



# Housing and Regeneration Act 2008

## CHAPTER 17

### HOUSING AND REGENERATION ACT 2008

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- 7 Procedure and members' interests
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- 9 (1) A member of the HCA who is directly or...
- 10 Delegation
- 11 Reports, accounts etc.
- 12 (1) The HCA must keep proper accounts and proper records...
- 13 (1) The HCA must provide the Secretary of State with...
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- 15 The HCA is not to be regarded—
- 16 The HCA is a public body for the purposes of...
- 17 The Secretary of State (instead of the HCA) may—

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- 2 (1) Schedule 3 to the Act of 1981 applies to...
- 3 Extinguishment of private rights of way etc.
- 4 The HCA may give a direction before the completion of...
- 5 Paragraph 3(2) is subject to any agreement which may be...
- 6 (1) Paragraph 3(2) does not apply to—
- 7 (1) Any person who suffers loss by the extinguishment of...
- 8 New rights: Compulsory Purchase Act 1965 (c. 56)
- 9 New rights: specific adaptations of 1965 Act
- 10 Section 7 (measure of compensation) of the Act of 1965...
- 11 Section 8 of the Act of 1965 (which relates to...

- 12 (1) The provisions of the Act of 1965 mentioned in...
- 13 (1) Section 11 of the Act of 1965 (powers of...
- 14 Section 20 of the Act of 1965 (compensation for short-term...
- 15 Section 22 of the Act of 1965 (protection of acquiring...
- 16 New rights: compensation
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- 17 (1) The provisions of Part 1 of the Compulsory Purchase...

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- 3 Powers of Secretary of State to extinguish public rights of way by order
- 4 Notification of proposal to make order
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- 7 Duty to give opportunity to appear
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- 9 Power to curtail decision-making process
- 10 Power to hold public local inquiry
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  - 13 (1) The operator of the network may abandon the electronic...
  - 14 (1) The operator of the network may recover from the...
  - 15 Electronic communications apparatus, or any part of it, abandoned by...
- 16 Orders relating to electronic communications apparatus: notice requirements
- 17 Supplementary: Part 2
- 18 In this Part of this Schedule, in relation to an...
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- 21 Other land connected to religious worship
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- 4 Opposed notices and Ministerial orders
- 5 (1) Before making an order under paragraph 4(3), the Secretary...
- 6 (1) This paragraph applies if an order is made under...
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- 17 Ministerial order following representations by the HCA
- 18 Examples of contents of orders
- 19 Notification of proposal to make order
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- 21 Duty to consider objections
- 22 (1) The Secretary of State and the appropriate Minister must,...
- 23 Duty to give opportunity to appear
- 24 Power to treat objection as irrelevant
- 25 Power to curtail decision-making process
- 26 Power to hold public local inquiry
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- 30 Duty to consider objections
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- 34 Power to curtail decision-making process
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- 1 The New Towns Act 1981 (c. 64) is amended as...
- 2 For the heading to Part 2 substitute “Transfers from and...
- 3 For the italic heading before section 35 substitute “Functions of...
- 4 Omit section 35 (establishment of Commission for the New Towns)...
- 5 (1) Section 36 (functions of Commission) is amended as follows....
- 6 Omit sections 37 (restrictions on functions of Commission) and 38...
- 7 (1) Section 39 (power of development corporations to transfer undertakings)...
- 8 (1) Section 41 (transfer of property to Commission and dissolution...
- 9 After section 41 insert— Part 2: interpretation In this Part— “the appropriate national authority”— in relation to...
- 10 (1) Section 58 (advances to development corporations and Commission) is...

- 11 (1) Section 58A (grants to development corporations and Commission)  
is...
- 12 (1) Section 59 (other borrowing powers of development corporations  
and...
- 13 (1) Section 60 (limit on borrowing by development corporations and...
- 14 (1) Section 61 (provisions supplemental to section 58) is amended...
- 15 (1) Section 62 (Treasury guarantees) is amended as follows.
- 16 Omit section 62B (power to suspend loan obligations of development...
- 17 (1) Section 63 (Secretary of State's general power) is amended...
- 18 (1) Section 65 (disposal of surplus funds) is amended as...
- 19 In section 66(1) (payments under sections 63 and 65 treated...
- 20 (1) Section 67 (accounts of Commission and development corporations)  
is...
- 21 (1) Section 68 (audit) is amended as follows.
- 22 (1) Section 69 (Secretary of State's accounts) is amended as...
- 23 (1) Section 70 (reports) is amended as follows.
- 24 (1) Section 71 (information) is amended as follows.
- 25 In section 72(1)(a) (application and exclusion of certain enactments:  
section...
- 26 In section 74(3) (local inquiries) for "sections 37, 40 and...
- 27 In section 77(3) (regulations and orders to be made by...
- 28 In section 80(1) (general interpretation provisions)— (a) omit the  
definition...
- 29 In section 82 (short title, extent and commencement)—
- 30 Omit Schedule 9 (additional provisions as to the Commission).
- 31 (1) Schedule 10 (additional provisions as to transfer to Commission...
- 32 (1) Schedule 11 (saving and transitional provisions) is amended as...

#### SCHEDULE 6 — Transfer schemes

- 1 Creation and apportionment of property, rights and liabilities etc.
- 2 (1) A scheme may provide for the transfer of property,...
- 3 A certificate by the Secretary of State that anything specified...
- 4 Employment contracts
- 5 (1) Rights and liabilities under a contract of employment are...
- 6 If (apart from the change of employer) a substantial detrimental...
- 7 Civil servants treated as employed under a contract of employment etc.
- 8 Compensation
- 9 Continuity
- 10 Anything which— (a) is done by the transferor for the...
- 11 There may be continued by or in relation to the...
- 12 (1) This paragraph applies to any document—
- 13 Supplementary etc. provision

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- 1 Overview
- 2 Key concepts
- 3 Other definitions
- 4 Corporation tax: continuity of trade
- 5 Corporation tax: capital allowances
- 6 The following transfers shall be treated as giving rise to...
- 7 Corporation tax: capital gains
- 8 A transfer shall be disregarded for the purposes of section...
- 9 At the end of section 35(3)(d) of TCGA (re-basing to...

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

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- 10 Corporation tax: intangible assets
- 11 Corporation tax: loan relationships
- 12 Stamp duty

SCHEDULE 8 — Amendments of enactments: Part 1

- 1 Public Records Act 1958 (c. 51)
- 2 Land Compensation Act 1961 (c. 33)
- 3 Public Health Act 1961 (c. 64)
- 4 Parliamentary Commissioner Act 1967 (c. 13)
- 5 Leasehold Reform Act 1967 (c. 88)
- 6 In section 28(5)(b) (retention or resumption of land required for...
- 7 (1) Section 29 (reservation of future right to develop) is...
- 8 In section 30(7)(a) (reservation of right of pre-emption in new...
- 9 In section 33 (Crown land) after subsection (2) insert—
- 10 In section 37(1) (interpretation of Part 1) after paragraph (b)...
- 11 (1) Schedule 4 (re-acquisition for development) is amended as follows....
- 12 In paragraph 2(2)(c) of Schedule 4A (exclusion of certain shared...
- 13 National Loans Act 1968 (c. 13)
- 14 Local Government Act 1972 (c. 70)
- 15 (1) Section 100J (application of Part 5A of the Act...
- 16 In section 100K (interpretation and application of Part 5A) in...
- 17 Land Compensation Act 1973 (c. 26)
- 18 Local Government Act 1974 (c. 7)
- 19 House of Commons Disqualification Act 1975 (c. 24)
- 20 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 21 Race Relations Act 1976 (c. 74)
- 22 Rent (Agriculture) Act 1976 (c. 80)
- 23 Rent Act 1977 (c. 42)
- 24 Protection from Eviction Act 1977 (c. 43)
- 25 Local Government, Planning and Land Act 1980 (c. 65)
- 26 In section 4(4) (power to direct bodies to publish information)...
- 27 In section 93 (public bodies to whom Part 10 applies)...
- 28 In section 99(4)(e) (directions to dispose of land: supplementary) omit...
- 29 In section 165A(2) (transfer by order of property etc. of...
- 30 In section 165B(2) (transfer by order of property etc. of...
- 31 In Schedule 16 (bodies to whom Part 10 applies) omit...
- 32 Highways Act 1980 (c. 66)
- 33 Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)
- 34 Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
- 35 Housing Act 1985 (c. 68)
- 36 Landlord and Tenant Act 1985 (c. 70)
- 37 Landlord and Tenant Act 1987 (c. 31)
- 38 In section 21(3)(a) (tenant's right to apply to tribunal for...
- 39 In section 29(7)(a) (conditions for making acquisition orders)—
- 40 In section 58(1) (exempt landlords and resident landlords)—
- 41 In section 60 (general interpretation) after subsection (1) insert—
- 42 Income and Corporation Taxes Act 1988 (c. 1)
- 43 Local Government Act 1988 (c. 9)
- 44 Housing Act 1988 (c. 50)
- 45 In the italic heading before section 50 omit “: functions...
- 46 Omit sections 50 (housing association grants) and 51 (revenue deficit...
- 47 (1) Section 52 (recovery etc. of grants) is amended as...



- 48 (1) Section 53 (determinations under Part 2) is amended as...
- 49 In section 54(2)(a) (tax relief grants) for “a registered social...
- 50 In section 59(1A) (interpretation of Part 2 etc.) for “50”...
- 51 Local Government and Housing Act 1989 (c. 42)
- 52 Town and Country Planning Act 1990 (c. 8)
- 53 Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 54 Planning (Hazardous Substances) Act 1990 (c. 10)
- 55 Water Industry Act 1991 (c. 56)
- 56 In section 41(2)(d)(i) (power to require the provision of a...
- 57 In section 97(5) (performance of sewerage undertaker’s functions by local...
- 58 In section 98 (power to require the provision of a...
- 59 In section 219(1) (general interpretation) after the definition of “navigation...
- 60 Water Resources Act 1991 (c. 57)
- 61 Social Security Administration Act 1992 (c. 5)
- 62 Taxation of Chargeable Gains Act 1992 (c. 12)
- 63 Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)
- 64 Finance Act 1996 (c. 8)
- 65 Housing Act 1996 (c. 52)
- 66 Regional Development Agencies Act 1998 (c. 45)
- 67 Omit section 36 (transfer of property etc. of Urban Regeneration...
- 68 Omit section 37 (powers in relation to the Urban Regeneration...
- 69 In section 38(10) (corporation tax)— (a) in the definition of...
- 70 In section 39(4)(b) (stamp duty) for “any of sections 34...
- 71 Omit Schedule 9 (the Urban Regeneration Agency: transfer schemes).
- 72 Greater London Authority Act 1999 (c. 29)
- 73 (1) Section 333A (the London housing strategy) is amended as...
- 74 In section 333D (duty to have regard to the London...
- 75 (1) Section 408 (transfers of property, rights or liabilities) is...
- 76 In section 409 (transfer schemes) omit subsection (5).
- 77 Freedom of Information Act 2000 (c. 36)
- 78 Finance Act 2003 (c. 14)
- 79 In section 71(4) (certain acquisitions by registered social landlord exempt...
- 80 (1) Schedule 9 (stamp duty land tax: right to buy,...
- 81 Planning and Compulsory Purchase Act 2004 (c. 5)
- 82 Finance Act 2004 (c. 12)
- 83 Local Government and Public Involvement in Health Act 2007 (c. 28)

SCHEDULE 9 — Amendments of enactments: Part 2

- 1 Public Records Act 1958 (c. 51)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 House of Commons Disqualification Act 1975 (c. 24)
- 4 Race Relations Act 1976 (c. 74)
- 5 Interpretation Act 1978 (c. 30)
- 6 Local Government, Planning and Land Act 1980 (c. 65)
- 7 Inheritance Tax Act 1984 (c. 51)
- 8 Housing Associations Act 1985 (c. 69)
- 9 (1) Section 9 (control by Corporation of disposals of land...
- 10 (1) Section 10 (dispositions excepted from section 9) is amended...
- 11 Income and Corporation Taxes Act 1988 (c. 1)

- 12 In section 376(4) (qualifying borrowers and qualifying lenders) for paragraph...
- 13 In section 488(7A) (co-operative housing associations)— (a) at the beginning...
- 14 In section 489(5A) (self-build societies) for “Housing Corporation” substitute “Regulator...”
- 15 In section 506B(9) (transactions with substantial donors: exceptions)—
- 16 Taxation of Chargeable Gains Act 1992 (c. 12)
- 17 (1) Section 218 (disposals of land between the Housing Corporation,...
- 18 (1) Section 219 (disposals by Housing Corporation, the Secretary of...
- 19 (1) Section 259 (gifts to housing associations) is amended as...
- 20 Audit Commission Act 1998 (c. 18)
- 21 For section 40 substitute— Studies relating to registered providers of...
- 22 Omit sections 41 to 41B (functions in relation to registered...
- 23 (1) Section 41C (advice and assistance for registered social landlords)...
- 24 Omit section 43 (meaning of “registered social landlord”).
- 25 In section 49(2A) (disclosure of information) for the words from...
- 26 In Schedule 1 (the Audit Commission) omit—
- 27 In paragraph 3 of Schedule 2A (interaction with other authorities)...
- 28 Freedom of Information Act 2000 (c. 36)
- 29 Finance Act 2003 (c. 14)
- 30 (1) Section 71 (certain acquisitions by registered social landlord exempt...
- 31 (1) Paragraph 2 of Schedule 3 (stamp duty land tax:...
- 32 (1) Schedule 9 (stamp duty land tax: right to buy,...
- 33 Finance Act 2004 (c. 12)
- 34 Income Tax Act 2007 (c. 3)

#### SCHEDULE 10 — Penalty charge notices

- 1 Contents of notice
- 2 The penalty charge specified in the notice shall be of...
- 3 (1) The period specified under paragraph 1(c) must not be...
- 4 Review and withdrawal of notice
- 5 The enforcement authority may give the recipient of a penalty...
- 6 Appeals
- 7 Recovery of penalty charge
- 8 In proceedings for the recovery of the penalty charge, a...
- 9 Repayments
- 10 Supplementary
- 11 (1) The appropriate national authority may by regulations make provision...

#### SCHEDULE 11 — Possession orders relating to certain tenancies

##### Part 1 — AMENDMENTS TO THE HOUSING ACTS OF 1985, 1988 AND 1996

- 1 Housing Act 1985 (c. 68)
- 2 (1) Section 82 (security of tenure: date on which secure...
- 3 (1) Section 85 (extended discretion of court in certain proceedings...
- 4 In Schedule 3 (grounds for withholding consent to assignment by...
- 5 Housing Act 1988 (c. 50)
- 6 (1) Section 5 (security of tenure) is amended as follows....
- 7 In section 7(7) (possession orders in cases of fixed term...
- 8 (1) Section 9 (extended discretion of court in possession claims)...
- 9 (1) Section 21 (recovery of possession on expiry or termination...

- 10 Housing Act 1996 (c. 52)
- 11 (1) Section 127 (introductory tenancies: proceedings for possession) is amended...
- 12 (1) Section 130 (introductory tenancies: effect of beginning proceedings for...
- 13 (1) Section 143D (demoted tenancies: proceedings for possession) is amended...
- 14 Transitional provisions
  - Part 2 — REPLACEMENT OF CERTAIN TERMINATED TENANCIES
- 15 Circumstances in which replacement tenancies arise
- 16 (1) A new tenancy of the dwelling-house which was let...
- 17 Nature of replacement tenancies
- 18 (1) The new tenancy is, subject as follows, to have...
- 19 (1) Any provision which is made by or under an...
- 20 Status of possession order and other court orders
- 21 Continuity of tenancies
- 22 Compliance with consultation requirements
- 23 Joint tenancies
- 24 Successor landlords
- 25 Supplementary
- 26 (1) In this Part of this Schedule— “appropriate national authority”...

SCHEDULE 12 — Service charges: provision of information and designated accounts

- 1 Landlord and Tenant Act 1985 (c. 70)
- 2 For section 21 (as substituted by section 152 of the...
- 3 (1) Section 21A (withholding of service charges) is amended as...
- 4 (1) Section 22 (as substituted by section 154 of the...
- 5 In section 23(1) (as substituted by paragraph 1 of Schedule...
- 6 In section 23A(4) (effect of change of landlord)—
- 7 In section 26(1) (exception: tenants of certain public authorities) for...
- 8 In section 27 (exception: rent registered and not entered as...
- 9 Omit section 28 (meaning of “qualified accountant”).
- 10 In section 39 (index of defined expressions) omit the entry...
- 11 Landlord and Tenant Act 1987 (c. 31)
- 12 (1) Section 42A (service charge contributions to be held in...
- 13 (1) Section 53 (regulations and orders) is amended as follows...
- 14 Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)
- 15 (1) Section 78 (management audits) is amended as follows.
- 16 In section 79(2)(a) (rights exercisable in connection with management audits)—...

SCHEDULE 13 — Demolition notices

- 1 Final demolition notices
- 2 (1) Paragraph 13 (final demolition notices) is amended as follows....
- 3 (1) Paragraph 15 (extension or revocation etc. of final demolition...
- 4 After paragraph 15 insert— (1) This paragraph applies if— (a) a final demolition notice...
- 5 In paragraph 16(1) (notices under paragraphs 13 and 15) for...
- 6 Initial demolition notices
- 7 In paragraph 1(4)(b) (initial demolition notices: maximum specified period to...
- 8 In paragraph 2(1) (period of validity of initial demolition notices)...

- 9 In paragraph 3(1) (revocation of initial demolition notices: application of...
- 10 After paragraph 3 insert— Transfer of initial demolition notices (1) This paragraph applies if— (a) an initial demolition notice...
- 11 (1) Paragraph 4 (restrictions on service of further notices) is...
- 12 In paragraph 5 (notices under Schedule 5A) for “or 15”...
- 13 In paragraph 6(1) (interpretation) after “Schedule” insert “(other than paragraph...”
- 14 Transitional provision

#### SCHEDULE 14 — Disposals of dwelling-houses by local authorities

- 1 Housing Act 1985 (c. 68)
- 2 Housing Act 1988 (c. 50)
- 3 Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)
- 4 Housing Act 1996 (c. 52)

#### SCHEDULE 15 — Ineligible persons from abroad: statutory disregards

##### Part 1 — ENGLAND AND WALES

- 1 Housing Act 1996 (c. 52)
- 2 (1) Section 167 (allocation in accordance with allocation scheme) is...
- 3 (1) Section 184 (inquiry into cases of homelessness or threatened...
- 4 (1) Section 185 (persons from abroad not eligible for certain...
- 5 (1) Section 193 (duty to persons with priority need who...
- 6 (1) Section 195 (duties in the case of threatened homelessness)...
- 7 (1) Section 202 (right to request review of decision) is...
- 8 In section 218 (index of defined expressions: Part 7) insert...

##### Part 2 — SCOTLAND AND NORTHERN IRELAND

- 9 Housing (Scotland) Act 1987 (c. 26)
- 10 (1) Section 20 (persons having priority on housing list and...
- 11 (1) Section 30 (notification of decision and reasons) is amended...
- 12 (1) Section 31 (duties to persons found to be homeless)...
- 13 (1) Section 32 (duties to persons found to be threatened...
- 14 (1) Section 34 (duties to persons whose applications are referred)...
- 15 In section 35A(2) (right to request review of decision) after...
- 16 In section 43 (minor definitions) at the appropriate places insert—...
- 17 Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23))
- 18 (1) Article 7A (persons not eligible for housing assistance) is...
- 19 (1) Article 9 (notification of decision and reasons) is amended...
- 20 (1) Article 10 (duties to persons found to be homeless)...
- 21 (1) Article 11 (duties to persons found to be threatened...
- 22 Immigration and Asylum Act 1999 (c. 33)

##### Part 3 — CONSEQUENTIAL AMENDMENTS

- 23 Criminal Justice and Immigration Act 2008 (c. 4)
- 24 Omit section 134(6) (support for designated persons: eligibility for certain...
- 25 Omit section 135(7) (power to amend or repeal section 134(6))....

#### SCHEDULE 16 — Repeals and revocations