

SCHEDULES

SCHEDULE 7

Section 82.

POWERS EXERCISABLE WHERE LOAN OUTSTANDING UNDER SECTION 2 OF THE HOUSING ACT 1964

Modifications etc. (not altering text)

- C1** Sch. 7: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))
- C2** Sch. 7 modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

Introductory

- [^{F1}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.]

Textual Amendments

- F1** Sch. 7 para. 1 substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 57(2)** (with art. 6, Sch. 3)

Directions as to disposal of land securing loan

- 2 (1) The [^{F2}Regulator of Social Housing] may ^{F3}... give the association directions with respect to the disposal of land belonging to the association in which the [^{F2}Regulator of Social Housing] has an interest as mortgagee under a mortgage, or as creditor in a heritable security, entered into by the association to secure the loan.
- (2) Directions so given may be varied or revoked by subsequent directions ^{F4}... .
- [^{F5}3) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the [^{F6}Regulator of Social Housing].]

Changes to legislation: There are currently no known outstanding effects for the
Housing Associations Act 1985, SCHEDULE 7. (See end of Document for details)

Textual Amendments

- F2** Words in Sch. 7 para. 2(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 57(3)** (with art. 6, Sch. 3)
- F3** Words in Sch. 7 para. 2(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 53(2)(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F4** Words in Sch. 7 para. 2(2) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 53(2)(b), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F5** Sch. 7 para. 2(3) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 53(2)(c)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F6** Words in Sch. 7 para. 2(3) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 57(4)** (with art. 6, Sch. 3)

3 Where the [^{F7}Regulator of Social Housing] proposes to give a housing association directions under paragraph 2 requiring the association to transfer to the [^{F7}Regulator of Social Housing] the association’s interest in any land, the Secretary of State shall not consent to the giving of the directions unless he at the same time approves, or has previously approved, a scheme under paragraph 5 with respect to that land ^{F8}....

Textual Amendments

- F7** Words in Sch. 7 para. 3 substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 57(5)(a)** (with art. 6, Sch. 3)
- F8** Words in Sch. 7 para. 3 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 57(5)(b), **Sch. 4** (with art. 6, Sch. 3)

4 [^{F9}(1)] Where the [^{F10}Regulator of Social Housing] proposes to give directions under paragraph 2 to an association whose rules restrict membership to persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a dwelling provided or managed by the association requiring the association to transfer its interest in any such land to the [^{F10}Regulator of Social Housing], or to any other person, the Secretary of State shall not consent to the giving of the directions unless he is satisfied that arrangements have been made which, if the directions are given, will secure that the members of the association receive fair treatment in connection with the transfer.

^{F11}(2)

Textual Amendments

- F9** Sch. 7 para. 4 renumbered as Sch. 7 para. 4(1) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 53(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F10** Words in Sch. 7 para. 4 substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 57(6)(a)** (with art. 6, Sch. 3)
- F11** Sch. 7 para. 4(2) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 57(6)(b), **Sch. 4** (with art. 6, Sch. 3)

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, SCHEDULE 7. (See end of Document for details)

Schemes for Corporation to provide housing accommodation in place of association

- 5 (1) If it appears to the [^{F12}Regulator of Social Housing]—
 - (a) that the association is experiencing difficulty in providing housing accommodation on any land which it has acquired or in managing housing accommodation provided by it on any land, or is in any way failing to perform its functions as a housing association in relation to any land, and that accordingly it is undesirable for the land in question to remain in the hands of the association,
 - (b) that there is no other housing association, whether in existence or about to be formed, to which the association’s interest in the land in question can suitably be transferred, and
 - (c) that the land is capable of being, or continuing to be, used to provide housing accommodation for letting,
 the [^{F12}Regulator of Social Housing] may prepare and submit to the Secretary of State a scheme.

^{F13}(1A)

- (2) The scheme shall be for the [^{F14}Regulator of Social Housing]—
 - (a) to acquire the association’s interest in the land,
 - (b) to undertake all such operations as may be required for the provision or continued provision on the land of housing accommodation for letting (including any operation which might have been carried out by a housing association in connection with the provision of housing accommodation), and
 - (c) to retain the accommodation and keep it available for letting so long as the scheme has not been terminated in any manner provided for in the scheme.
- (3) Where such a scheme is submitted to the Secretary of State by the [^{F15}Regulator of Social Housing], the Secretary of State, on being satisfied of—
 - (a) the undesirability of the land remaining in the hands of the association, and
 - (b) the lack of any housing association to which it can suitably be transferred,
 may, if he thinks fit, approve the scheme.
- (4) If he does so the [^{F16}Regulator of Social Housing] shall have power to acquire for the purposes of the scheme the association’s interest in the land and to carry through the provisions of the scheme.
- (5) A scheme approved by the Secretary of State under this paragraph may be varied from time to time in accordance with proposals in that behalf made by the [^{F17}Regulator of Social Housing] and approved by the Secretary of State.

^{F18}(6)

Textual Amendments

F12 Words in Sch. 7 para. 5(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 57(7)(a)** (with art. 6, Sch. 3)

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, SCHEDULE 7. (See end of Document for details)

- F13** Sch. 7 para. 5(1A) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 57(7)(b), **Sch. 4** (with art. 6, Sch. 3)
- F14** Words in Sch. 7 para. 5(2) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(c)** (with art. 6, Sch. 3)
- F15** Words in Sch. 7 para. 5(3) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(d)** (with art. 6, Sch. 3)
- F16** Words in Sch. 7 para. 5(4) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(d)** (with art. 6, Sch. 3)
- F17** Words in Sch. 7 para. 5(5) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 57(7)(d)** (with art. 6, Sch. 3)
- F18** Sch. 7 para. 5(6) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 57(7)(e), **Sch. 4** (with art. 6, Sch. 3)

Changes to legislation:

There are currently no known outstanding effects for the Housing Associations Act 1985,
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