the payments are to be made to a profit-making private registered provider of social housing the dwelling is in the public or social rented sector for the purposes of this section only if the dwelling is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”.

Immigration and Asylum Act 1999

118.—(1) Section 100 of the Immigration and Asylum Act 1999⁽³⁹⁾ (local authority and other assistance for Secretary of State) is amended as follows.

(2) In subsection (1) after paragraph (a) insert—

“(aa) a private registered provider of social housing.”.

(3) In subsection (3) after “does not require” insert “a private registered provider of social housing or”.

Enterprise Act 2002

119. In section 255(3) of the Enterprise Act 2002⁽⁴⁰⁾ (application of law about company arrangement or administration to non-company) after “which is” insert—

“—

(a) a private registered provider of social housing, or

(b) ”.

⁽³⁷⁾ 1999 c.29. Section 333A was inserted by section 28 of the Greater London Authority Act 2007 (c. 24).

⁽³⁸⁾ 1999 c.30.

⁽³⁹⁾ 1999 c.33.

⁽⁴⁰⁾ 2002 c.40.

Anti-social Behaviour Act 2003

120. The Anti-social Behaviour Act 2003(41) is amended as follows.

121.—(1) Section 25B (parenting contracts in respect of anti-social behaviour: registered social landlords) is amended as follows.

(2) In subsections (1), (2) and (5), for “registered social landlord”, wherever appearing, substitute “relevant housing provider”.

(3) After subsection (1) insert—

“(1A) “Relevant housing provider” means—

- (a) a non-profit registered provider of social housing, or
- (b) a registered social landlord.”

(4) In subsection (7) for paragraph (a) substitute—

“(a) non-profit registered providers of social housing shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;”.

(5) In the heading for “registered social landlords” substitute “relevant housing providers”.

122.—(1) Section 26B (parenting orders in respect of anti-social behaviour: registered social landlords) is amended as follows.

(2) For “registered social landlord”, wherever appearing, substitute “relevant housing provider”.

(3) In the heading for “registered social landlords” substitute “relevant housing providers”.

123. In section 26C(1) (applications under section 26A or 26B in county court proceedings) for “registered social landlord” substitute “relevant housing provider”.

124.—(1) Section 27 (parenting orders: supplemental) is amended as follows.

(2) In subsection (4)—

(a) for paragraph (c) (but not the “and” following it) substitute—

“(c) private registered providers of social housing,” and

(b) in paragraph (d) for “registered social landlords on that register” substitute “private registered providers of social housing”.

(3) In subsection (4A)—

(a) for paragraph (b) (but not the “and” following it) substitute—

“(b) registered social landlords,” and

(b) in paragraph (c) for “registered social landlords on that register” substitute “registered social landlords”.

125.—(1) Section 29(1) (interpretation) is amended as follows.

(2) For the definition of “housing management functions” substitute—

““housing management functions”, in relation to a relevant housing provider, include—

(a) functions conferred by or under any enactment;

(b) the powers and duties of the relevant housing provider as the holder of an estate or interest in housing accommodation,”.

(41) 2003 c.38. Section 25B was inserted by section 23 of the Police and Justice Act 2006 (c. 48). Sections 26B and 26C were inserted by section 24 of the Police and Justice Act 2006. Section 27(4A) was inserted by paragraph 55 of Schedule 14 to the Police and Justice Act 2006.

(3) At the appropriate place insert—

““relevant housing provider” has the meaning given by section 25B(1A),”.

Criminal Justice Act 2003

126. In section 325(6)(e) of the Criminal Justice Act 2003(**42**) (arrangements for assessing etc risks posed by certain offenders) after “every” insert “private registered provider of social housing or”.

Children Act 2004

127. The Children Act 2004(**43**) is amended as follows.

128. In section 12(8) (information databases) after paragraph (c) insert—

“(ca) a private registered provider of social housing;”.

129. In section 29(8)(d) (information databases: Wales) after “registered social landlord” insert “or private registered provider of social housing”.

Housing Act 2004

130. The Housing Act 2004(**44**) is amended as follows.

131. In section 79(3) (licensing of houses to which Part 3 applies: exempt tenancies) after “if” insert—

“—

- (a) it is granted by a non-profit registered provider of social housing,
- (b) it is granted by a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or
- (c) ”.

132. In section 80(6) (designation of selective licensing areas: second set of general conditions) after “does not include” insert “a non-profit registered provider of social housing or”.

133.—(1) Schedule 14 (buildings which are not houses in multiple occupation for the purposes of the Act other than Part 1) is amended as follows.

(2) In paragraph 2(1) after paragraph (a) insert—

“(aa) a non-profit registered provider of social housing.”.

(3) After paragraph 2 insert—

“**2A.** A building—

- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
- (b) where the person managing or having control of it is a profit-making registered provider of social housing.”.

(42) 2003 c.44.

(43) 2004 c.31.

(44) 2004 c.34.

National Health Service Act 2006

134. In section 256(2) of the National Health Service Act 2006⁽⁴⁵⁾ (power of Primary Care Trusts to make payments towards expenditure on community services)—

(a) before paragraph (a) insert—

“(za) a private registered provider of social housing,” and

(b) for paragraph (e) substitute—

“(e) the Regulator of Social Housing”.

National Health Service (Wales) Act 2006

135. In section 194(2) of the National Health Service (Wales) Act 2006⁽⁴⁶⁾ (power of Local Health Boards to make payments towards expenditure on community services)—

(a) after paragraph (a) insert—

“(ab) a private registered provider of social housing,” and

(b) in paragraph (e) for “Housing Corporation” substitute “Regulator of Social Housing”.

SCHEDULE 3

Article 6

Transitional and saving provisions

General

1.—(1) No amendment or repeal made by this Order affects the validity of anything done (or having effect as if done) by or in relation to an English registered social landlord before the commencement date.

(2) A reference (express or implied) in any amendment made by this Order to a provision of Part 1 or 2 of the 2008 Act is, so far as the context permits, to be read as including, in relation to times, circumstances or purposes before the commencement date, a reference to any corresponding former provision of Part 1 of the 1996 Act or any corresponding earlier enactment.

(3) In particular, a reference (express or implied) in any amendment made by this Order to registration as a provider of social housing (without further differentiation), registration as a private provider of social housing (without further differentiation) or registration as a non-profit provider of social housing (with or without further differentiation) is, so far as the context permits, to be read as including, in relation to times, circumstances or purposes before the commencement date, a reference to registration as an English registered social landlord.

(4) Anything done (or having effect as if done) by or in relation to a person as an English registered social landlord is, if in force or effective immediately before the commencement date, to have effect for the purposes of any amendment made by this Order as if done by or in relation to that person as a non-profit registered provider of social housing so far as that is required for continuing its effect on and after the commencement date.

(5) The references in sub-paragraphs (1) and (4) to things done include references to things omitted to be done.

(6) In this paragraph “English registered social landlord”, in relation to times, circumstances or purposes before the commencement date, means any person who, at the time in question—

⁽⁴⁵⁾ 2006 c.41.

⁽⁴⁶⁾ 2006 c.42.

- (a) is a registered social landlord within the meaning of Part 1 of the 1996 Act as it then has effect and does not fall within section 56(2) of that Act as it then has effect, or
- (b) has a corresponding registration under an earlier enactment.

Saving for certain effects of the 2008 Order

2.—(1) Article 6(2) of the 2008 Order continues to apply on and after the commencement date in relation to any instrument or other document (other than an Act, devolved legislation or subordinate legislation) so far as required for the purposes of any substitution made by this Order of the HCA or the TSA for the Housing Corporation.

(2) Anything which, immediately before the commencement date, is being continued by or in relation to the HCA or the TSA by virtue of article 6(3) of the 2008 Order may, so far as it relates to any function under an enactment in which the HCA or the TSA is substituted for the Housing Corporation by this Order, continue to be so continued on and after the commencement date.

(3) Anything which has effect as if done by or in relation to the HCA or the TSA by virtue of article 6(4) of the 2008 Order is, if in force or effective immediately before the commencement date and so far as the enactment continues to apply to the HCA or the TSA by virtue of this Order, to continue to have effect as if done by or in relation to the HCA or the TSA so far as that is required for continuing its effect on and after the commencement date.

(4) The references in sub-paragraph (3) to things done include references to things omitted to be done.

(5) In this paragraph—

“the HCA” means the Homes and Communities Agency,

“the TSA” means the Regulator of Social Housing,

“devolved legislation” means an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation,

“Northern Ireland legislation” has the same meaning as in section 24 of the Interpretation Act 1978⁽⁴⁷⁾, and

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 and also includes an instrument made under an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation.

Savings in relation to Part 1 of the 1996 Act

3. Any amendment or repeal made by this Order of an enactment in Part 1 of the 1996 Act (other than section 10(1)(a)) does not apply to that enactment so far as it is saved by an order under section 322 of the 2008 Act.

New references to registered social landlords

4. Any saving or transitional provision, or any provision about the continuity of the law, which was made by or under the 1996 Act and is in force or effective immediately before the commencement date in relation to a reference (express or implied) to a registered social landlord is to continue to apply, on and after that date, in relation to any corresponding reference to a registered social landlord in an amendment made by this Order so far as the provision concerned remains capable of having effect in relation to that reference.

(47) 1978 c.30.

Housing Associations Act 1985

5.—(1) Nothing in the amendments or repeals made by this Order to Part 3 of the Housing Associations Act 1985 confers a function on the Welsh Ministers which they did not have before the commencement date by virtue of—

- (a) the Government of Wales Act 1998⁽⁴⁸⁾,
- (b) the National Assembly for Wales (Transfer of Functions) Order 1999⁽⁴⁹⁾, and
- (c) Schedule 11 to the Government of Wales Act 2006⁽⁵⁰⁾.

(2) Nothing in the amendments or repeals which relate to functions of the Welsh Ministers and are made by this Order to Part 3 of the Housing Associations Act 1985 affect the operation of any savings or transitional provisions which arise by virtue of the enactments mentioned in sub-paragraph (1) so far as they are capable of continuing to have effect on and after the commencement date.

6.—(1) Part 3 of the Housing Associations Act 1985 continues to apply on and after the commencement date in relation to—

- (a) any activities which, immediately before the commencement date, the TSA is in the process of carrying out (or is treated as being in the process of carrying out) in pursuance of its functions under section 75(1)(a) and (1A) or 77 of that Act,
- (b) any loans made (or treated as made) before that date by the HCA or the TSA under section 79 of that Act,
- (c) any amounts which are left outstanding or advanced by the HCA as mentioned in section 81(b) of that Act (or treated as so left or advanced) before that date,
- (d) any guarantees given (or treated as given) by the HCA or the TSA before that date under section 83 of that Act, and
- (e) any financial assistance given (or treated as given) by the TSA before that date under section 87 of that Act.

(2) In its application by virtue of sub-paragraph (1), Part 3 of the Housing Associations Act 1985 has effect—

- (a) without any amendments or repeals made 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 non-profit registered providers of social housing.

(3) References in this paragraph to Part 3 of the Housing Associations Act 1985 include references to any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that Part and to anything done or omitted to be done under or otherwise in connection with that Part.

(4) In this paragraph “English registered social landlord” has the same meaning as in paragraph 1.

⁽⁴⁸⁾ 1998 c.38.

⁽⁴⁹⁾ S.I. 1999/672.

⁽⁵⁰⁾ 2006 c.32.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010* ISBN 978-0-11-149226-0

SCHEDULE 4

Article 7

Repeals

<i>Title</i>	<i>Extent of repeal</i>
Housing Act 1985 (c. 68)	Section 429A(2A)(a). In Schedule 5, in paragraph 3, the word “or” after “social housing grants,”.
Housing Associations Act 1985 (c. 69)	Section 69(2A). Section 69A. Section 74(3). Sections 75(1A), (1B) and (6). Section 76. In section 79(1), the words “; and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest,”. In section 80(1)(b), the words “or heritable security”. Section 80(3A). In Schedule 5, in Part 1, paragraph 6(2) (b) and the “or” before it. In Schedule 5, in Part 6, paragraph 2(2) (b) and the “or” before it. In Schedule 7, in paragraph 3, the words from “; and the Secretary of State shall not” to the end. In Schedule 7, paragraphs 4(2) and 5(1A) and (6).
Housing and Planning Act 1986 (c. 63)	In Schedule 5, paragraph 42 and the italic heading before it.
Housing Act 1988 (c. 50)	Section 57. In section 59(1A), the words “and 57”. In Schedule 6, paragraphs 28, 29, 31(3) and 33. In Schedule 17, paragraph 20.
Housing Act 1996 (c. 52)	Section 16(5) to (7). Section 18(8). Section 27A(5) and (7). Section 29(4).

<i>Title</i>	<i>Extent of repeal</i>
	Section 30(5)(a) and the “and” following it.
	Section 36(4).
	Section 49(3).
	In section 53(1), (4) and (5), the words “the Housing Corporation or”.
	Section 54.
	In section 64, the entry for “the Relevant Authority”.
	Section 218A(9).
	In section 219(4), the word “or” following paragraph (a).
	In Schedule 1, paragraph 20(3) and the second sentence in paragraphs 27(1) and (4).
Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325)	In Schedule 2, paragraphs 1, 14(8)(a) (i), (19)(a), (22) and (23), 15(25), 18(11) and 20(3).
Government of Wales Act 1998 (c. 38)	In sections 145C(1) and (4), 145D(1) and 146A(1), the words “in Wales”.
	In section 146A(2), in the definition of “supervisory functions”, the words “in Wales”.
	In Schedule 16, paragraphs 6, 27(2) and (4), 28, 29, 31, 33, 35(3), 36, 37, 53(3), (4) and (5), 60, 66, 69, 85(3), 89, 92, 93, 95 and 96(4), (6)(b) and (7).
Greater London Authority Act 1999 (c. 29)	In section 333A(10), the definition of “registered social landlord”.
Housing (Right to Acquire) (Electronic Communications) (England) Order 2001 (S.I. 2001/3257)	The whole Order.
Commonhold and Leasehold Reform Act 2002 (c.15)	Section 144(2).
Communications Act 2003 (c. 21)	In Schedule 17, paragraph 136.
Public Audit (Wales) Act 2004 (c. 23)	In Schedule 2, paragraph 5(3).
Housing Act 2004 (c. 34)	In Schedule 11, paragraphs 3 and 11. In Schedule 15, paragraph 42.
Local Government and Public Involvement in Health Act 2007 (c. 28)	In Schedule 8, paragraph 23. In Schedule 9, paragraph 1(2)(d).

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010* ISBN 978-0-11-149226-0

<i>Title</i>	<i>Extent of repeal</i>
The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484)	In Schedule 1, paragraph 3.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to, and repeals of, provisions in primary legislation that make reference to registered social landlords in England and the Housing Corporation and also in consequence of the coming into force of certain provisions of the Housing and Regeneration Act 2008. These amendments and repeals are in addition to those in the Housing and Regeneration Act 2008 itself. Part 2 of the Act sets out the functions of the Regulator of Social Housing and a new regulatory regime for registered providers of social housing.

Since December 2008 the Regulator of Social Housing has been exercising the functions of the Housing Corporation transferred to it. Those functions were primarily those in the Housing Associations Act 1985 and the Housing Act 1996. With the commencement of Part 2 of the Housing and Regeneration Act 2008, the Regulator of Social Housing will exercise the functions give it under that Act.

The amendments and repeals in this Order are subject to transitional and saving provisions, the main purposes of which are to ensure that—

- (a) anything done before the commencement date by the Regulator of Social Housing in exercise of functions transferred to it from the Housing Corporation (under the Housing and Regeneration Act 2008 (Transfer of Housing Corporation Functions) Order 2008 (No. 2839)) remains valid and where appropriate is treated as done under the equivalent provision in Part 2 of the 2008 Act,
- (b) anything in the process of being done by the Regulator of Social Housing on the commencement date under the existing functions may be continued, and
- (c) anything done by English registered social landlords before the commencement date remains valid.

An impact assessment has been prepared in respect of the Housing and Regeneration Act 2008. It has been deposited in the Library of each House of Parliament and is available from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DR or email tsasponsorsteam@communities.gsi.gov.uk.