

## SCHEDULES

### SCHEDULE 3

Section 4.

#### SCOTTISH HOMES: AMENDMENTS OF HOUSING ASSOCIATIONS ACT 1985

- 1 (1) For subsection (1) of section 3 there shall be substituted the following subsections—
- “(1) A register of housing associations shall be maintained by each of the following, namely—
- (a) the Housing Corporation; and
  - (b) Scottish Homes,
- (in this Part referred to as registration authorities) and shall be open to inspection at their head office at all reasonable times.
- (1A) In this Part—
- “the register”—
- (a) in relation to a registration authority, means the register maintained under this section by that authority;
  - (b) in relation to a housing association which is registered or eligible for registration in a register maintained under this section, means that register;
- “the registration authority”, in relation to a housing association which is registered or eligible for registration in a register maintained under this section, means the registration authority by whom that register is maintained.”
- (2) In subsection (2) of that section for the words “the register of housing associations” there shall be substituted the words “a register”.
- 2 For subsection (1) of section 4 there shall be substituted the following subsections—
- “(1) A housing association is eligible for registration in the register maintained by the Housing Corporation if it is either a registered charity or a society registered under the 1965 Act which—
- (a) has its registered office for the purposes of that Act in England and Wales; and
  - (b) fulfils the conditions in subsection (2).
- (1A) A housing association is eligible for registration in the register maintained by Scottish Homes if it is a society registered under the 1965 Act which—
- (a) has its registered office for the purposes of that Act in Scotland; and
  - (b) fulfils the conditions in subsection (2).”
- 3 (1) In subsection (1) of section 5—
- (a) for the words “The Housing Corporation” there shall be substituted the words “A registration authority”;
  - (b) after the word “registration”, in both places where it occurs, there shall be inserted the words “in the register,”;

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*Status: This is the original version (as it was originally enacted).*

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- (c) for the words “the Corporation”, in both places they occur, there shall be substituted the words “the authority”.
- (2) For subsection (2) of that section there shall be substituted the following subsection—
- “(2) Nothing in subsection (1) shall require the registration authorities to establish the same criteria; and a registration authority may vary any criteria established by them under that subsection.”.
- (3) In subsection (3) of that section for the words “the Corporation” there shall be substituted the words “a registration authority”.
- (4) For subsection (4) of that section there shall be substituted the following subsection—
- “(4) Where at any time a body is, or was, on a register maintained under section 3, then, for all purposes other than rectification of that register, the body shall be conclusively presumed to be, or to have been, at that time a housing association eligible for registration in that register.”.
- 4 (1) In subsection (2) of section 6 for the words “the Housing Corporation” there shall be substituted the words “a registration authority” and for the words “the Corporation” there shall be substituted the words “the authority”.
- (2) In subsections (3) to (5) of that section for the words “the Corporation” there shall be substituted—
- (a) in the first place where they occur in each subsection, the words “the registration authority”;
- (b) in each other place where they occur, the words “the authority”.
- (3) In subsection (4) of that section, after paragraph (a) there shall be inserted the following paragraph—
- “(aa) a grant or a loan under section 2(2) of the Housing (Scotland) Act 1988;”.
- 5 (1) In subsection (1) of section 7 for the words from “a decision” to the end there shall be substituted the words “a decision to remove it from a register maintained under section 3 may appeal against that decision—
- (a) where it is a decision of the Housing Corporation, to the High Court;
- (b) where it is a decision of Scottish Homes, to the Court of Session.”.
- (2) In subsections (2) and (3) of that section for the words “the Corporation” there shall be substituted the words “the authority”.
- 6 (1) In subsection (1) of section 9 for the words “the Housing Corporation, by order under the seal of the Corporation” there shall be substituted the words “the relevant authority”.
- (2) In subsections (2) and (3) of that section for the words “the Corporation”, in each place where they occur, there shall be substituted the words “the relevant authority”.
- (3) For subsection (5) of that section there shall be substituted the following subsection—
- “(5) For the purposes of this section—

“disposition” means sale, lease, mortgage, charge or any other disposal;

“the relevant authority”—

- (a) in relation to a disposition of land by a registered housing association, means the registration authority;
- (b) in relation to a disposition of grant-aided land in England and Wales by an unregistered housing association, means the Housing Corporation;
- (c) in relation to a disposition of grant-aided land in Scotland by an unregistered housing association, means Scottish Homes;

and the references in this section to the relevant authority’s consent are, in the case of the Housing Corporation, references to an order under its seal giving its consent and, in the case of Scottish Homes, references to its consent in writing.”.

7 In section 10(1) for the words from “the Charity Commissioners”, in the second place where they occur, to the end there shall be substituted the words “but before making an order in such a case, the Charity Commissioners shall—

- (a) where the land proposed to be disposed of is in England and Wales, consult the Housing Corporation;
- (b) where that land is in Scotland, consult Scottish Homes;”.

8 In section 13(3) for the words “the Housing Corporation” there shall be substituted the words “the registration authority”.

9 (1) In subsection (1) of section 14 for the words “the Corporation” there shall be substituted the words “the registration authority”.

(2) In subsection (2) of that section for the words “the Corporation” there shall be substituted the words “the registration authority”.

10 In section 15—

(a) in subsection (2) at the end there shall be added the following paragraph—

“(f) in the case of housing associations registered in the register maintained by Scottish Homes, payments made or benefits granted by such an association with the approval of Scottish Homes (which approval may be given only in relation to a class or classes of case).”;

(b) in subsection (3) for the words “the Housing Corporation” there shall be substituted the words “the registration authority”.

11 In section 15A—

(a) in subsection (3), for the words from “is”, where second occurring, onward there shall be substituted the words—

“(a) was, prior to the specified date, designated as such by the Housing Corporation ; or

(b) is, on or after that date, designated as such by Scottish Homes;”;

and, in this subsection, “specified date” has the same meaning as in section 3 of the Housing (Scotland) Act 1988; and

(b) in subsection (4)—

(i) for the words “The Housing Corporation” there shall be substituted the words “Scottish Homes”; and

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- (ii) in paragraph (b) after the word “designation” there shall be inserted the words “(including a designation made by the Housing Corporation under subsection (3) above as originally enacted)”.
- 12 (1) In subsection (1) of section 16 for the words “The Housing Corporation” there shall be substituted the words “The registration authority”.
- (2) In subsections (2) and (3) of that section for the words “the Corporation” there shall be substituted the words “the registration authority”.
- (3) In subsection (4) of that section for the words from “the order” to the end there shall be substituted the words “the order—
- (a) where it is an order of the Housing Corporation, to the High Court;
- (b) where it is an order of Scottish Homes, to the Court of Session.”.
- 13 In section 17 for the words “The Housing Corporation” there shall be substituted the words “The registration authority” and for the words “the Corporation”, in each place where they occur, there shall be substituted the words “the authority”.
- 14 (1) In subsection (2) of section 19 for the words “the Housing Corporation” there shall be substituted the words “the registration authority”.
- (2) In subsection (3) of that section for the words “the Corporation’s consent, given by order under the seal of the Corporation” there shall be substituted the words “the registration authority’s consent”.
- (3) After subsection (3) of that section there shall be inserted the following subsection—
- “(3A) The reference in subsection (3) to the registration authority’s consent is, in the case of the Housing Corporation, a reference to an order under its seal giving its consent and, in the case of Scottish Homes, a reference to its consent in writing.”.
- 15 (1) In subsections (2) and (5) of section 21 for the words “the Housing Corporation’s consent” and “the Corporation’s consent” there shall be substituted the words “the registration authority’s consent”.
- (2) In subsection (4) of that section for the words “the Corporation” there shall be substituted the words “the registration authority”.
- (3) For subsection (6) of that section there shall be substituted the following subsection—
- “(6) The references in this section to the registration authority’s consent are, in the case of the Housing Corporation, references to an order under its seal giving its consent and, in the case of Scottish Homes, references to its consent in writing.”.
- 16 In section 22(1) for the words “The Housing Corporation” there shall be substituted the words “The registration authority”.
- 17 (1) In subsection (1) of section 23 for the words “the Housing Corporation” there shall be substituted the words “the registration authority” and for the words “the Corporation” there shall be substituted the words “the authority”.
- (2) In subsections (2) to (5) of that section for the words “the Corporation” there shall be substituted—

- (a) in the first place where they occur in each subsection, the words “the registration authority”;
  - (b) in each other place where they occur, the words “the authority”.
- 18 In sections 24(4) and 27(2) for the words “the Housing Corporation” there shall be substituted the words “the registration authority”.
- 19 (1) In subsection (1) of section 28 for the words “The Housing Corporation” there shall be substituted the words “The registration authority” and for the words “the Corporation’s staff” there shall be substituted the words “the authority’s staff”.
  - (2) In subsection (4) of that section for the words “the Corporation”, in both places where they occur, there shall be substituted the words “the authority”.
- 20 In section 29 for the words “the Housing Corporation” there shall be substituted the words “the registration authority” and for the words “the Corporation”, in each place where they occur, there shall be substituted the words “the authority”.
- 21 (1) In subsection (1) of section 30 for the words “the Housing Corporation” there shall be substituted the words “the registration authority” and for the words “the Corporation”, in both places where they occur, there shall be substituted the words “the authority”.
  - (2) In subsections (2), (3) and (5) of that section for the words “the Corporation” there shall be substituted the words “the authority”.
  - (3) In subsection (4) of that section for the words from “the order” to the end there shall be substituted the words “the order—
    - (a) where it is an order of the Housing Corporation, to the High Court;
    - (b) where it is an order of Scottish Homes, to the Court of Session.”.
- 22 (1) In subsections (1) and (2) of section 32 for the words “the Housing Corporation” there shall be substituted the words “the registration authority” and for the words “the Corporation” there shall be substituted the words “the authority”.
  - (2) In subsections (3) and (5) of that section for the words “the Corporation” there shall be substituted—
    - (a) in the first place where they occur in each subsection, the words “the registration authority”;
    - (b) in each other place where they occur, the words “the authority”.
- 23 In section 40, in the entry relating to “register” and related expressions after the word “registration” there shall be inserted the words “registration authority” and for the words “section 3(2)” there shall be substituted the words “section 3”.
- 24 In paragraph 1 of Schedule 2 for the words “the Housing Corporation” there shall be substituted the words “the registration authority”.