

## SCHEDULES

### SCHEDULE 9

Section 76.

#### ORDERS VESTING LAND IN HOUSING ACTION TRUSTS

##### PART I

###### PROVISIONS SUPPLEMENTING SECTION 76(1) TO (3)

- 1 In this Part of this Schedule “the principal section” means section 76 of this Act.
- 2 (1) In the principal section and paragraph 3 below, “statutory undertakers” and “statutory undertaking” shall be construed in accordance with paragraph 4 below.
- (2) In the principal section and the following provisions of this Part of this Schedule, “wholly-owned subsidiary” has the meaning given by section 736 of the Companies Act 1985.
- 3 (1) In subsection (3) of the principal section the reference to the Secretary of State and the appropriate Minister—
- (a) in relation to statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of the Town and Country Planning Act 1971, shall be construed as if contained in that Part; and
  - (b) in relation to any other statutory undertakers shall be construed in accordance with an order made by the Secretary of State.
- (2) If, for the purposes of subsection (3) of the principal section, any question arises to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
- 4 In the principal section and, except where the context otherwise requires, in paragraph 3 above “statutory undertakers” means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, hydraulic power or water;
  - (b) British Shipbuilders, the British Steel Corporation, the Civil Aviation Authority, the British Coal Corporation, the National Enterprise Board, the Post Office and any other authority, body or undertakers which, by virtue of any enactment, are to be treated as statutory undertakers for any of the purposes of the Town and Country Planning Act 1971;
  - (c) any other authority, body or undertakers specified in an order made by the Secretary of State; and
  - (d) any wholly-owned subsidiary of any person, authority, body or undertakers mentioned in sub-paragraphs (a) and (b) above or specified in an order made under sub-paragraph (c) above;
- and “statutory undertaking” shall be construed accordingly.

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

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- 5 An order under any provision of this Part of this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## PART II

### MODIFICATIONS OF ENACTMENTS

#### *Land Compensation Act 1961*

- 6 The Land Compensation Act 1961 shall have effect in relation to orders under section 76 of this Act subject to the modifications in paragraphs 7 to 11 below.
- 7 References to the date of service of a notice to treat shall be treated as references to the date on which an order under section 76 of this Act comes into force.
- 8 Section 17(2) shall be treated as if for the words “the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority” there were substituted the words “an order under section 76 of the Housing Act 1988 vesting the land in which the interest subsists in a housing action trust has come into force, or an agreement has been made for the sale of the interest to such a trust”.
- 9 In section 22—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “or
  - (cc) where an order has been made under section 76 of the Housing Act 1988 vesting the land in which the interest subsists in a housing action trust”; and
  - (b) subsection (3) shall be treated as if, in paragraph (a), after the words “paragraph (b)” there were inserted “or paragraph (cc)”.
- 10 Any reference to a notice to treat in section 39(2) shall be treated as a reference to an order under section 76 of this Act.
- 11 In Schedule 2, paragraph 1(2) shall be treated as if at the end there were added the following paragraph—
- “(k) an acquisition by means of an order under section 76 of the Housing Act 1988 vesting land in a housing action trust.”

#### *Compulsory Purchase (Vesting Declarations) Act 1981*

- 12 (1) In Schedule 2 to the Compulsory Purchase (Vesting Declarations) Act 1981 (vesting of and in urban development corporation), in paragraph 1 after the word “declaration)” there shall be inserted “or under section 76 of the Housing Act 1988 (subsection (5) of which contains similar provision)”.
- (2) At the end of sub-paragraph (a) of paragraph 3 of that Schedule there shall be added “or, as the case may be, the housing action trust”.