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SCHEDULES

SCHEDULE 1

Section 1

THE HOMES AND COMMUNITIES AGENCY

Membership

1 (1) The HCA is to consist of such number of members (being not less than six) as the Secretary of State may from time to time appoint.

(2) The Secretary of State must appoint one of the members as the person with the function of chairing the HCA.

(3) In appointing a person to be a member, the Secretary of State—

(a) must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the exercise of the functions of the HCA, and

(b) must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person's functions as a member.

(4) The Secretary of State may require any person whom the Secretary of State proposes to appoint as a member to provide such information as the Secretary of State considers necessary for the purposes of sub-paragraph (3)(b).

F1(5) . . . . . .

Textual Amendments

F1 Sch. 1 para. 1(5) omitted (1.10.2018) by virtue of The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 37(a)** (with Pt. 4)

Commencement Information

I1 Sch. 1 para. 1 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Terms of appointment of members

2 (1) Subject as follows, a member of the HCA holds and vacates office in accordance with the member's terms of appointment.

(2) A member may resign by serving notice on the Secretary of State.

(3) A person ceases to have the function of chairing the HCA if the person—

(a) resigns from exercising that function by serving notice on the Secretary of State, or

(b) ceases to be a member.

(4) A person who—

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(a) ceases to be a member, or

(b) ceases to have the function of chairing the HCA,

is eligible for reappointment.

(5) The Secretary of State may remove a member who—

(a) has been absent from meetings of the HCA for a period of more than 6 months without the permission of the HCA,

(b) has become bankrupt or has made an arrangement with the member's creditors, or

(c) in the opinion of the Secretary of State, has failed to comply with the member's terms of appointment or is otherwise unable, unfit or unsuitable to exercise the member's functions as a member.

Commencement Information

I2 Sch. 1 para. 2 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Remuneration etc: members

3 (1) The HCA may pay to its members such remuneration and such allowances as the Secretary of State may decide.

(2) The HCA may—

(a) pay such pensions, allowances or gratuities as the Secretary of State may decide to or in respect of any member or former member, or

(b) pay such sums as the Secretary of State may decide towards the provision for the payment of pensions, allowances or gratuities to or in respect of any member or former member.

(3) Sub-paragraph (4) applies if—

(a) a person ceases to be a member of the HCA, and

(b) the Secretary of State considers that there are special circumstances which make it appropriate for the person to receive compensation.

(4) The Secretary of State may require the HCA to pay the person such amount as the Secretary of State may decide.

Commencement Information

I3 Sch. 1 para. 3 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Staff

4 (1) The HCA must appoint a person to be chief executive but may only appoint a person who has been approved by the Secretary of State.

(2) The chief executive is a member of staff of the HCA.

(3) The HCA may appoint such number of other staff as the Secretary of State may approve.

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(4) The staff's terms and conditions of service are to be decided by the HCA with the approval of the Secretary of State.

(5) The HCA may pay to its staff such remuneration and such allowances as it may, with the approval of the Secretary of State, decide.

(6) The HCA may—

(a) pay such pensions, allowances or gratuities to or in respect of any member of staff or former member of staff, or

(b) pay such sums towards the provision for the payment of pensions, allowances or gratuities to or in respect of any member of staff or former member of staff,

as it may, with the approval of the Secretary of State, decide.

Commencement Information

I4 Sch. 1 para. 4 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Financial provision

5 (1) The Secretary of State may make payments to the HCA by way of grant.

(2) Such payments may be made on such terms and conditions as the Secretary of State considers appropriate.

Commencement Information

I5 Sch. 1 para. 5 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Committees

6 (1) The HCA may establish one or more committees.

(2) A committee may establish one or more sub-committees.

(3) A member, or member of staff, of the HCA may be a member of a committee or sub-committee.

(4) Other persons may be members of committees or sub-committees but only with the approval, in each case, of the Secretary of State.

(5) No committee or sub-committee may consist exclusively of other persons.

(6) The members of a sub-committee of a committee may include persons who are not members of the committee.

(7) The HCA may pay such remuneration and such allowances as the Secretary of State may decide to any person who—

(a) is a member of a committee or sub-committee, but

(b) is neither a member nor member of staff of the HCA.

(8) The HCA may dissolve a committee or sub-committee.

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Commencement Information

I6 Sch. 1 para. 6 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Procedure and members' interests

7 (1) The HCA may, subject to any directions given by the Secretary of State, decide—

(a) its own procedure, and

(b) the procedure of any of its committees or sub-committees.

(2) Subject to this, a committee may decide the procedure of any of its sub-committees.

(3) Subject as above, a committee or sub-committee may decide its own procedure.

(4) In this paragraph "procedure" includes quorum.

Commencement Information

I7 Sch. 1 para. 7 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

8 The validity of proceedings of the HCA, or of any of its committees or sub-committees, is not affected by—

(a) any vacancy,

(b) any defective appointment, or

(c) any contravention of—

(i) directions given as mentioned in paragraph 7(1), or

(ii) paragraph 9.

Commencement Information

I8 Sch. 1 para. 8 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

9 (1) A member of the HCA who is directly or indirectly interested in any matter arising at a meeting of the HCA must disclose the nature of that interest to the meeting.

(2) A member of a committee or sub-committee of the HCA who is directly or indirectly interested in any matter arising at a meeting of the committee or sub-committee must disclose the nature of that interest to the meeting.

(3) In the case of a matter disclosed under this paragraph by a member of the HCA or of a committee or sub-committee, the member—

(a) must not take part in any deliberation or decision about the matter if it is a contract or agreement of any description, but

(b) may otherwise take part in any deliberation or decision about the matter unless at least one-third of the other members at the meeting decide that the interest disclosed might prejudicially affect the member's consideration of the matter.

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Commencement Information
I9 Sch. 1 para. 9 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Delegation

10 (1) The HCA may delegate any of its functions to any of its members, committees, sub-committees or staff.

(2) Any such committee may delegate any function conferred on it to any sub-committee of the committee or to any staff of the HCA.

(3) See also section 42 (agency arrangements of the HCA with urban development corporations).

Commencement Information
I10 Sch. 1 para. 10 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Reports, accounts etc.

11 (1) For each financial year, the HCA must—

(a) prepare an annual report on how it has exercised its functions during the year, and

(b) send a copy of the report to the Secretary of State within such period as the Secretary of State may direct.

(2) The Secretary of State must lay before Parliament a copy of each report received under sub-paragraph (1).

Commencement Information
I11 Sch. 1 para. 11 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

12 (1) The HCA must keep proper accounts and proper records in relation to the accounts.

(2) For each financial year, the HCA must—

(a) prepare a statement of accounts in respect of that financial year, and

(b) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State may direct.

(3) The statement must be in such form as the Secretary of State may direct.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on the statement, and

(b) send a copy of the certified statement and of the report to the Secretary of State as soon as possible.

(5) The Secretary of State must lay before Parliament a copy of each statement and report received under sub-paragraph (4).

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Commencement Information

I12 Sch. 1 para. 12 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

13 (1) The HCA must provide the Secretary of State with such information as the Secretary of State may require relating to the HCA's property or to the exercise or proposed exercise of its functions.

(2) The HCA must—

(a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of the HCA, and

(b) provide such explanation of them as that person or the Secretary of State may require.

Commencement Information

I13 Sch. 1 para. 13 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

Supplementary and transitional provisions

14 (1) The application of the seal of the HCA must be authenticated by the signature of—

(a) a member of the HCA who is authorised (generally or specifically) for that purpose, or

(b) a member of staff of the HCA who is so authorised.

(2) A document purporting to be duly executed under the seal of the HCA, or signed on its behalf, is to be received in evidence and, unless the contrary is proved, is to be treated as so executed or signed.

Commencement Information

I14 Sch. 1 para. 14 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

15 The HCA is not to be regarded—

(a) as a servant or agent of the Crown, or

(b) as enjoying any status, immunity or privilege of the Crown,

and its property is not to be regarded as property of, or held for or on behalf of, the Crown.

Commencement Information

I15 Sch. 1 para. 15 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

F2 16 . . . . . .

Textual Amendments

F2 Sch. 1 para. 16 repealed (1.7.2011) by Bribery Act 2010 (c. 23), s. 19(1), **Sch. 2** (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

17 The Secretary of State (instead of the HCA) may—

(a) appoint the first chief executive, and

(b) determine the terms and conditions of service as a member of staff of the HCA which are applicable to the first chief executive on appointment.

Commencement Information

I16 Sch. 1 para. 17 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(1)**

F3 18 . . . . . .

Textual Amendments

F3 Sch. 1 para. 18 omitted (1.10.2018) by virtue of The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 37(b)** (with Pt. 4)

SCHEDULE 2

Section 9(6)

ACQUISITION OF LAND

Modifications etc. (not altering text)

C1 Schs. 2-4 applied (with modifications) (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), 9(3), **Sch. 3 Pt. 2**

C2 Schs. 2-4 applied (with modifications) (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, 14(5), **Sch. 3** (with art. 28)

C3 Schs. 2-4 applied (with modifications (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 10(5), **Sch. 2 Pt. 2**

C4 Schs. 2-4 applied (with modifications) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **13(5)**, **Sch. 2 Pts. 1**, **2**

C5 Sch. 2 applied (with modifications) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 9(5), **Sch. 2 Pt. 2**

C6 Schs. 2-4 applied (with modifications) (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), 10(5), **Sch. 2 Pt. 2**

PART 1

COMPULSORY ACQUISITION OF LAND

Modifications etc. (not altering text)

C7 Sch. 2 Pt. 1 applied (with modifications) (15.1.2012) by Localism Act 2011 (c. 20), **ss. 207(7)**(8), 240(1)(l)

C8 Sch. 2 Pt. 1 applied (with modifications) by 1999 c. 29, s. 333ZA(6)(7) (as inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 187(3)**, 240(2); S.I. 2012/57, art. 4(1)(w) (with arts. 6,7, 9-11))

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Application of Acquisition of Land Act 1981 (c. 67)

1 (1) The Acquisition of Land Act 1981 applies to the compulsory acquisition of land under section 9 with the following modification.

(2) The reference in section 17(3) of that Act (local authority and statutory undertakers' land) to statutory undertakers includes a reference to the HCA.

Commencement Information
I17 Sch. 2 para. 1 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

2 (1) Schedule 3 to the Act of 1981 applies to the compulsory acquisition of new rights under section 9 with the following modification.

(2) The reference in paragraph 4(3) of that Schedule to statutory undertakers includes a reference to the HCA.

Commencement Information
I18 Sch. 2 para. 2 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

Extinguishment of private rights of way etc.

3 (1) Sub-paragraph (2) applies where the HCA completes the compulsory acquisition of land under this Part of this Act.

(2) On completion of the acquisition—

(a) all private rights of way on, under or over the land are extinguished,

(b) all rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land are extinguished, and

(c) any such apparatus vests in the HCA.

(3) Sub-paragraph (2) is subject to paragraphs 4 to 6.

Commencement Information
I19 Sch. 2 para. 3 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

4 The HCA may give a direction before the completion of the acquisition that paragraph 3(2) is not to apply to any right or apparatus specified in the direction.

Commencement Information
I20 Sch. 2 para. 4 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

5 Paragraph 3(2) is subject to any agreement which may be made (whether before or after the completion of the acquisition) between—

(a) the HCA, and

(b) the person—

(i) in whom the right or apparatus concerned is vested, or

(ii) to whom it belongs.

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Commencement Information

I21 Sch. 2 para. 5 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

6 (1) Paragraph 3(2) does not apply to—

(a) any right vested in statutory undertakers for the purpose of carrying on their undertaking,

(b) any apparatus belonging to statutory undertakers for that purpose,

(c) any right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network, or

(d) any electronic communications apparatus kept installed for the purposes of any such network.

(2) In sub-paragraph (1) "statutory undertakers" means persons who are, or are deemed to be, statutory undertakers for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990 (c. 8); and "statutory undertaking" is to be read in accordance with section 262 of that Act (meaning of "statutory undertakers").

Commencement Information

I22 Sch. 2 para. 6 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

7 (1) Any person who suffers loss by the extinguishment of a right, or the vesting of any apparatus, under paragraph 3 is entitled to compensation from the HCA.

(2) Any compensation payable under this paragraph is to be determined in accordance with the Land Compensation Act 1961 (c. 33).

Commencement Information

I23 Sch. 2 para. 7 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

New rights: Compulsory Purchase Act 1965 (c. 56)

8 (1) The Compulsory Purchase Act 1965 applies, with the necessary modifications, to the compulsory acquisition of new rights under section 9 as it applies to the compulsory purchase of land.

(2) One result is that, in appropriate contexts, references in that Act to land are to be read as referring, or as including references, to—

(a) the rights acquired or to be acquired, or

(b) land over which the rights are, or are to be, exercisable,

according to the requirements of the particular context.

Commencement Information

I24 Sch. 2 para. 8 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

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New rights: specific adaptations of 1965 Act

9 (1) Part 1 of the Act of 1965 applies to the compulsory acquisition of new rights under section 9 with the modifications specified in paragraphs 10 to 15.

(2) Sub-paragraph (1) is without prejudice to the generality of paragraph 8.

Commencement Information

I25 Sch. 2 para. 9 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

10 Section 7 (measure of compensation) of the Act of 1965 is to be read as if for that section there were substituted—

"**7** (1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is acquired is depreciated by the acquisition but also to the damage (if any) to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 (compensation for injurious affection) is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that—

(a) for "land is acquired or taken" there shall be substituted " a right over land is acquired "; and

(b) for "acquired or taken from him" there shall be substituted " over which the right is exercisable "."

Commencement Information

I26 Sch. 2 para. 10 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

[[F4]11 Section 8(1) of the Compulsory Purchase Act 1965 has effect as if references to acquiring land were to acquiring a right in the land, and Schedule 2A to that Act is to be read as if, for that Schedule, there were substituted—

"SCHEDULE
2A

COUNTER-NOTICE REQUIRING PURCHASE OF LAND

Introduction

1 (1) This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over the whole or part of a house, building or factory.

(2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).

2 In this Schedule "house" includes any park or garden belonging to a house.

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Counter-notice requiring purchase of land

3 A person who is able to sell the house, building or factory ("the owner") may serve a counter-notice requiring the authority to purchase the owner's interest in the house, building or factory.

4 A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5 On receiving a counter-notice the acquiring authority must decide whether to—

(a) withdraw the notice to treat,

(b) accept the counter-notice, or

(c) refer the counter-notice to the Upper Tribunal.

6 The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served ("the decision period").

7 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8 If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period.

9 If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the house, building or factory.

Determination by Upper Tribunal

10 On a referral under paragraph 7 the Upper Tribunal must determine whether the acquisition of the right would—

(a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or

(b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11 In making its determination, the Upper Tribunal must take into account—

(a) the effect of the acquisition of the right,

(b) the proposed use of the right, and

(c) if the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12 If the Upper Tribunal determines that the acquisition of the right would have either of the consequences described in paragraph 10 it must determine how much of the house, building or factory the authority ought to be required to take.

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13 If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14 (1) If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal."**]**

Textual Amendments

F4 Sch. 2 para. 11 substituted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 17 paras. 6, **7**; S.I. 2017/75, reg. 3(g) (with reg. 5)

12 (1) The provisions of the Act of 1965 mentioned in sub-paragraph (2) (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land) are to be read as if they were modified in accordance with sub-paragraph (3).

(2) The provisions are—

(a) section 9(4) (failure of owners to convey),

(b) paragraph 10(3) of Schedule 1 (owners under incapacity),

(c) paragraph 2(3) of Schedule 2 (absent and untraced owners), and

(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land).

(3) The provisions are to be read as if they were modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be acquired compulsorily is vested absolutely in the acquiring authority.

Commencement Information

I27 Sch. 2 para. 12 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

13 (1) Section 11 of the Act of 1965 (powers of entry) is to be read as if it were modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, the acquiring authority has power to enter for the purpose of exercising that right.

(2) For the purposes of sub-paragraph (1)—

(a) the power to enter is to be exercisable in the same circumstances, and subject to the same conditions, as already contained in that section, and

(b) the right is deemed to have been created on the date of service of the notice.

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(3) Sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act of 1965 are to be read as if modified correspondingly.

Commencement Information

I28 Sch. 2 para. 13 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

14 Section 20 of the Act of 1965 (compensation for short-term tenants) is to be read as if it were modified so as to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory purchase of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right concerned.

Commencement Information

I29 Sch. 2 para. 14 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

15 Section 22 of the Act of 1965 (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) is to be read as if it were modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right concerned, subject to compliance with that section as respects compensation.

Commencement Information

I30 Sch. 2 para. 15 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

New rights: compensation

16 (1) The enactments relating to compensation for the compulsory purchase of land apply, with the necessary modifications, in relation to the acquisition of new rights under section 9 as they apply to compensation for the compulsory purchase of land.

(2) Sub-paragraph (1) is without prejudice to the generality of paragraph 8.

Commencement Information

I31 Sch. 2 para. 16 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

PART 2

ACQUISITION BY AGREEMENT

17 (1) The provisions of Part 1 of the Compulsory Purchase Act 1965 (c. 56) (other than section 31) apply, so far as applicable, to the acquisition by the HCA of land by agreement.

(2) In that Part as so applied "land" has the same meaning as in this Part of this Act.

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Commencement Information

I32 Sch. 2 para. 17 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(d)** (with arts. 6-13)

SCHEDULE 3

Section 11

MAIN POWERS IN RELATION TO [F5LAND ACQUIRED BY THE HCA]

Textual Amendments

F5 Words in Sch. 3 title substituted (12.4.2015) by Infrastructure Act 2015 (c. 7), **ss. 32(3)**, 57(5)(e) (with s. 32(11)(12))

Modifications etc. (not altering text)

C9 Sch. 3 applied by 2011 c. 20, s. 208(1) (as substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 17**; S.I. 2016/733, reg. 3(m))

C10 Sch. 3 applied by 1999 c. 29, s. 333ZB(1) (as substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 12(2)**; S.I. 2016/733, reg. 3(m) (with reg. 10))

C11 Schs. 2-4 applied (with modifications) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **13(5)**, **Sch. 2 Pts. 1**, **2**

C12 Sch. 3 applied (with modifications) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 9(5), **Sch. 2 Pt. 2**

F6PART 1

POWERS TO OVERRIDE EASEMENTS ETC.

. . . . . .

Textual Amendments

F6 Sch. 3 Pt. 1 omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 19 para. 16**; S.I. 2016/733, reg. 3(m) (with reg. 10)

PART 2

POWERS TO EXTINGUISH PUBLIC RIGHTS OF WAY

Powers of Secretary of State to extinguish public rights of way by order

3 The Secretary of State may by order extinguish any public right of way over land of the HCA if the Secretary of State is satisfied that—

(a) an alternative right of way has been, or will be, provided, or

(b) the provision of an alternative right of way is not required.

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I33 Sch. 3 para. 3 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Notification of proposal to make order

4 (1) This paragraph applies if the Secretary of State is proposing to make an order under paragraph 3.

(2) The Secretary of State must—

(a) publish a notice stating—

(i) the effect of the order,

(ii) the time (not less than 28 days starting with the date of publication of the notice) within which objections to the proposal may be made, and

(iii) the manner in which objections to the proposal may be made, and

(b) serve a copy of the notice on—

(i) the local planning authority in whose area the land is situated, and

(ii) the relevant highway authority.

(3) In sub-paragraph (2) "the relevant highway authority" means any authority which is a highway authority in relation to the right of way which is proposed to be extinguished by the order.

(4) Publication under sub-paragraph (2) must be in such manner as the Secretary of State considers appropriate.

Commencement Information

I34 Sch. 3 para. 4 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Duty to consider objections

5 (1) The Secretary of State must proceed under paragraph 6 if—

(a) an objection to a proposal to make an order is properly made and not withdrawn, and

(b) the matter is not otherwise dealt with.

(2) For the purposes of sub-paragraph (1) an objection is properly made if (and only if)—

(a) it is made—

(i) within the time, and

(ii) in the manner,

stated in the notice under paragraph 4, and

(b) a written statement of the grounds of the objection is comprised in, or submitted with, the objection.

(3) For the purposes of sub-paragraph (1) the matter is otherwise dealt with if (and only if) the Secretary of State—

(a) decides, irrespective of the objection, not to make the order, or

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(b) decides to make a modification to the proposal which is agreed to by the objector as meeting the objection.

Commencement Information
I35 Sch. 3 para. 5 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

6 (1) The Secretary of State must, before making a final decision, consider the grounds of the objection as set out in the statement comprised in, or submitted with, the objection.

(2) The Secretary of State may require the objector to submit within a particular period a further written statement as to any of the matters to which the objection relates.

Commencement Information
I36 Sch. 3 para. 6 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Duty to give opportunity to appear

7 (1) The Secretary of State must, before making a final decision, give the objector an opportunity to appear before, and be heard by, a person appointed for the purpose by the Secretary of State.

(2) Sub-paragraph (3) applies if the objector takes advantage of this opportunity.

(3) The Secretary of State must give an opportunity of appearing and being heard on the same occasion as the objector to—

(a) the HCA, and

(b) any other persons whom the Secretary of State considers ought to be given the opportunity.

(4) Sub-paragraphs (1) to (3) do not apply so far as the Secretary of State has the power to proceed under paragraph 8 or 9.

Commencement Information
I37 Sch. 3 para. 7 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Power to treat objection as irrelevant

8 The Secretary of State may treat the objection as irrelevant for the purpose of making a final decision—

(a) if the Secretary of State has considered the grounds of the objection as set out in the original statement and in any further statement, and

(b) so far as the Secretary of State is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation.

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Commencement Information

I38 Sch. 3 para. 8 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Power to curtail decision-making process

9 The Secretary of State may make a final decision without further investigation as to the matters to which the objection relates if—

(a) the Secretary of State—

(i) has considered the grounds of the objection as set out in the original statement and in any further statement, and

(ii) is satisfied that, for the purpose of making a final decision, sufficient information is available as to the matters to which the objection relates, or

(b) a further statement has been required under paragraph 6(2) but is not submitted within the required period.

Commencement Information

I39 Sch. 3 para. 9 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Power to hold public local inquiry

10 (1) The Secretary of State must cause a public local inquiry to be held in relation to an objection to a proposal to make an order under paragraph 3 if the Secretary of State considers that the matters to which the objection relates are such as to require investigation by such an inquiry before the Secretary of State makes a final decision.

(2) The duty in sub-paragraph (1) is effective despite any other provisions of paragraphs 4 to 9.

(3) The other provisions of those paragraphs are to be ignored if no effect has been given to them when the Secretary of State decides to cause an inquiry to be held.

Commencement Information

I40 Sch. 3 para. 10 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Orders relating to electronic communications apparatus: removal or abandonment of apparatus

11 Paragraphs 12 and 13 apply if—

(a) an order under paragraph 3 extinguishing a public right of way is made, and

(b) at the time of the publication of the notice required by paragraph 4 any electronic communications apparatus was kept installed for the purposes of an electronic communications code network under, in, on, over, along or across the land over which the right of way subsisted.

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Commencement Information
I41 Sch. 3 para. 11 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

12 (1) The power of the operator of the network to remove the apparatus is exercisable, despite the order, at any time not later than the end of the period of 3 months beginning with the day on which the right of way is extinguished.

(2) The power of the operator of the network to remove the whole or any part of the apparatus is exercisable after the end of that period if, before the end of the period, the operator has served notice on the HCA of the operator's intention to remove the apparatus or (as the case may be) part.

Commencement Information
I42 Sch. 3 para. 12 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

13 (1) The operator of the network may abandon the electronic communications apparatus, or any part of it, by serving notice to that effect on the HCA not later than the end of the period of 3 months beginning with the day on which the right of way is extinguished.

(2) In the absence of such a notice, the operator of the network is to be treated at the end of the period of 3 months as having abandoned any part of the apparatus which, at that time, the operator has neither—

(a) removed, nor

(b) served notice of intention to remove.

Commencement Information
I43 Sch. 3 para. 13 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

14 (1) The operator of the network may recover from the HCA the expense of providing any substitute electronic communications apparatus in such other place as the operator may require.

(2) In sub-paragraph (1) "substitute electronic communications apparatus" means electronic communications apparatus in substitution for—

(a) the electronic communications apparatus removed or abandoned, and

(b) any other electronic communications apparatus connected with the removed or abandoned apparatus which is made useless in consequence of the removal or abandonment.

Commencement Information
I44 Sch. 3 para. 14 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

15 Electronic communications apparatus, or any part of it, abandoned by the operator of an electronic communications code network under paragraph 13—

(a) vests in the HCA, and

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(b) is deemed, with its abandonment, to cease to be kept installed for the purposes of an electronic communications code network.

Commencement Information
I45 Sch. 3 para. 15 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Orders relating to electronic communications apparatus: notice requirements

16 (1) The Secretary of State must serve notice on the operator of an electronic communications code network of the making of an order under paragraph 3 if the order extinguishes a public right of way in circumstances in which paragraphs 12 and 13 apply in relation to the operator.

(2) The notice must be served as soon as practicable after the making of the order.

Commencement Information
I46 Sch. 3 para. 16 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Supplementary: Part 2

17 The power of the Secretary of State to make orders under paragraph 3 includes power to—

(a) vary or revoke such orders, and

(b) make supplementary, incidental, consequential, transitional, transitory or saving provision.

Commencement Information
I47 Sch. 3 para. 17 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

18 In this Part of this Schedule, in relation to an order, any reference to making a final decision is a reference to deciding whether to make the order or what modification (if any) ought to be made.

Commencement Information
I48 Sch. 3 para. 18 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

PART 3

POWERS IN RELATION TO BURIAL GROUNDS AND CONSECRATED LAND ETC.

Burial grounds

19 (1) This paragraph applies in relation to any land of the HCA which consists in, or forms part of, a burial ground.

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(2) The HCA may use the land in any way which accords with planning permission despite—

(a) anything in any enactment relating to burial grounds, or

(b) any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.

(3) But sub-paragraph (2) does not apply in relation to any land which has been used for the burial of the dead until prescribed requirements about the removal and reinterment of human remains and the disposal of monuments have been complied with in relation to the land.

Modifications etc. (not altering text)

C13 Sch. 3 paras. 19, 20 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(i)**(2)(3)

C14 Sch. 3 paras. 19, 20 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(i)** (with art. 18(3)(b))

C15 Sch. 3 para. 19 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C16 Sch. 3 para. 19 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C17 Sch. 3 paras. 19, 20 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(i)**(2)-(4)

C18 Sch. 3 para. 19 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(i)(2)-(4)**

C19 Sch. 3 para. 19: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

C20 Sch. 3 paras. 19, 20: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

Commencement Information

I49 Sch. 3 para. 19 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Consecrated land other than burial grounds

20 (1) This paragraph applies in relation to any land of the HCA which—

(a) is consecrated land (whether or not including a building), and

(b) does not consist in, or form part of, a burial ground.

(2) The HCA or any other person may use the land in any way which accords with planning permission despite any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.

(3) But any such use of the land is subject to—

(a) prescribed requirements about the disposal of monuments, and

(b) prescribed provisions for prohibiting or restricting the use of the land while—

(i) any church or other building used, or formerly used, for religious worship remains on the land, or

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(ii) any part of any such church or other building remains on the land.

(4) Prohibitions or restrictions prescribed under sub-paragraph (3)(b) may be absolute or until a prescribed consent is obtained.

Modifications etc. (not altering text)

C13 Sch. 3 paras. 19, 20 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(i)**(2)(3)

C14 Sch. 3 paras. 19, 20 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(i)** (with art. 18(3)(b))

C17 Sch. 3 paras. 19, 20 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(i)**(2)-(4)

C20 Sch. 3 paras. 19, 20: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

C21 Sch. 3 para. 20 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C22 Sch. 3 para. 20 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C23 Sch. 3 para. 20 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(i)(2)-(4)**

C24 Sch. 3 para. 20: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

Commencement Information

I50 Sch. 3 para. 20 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Other land connected to religious worship

21 (1) This paragraph applies in relation to any land of the HCA which—

(a) is neither consecrated land nor land which consists in, or forms part of, a burial ground, and

(b) at the time of acquisition included—

(i) a church or other building used, or formerly used, for religious worship, or

(ii) the site of such a church or other building.

(2) Any use of the land is subject to prescribed requirements about the disposal of monuments.

Commencement Information

I51 Sch. 3 para. 21 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Regulations: general

22 (1) Regulations under this Part of this Schedule must secure that any use of land which is subject to compliance with the regulations is (so far as possible) subject to an appropriate level of control.

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(2) For the purposes of sub-paragraph (1) an appropriate level of control is the same control—

(a) as imposed by law in relation to a similar use authorised by an enactment not contained in this Part of this Act,

(b) as imposed by a Measure, or

(c) as it would be proper to impose on a disposal of the land concerned otherwise than in pursuance of an enactment or Measure.

(3) Regulations under this Part of this Schedule must impose such requirements in relation to the disposal of the land as the Secretary of State considers appropriate to secure that the requirements and other provisions in the regulations about the use of the land are complied with.

(4) Regulations made for the purposes of paragraphs 19 to 21 may, in particular, include incidental or consequential provision about the closing of registers.

Commencement Information

I52 Sch. 3 para. 22 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Regulations about human remains and monuments

23 (1) Regulations under this Part of this Schedule about the removal and reinterment of human remains and the disposal of monuments must require the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments.

(2) Regulations under this Part of this Schedule about the removal and reinterment of human remains and the disposal of monuments must make provision for—

(a) enabling the personal representatives or relatives of any deceased person themselves—

(i) to undertake the removal and reinterment of the remains of the deceased, and

(ii) the disposal of any monument commemorating the deceased, and

(b) requiring the persons in whom the land is vested to meet the expenses of such removal, reinterment and disposal provided that they are not more than such amount as may be prescribed.

(3) Regulations under this Part of this Schedule about the removal and reinterment of human remains and the disposal of monuments must require compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, in relation to—

(a) the manner of removal of any human remains,

(b) the place and manner of reinterment of any human remains, and

(c) the disposal of any monuments.

(4) Regulations under this Part of this Schedule about the removal and reinterment of human remains must require compliance with any directions given in any case by the Secretary of State in relation to the removal and reinterment of any human remains.

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Commencement Information
I53 Sch. 3 para. 23 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Disapplication of faculties

24 (1) No faculty is required for—

(a) the removal and reinterment of any human remains, or

(b) the removal or disposal of any monuments,

in accordance with regulations under this Part of this Schedule.

(2) Sub-paragraph (1) is subject to any provision to the contrary made by regulations under this Part of this Schedule.

Commencement Information
I54 Sch. 3 para. 24 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Disapplication of section 25 of the Burial Act 1857

25 Section 25 of the Burial Act 1857 (c. 81) (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) does not apply to a removal of human remains carried out in accordance with regulations under this Part of this Schedule.

Commencement Information
I55 Sch. 3 para. 25 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

Interpretation: Part 3

26 (1) In this Part of this Schedule—

"burial ground" includes any churchyard, cemetery or other ground (whether or not consecrated) which has at any time been set apart for the purposes of interment,

"monument" includes a tombstone or other memorial,

"prescribed" means prescribed by regulations made by the Secretary of State.

(2) Any power conferred by paragraph 19(2) or 20(2) to use land is to be read as a power to use the land, whether or not it involves—

(a) the erection, construction or carrying out of any building or work, or

(b) the maintenance of any building or work.

Commencement Information
I56 Sch. 3 para. 26 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(f)** (with arts. 6-13)

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SCHEDULE 4

Section 12

POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

Modifications etc. (not altering text)

C25 Sch. 4 applied (with modifications) (15.1.2012) by Localism Act 2011 (c. 20), **ss. 208(4)**(5), 240(1)(l)

C26 Sch. 4 applied (with modifications) by 1999 c. 29, s. 333ZB(3)(4) (as inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 187(3)**, 240(2); S.I. 2012/57, art. 4(1)(w) (with arts. 6, 7, 9-11))

C27 Schs. 2-4 applied (with modifications) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **13(5)**, **Sch. 2 Pts. 1**, **2**

C28 Sch. 4: transfer of functions (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **9(1)** (with art. 17)

C29 Sch. 4 applied (with modifications) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 9(5), **Sch. 2 Pt. 2**

PART 1

EXTINGUISHMENT OR REMOVAL POWERS FOR THE HCA

Notice for extinguishment of rights of undertakers or for removal of their apparatus

1 (1) Sub-paragraph (2) applies if—

(a) a protected right subsists over land of the HCA and is vested in, or belongs to, statutory undertakers for the purpose of carrying on their undertaking, or

(b) apparatus vested in, or belonging to, statutory undertakers for the purpose of carrying on their undertaking is on, under or over land of the HCA.

(2) The HCA may serve a notice on the statutory undertakers.

(3) The notice may, in the case of a protected right, state that, at the end of the relevant period, the right will be extinguished.

(4) The notice may, in the case of apparatus, require that, before the end of the relevant period, the apparatus must be removed.

(5) In this paragraph—

"protected right" means—

(a) a right of way on, under or over land, or

(b) a right of laying down, erecting, continuing or maintaining apparatus on, under or over land,

"relevant period" means—

(a) the period of 28 days beginning with the date of service of the notice, or

(b) any longer period beginning with that date and specified in the notice.

Modifications etc. (not altering text)

C30 Sch. 4 para. 1 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)

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C31 Sch. 4 paras. 1, 2 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))
C32 Sch. 4 para. 1 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**
C33 Sch. 4 para. 1 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)
C34 Sch. 4 para. 1 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)
C35 Sch. 4 paras. 1-4 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**
C36 Sch. 4 para. 1: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**
C37 Sch. 4 paras. 1-4: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

Commencement Information
I57 Sch. 4 para. 1 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Counter-notices

2 (1) Sub-paragraph (2) applies if the HCA serves a notice under paragraph 1 on statutory undertakers.

(2) The statutory undertakers may, before the end of the period of 28 days beginning with the date of the service of the notice, serve a counter-notice on the HCA.

(3) The counter-notice is a notice stating that the statutory undertakers object to all or any provisions of the notice under paragraph 1.

(4) The counter-notice must also specify the grounds of their objection.

Modifications etc. (not altering text)
C31 Sch. 4 paras. 1, 2 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))
C35 Sch. 4 paras. 1-4 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**
C37 Sch. 4 paras. 1-4: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**
C38 Sch. 4 para. 2 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)
C39 Sch. 4 para. 2 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**
C40 Sch. 4 para. 2 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)
C41 Sch. 4 para. 2 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)
C42 Sch. 4 para. 2: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

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Commencement Information

I58 Sch. 4 para. 2 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Effect of unopposed notice

3 (1) This paragraph applies if—

(a) a notice is served under paragraph 1, and

(b) no counter-notice is served under paragraph 2.

(2) Any right to which the notice under paragraph 1 relates is extinguished at the end of the period specified for that purpose in the notice.

(3) The HCA may—

(a) remove any apparatus, and

(b) dispose of it as it considers appropriate,

if any requirement of the notice under paragraph 1 as to the removal of the apparatus has not been complied with by the end of the period specified for that purpose in the notice.

Modifications etc. (not altering text)

C35 Sch. 4 paras. 1-4 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**

C37 Sch. 4 paras. 1-4: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

C43 Sch. 4 para. 3 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)

C44 Sch. 4 paras. 3, 4 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))

C45 Sch. 4 para. 3 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C46 Sch. 4 para. 3 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C47 Sch. 4 para. 3 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)

C48 Sch. 4 para. 3: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

Commencement Information

I59 Sch. 4 para. 3 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Opposed notices and Ministerial orders

4 (1) This paragraph applies if—

(a) a notice is served under paragraph 1, and

(b) a counter-notice is served under paragraph 2.

(2) The HCA may—

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(a) withdraw the notice served under paragraph 1, or

(b) apply to the Secretary of State and the appropriate Minister for an order under sub-paragraph (3).

(3) The Secretary of State and the appropriate Minister may make an order embodying, with or without modifications, the provisions of the notice.

(4) The fact that a notice has been withdrawn under sub-paragraph (2)(a) does not prejudice the service of a further notice.

Modifications etc. (not altering text)

C35 Sch. 4 paras. 1-4 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**

C37 Sch. 4 paras. 1-4: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

C44 Sch. 4 paras. 3, 4 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))

C49 Sch. 4 para. 4 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)

C50 Sch. 4 para. 4 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C51 Sch. 4 para. 4 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C52 Sch. 4 para. 4 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)

C53 Sch. 4 para. 4: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

Commencement Information

I60 Sch. 4 para. 4 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

5 (1) Before making an order under paragraph 4(3), the Secretary of State and the appropriate Minister must give the statutory undertakers on whom notice was served an opportunity to object to the application for the order.

(2) The Secretary of State and the appropriate Minister—

(a) must consider any objections made by virtue of sub-paragraph (1), and

(b) must give—

(i) the statutory undertakers who made the objections, and

(ii) the HCA,

an opportunity to appear before, and be heard by, a person appointed for this purpose by the Secretary of State and the appropriate Minister.

(3) The Secretary of State and the appropriate Minister may then—

(a) decide not to make an order, or

(b) proceed to make an order in accordance with the application (with or without modifications).

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Commencement Information

I61 Sch. 4 para. 5 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

6 (1) This paragraph applies if an order is made under paragraph 4(3).

(2) Any right to which the order relates is extinguished at the end of the period specified for that purpose in the order.

(3) The HCA may—

(a) remove any apparatus, and

(b) dispose of it as it considers appropriate,

if any requirement of the order as to the removal of the apparatus has not been complied with by the end of the period specified for that purpose in the order.

Modifications etc. (not altering text)

C54 Sch. 4 para. 6 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)

C55 Sch. 4 para. 6 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))

C56 Sch. 4 para. 6 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C57 Sch. 4 para. 6 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C58 Sch. 4 para. 6 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)

C59 Sch. 4 para. 6 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**

C60 Sch. 4 para. 6: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

C61 Sch. 4 para. 6: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

Commencement Information

I62 Sch. 4 para. 6 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Compensation

7 (1) Statutory undertakers are entitled to compensation from the HCA if—

(a) any right vested in, or belonging to, the statutory undertakers is extinguished, or

(b) any requirement is imposed on the statutory undertakers,

by virtue of this Part of this Schedule.

(2) Sections 280 and 282 of the Town and Country Planning Act 1990 (c. 8) (measure of compensation to statutory undertakers) apply to compensation under this paragraph as they apply to compensation under section 279(4) of that Act.

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Commencement Information

I63 Sch. 4 para. 7 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Electronic communications

8 (1) The reference in paragraph 1(1)(a) to a protected right vested in, or belonging to, statutory undertakers for the purpose of carrying on their undertaking includes a reference to a protected right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network.

(2) The reference in paragraph 1(1)(b) to apparatus vested in, or belonging to, statutory undertakers for the purpose of carrying on their undertaking includes a reference to electronic communications apparatus kept installed for the purposes of any such network.

(3) Sub-paragraphs (1) and (2) do not apply where paragraphs 12 and 13 of Part 2 of Schedule 3 apply (orders under paragraph 3 of that Schedule which relate to electronic communications apparatus).

(4) Where paragraph 1 has effect as mentioned in sub-paragraphs (1) and (2) above—

(a) any reference in this Part of this Schedule to statutory undertakers has effect as a reference to the operator of the electronic communications code network, and

(b) any reference in this Part of this Schedule to the appropriate Minister has effect as a reference to **[**F7the Secretary of State for Science, Innovation and Technology**]**.

Textual Amendments

F7 Words in Sch. 4 para. 8(4)(b) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 15(a)** (with art. 17)

Modifications etc. (not altering text)

C62 Sch. 4 para. 15(2)(b) transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)

Commencement Information

I64 Sch. 4 para. 8 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

PART 2

POWERS FOR UNDERTAKERS TO CARRY OUT WORKS

Notices to carry out works

9 (1) Sub-paragraph (2) applies if—

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(a) apparatus vested in, or belonging to, statutory undertakers is on, under or over land of the HCA, and

(b) the statutory undertakers claim that development to be carried out on the land will require, on technical or other grounds connected with carrying on their undertaking, the removal or re-siting of the apparatus affected by the development.

(2) The statutory undertakers may serve on the HCA a notice claiming the right to—

(a) enter on the land, and

(b) carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

(3) No notice may be served under sub-paragraph (2) more than 21 days after the beginning of the development on the land.

Commencement Information

I65 Sch. 4 para. 9 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Counter-notices

10 (1) Sub-paragraph (2) applies if statutory undertakers serve a notice under paragraph 9 on the HCA.

(2) The HCA may, before the end of the period of 28 days beginning with the date of the service of the notice, serve a counter-notice on the statutory undertakers.

(3) The counter-notice is a notice stating that the HCA objects to all or any provisions of the notice under paragraph 9.

(4) The counter-notice must also specify the grounds of the HCA's objection.

Modifications etc. (not altering text)

C63 Sch. 4 para. 10 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)

C64 Sch. 4 para. 10 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))

C65 Sch. 4 para. 10 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C66 Sch. 4 para. 10 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C67 Sch. 4 para. 10 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)

C68 Sch. 4 para. 10 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**

C69 Sch. 4 para. 10: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

C70 Sch. 4 para. 10: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

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Commencement Information
I66 Sch. 4 para. 10 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Effect of unopposed notice

11 (1) This paragraph applies if—

(a) a notice is served under paragraph 9,

(b) no counter-notice is served under paragraph 10, and

(c) the period of 28 days beginning with the date of the service of the notice under paragraph 9 has ended.

(2) The statutory undertakers have the rights claimed in their notice under paragraph 9.

Commencement Information
I67 Sch. 4 para. 11 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Opposed notices and Ministerial orders

12 (1) This paragraph applies if—

(a) a notice is served under paragraph 9, and

(b) a counter-notice is served under paragraph 10.

(2) The statutory undertakers may—

(a) withdraw the notice served under paragraph 9, or

(b) apply to the Secretary of State and the appropriate Minister for an order under sub-paragraph (3).

(3) The Secretary of State and the appropriate Minister may by order confer on the statutory undertakers—

(a) the rights claimed in the notice under paragraph 9, or

(b) such modified rights as the Secretary of State and the appropriate Minister consider it appropriate to confer on the statutory undertakers.

(4) The fact that a notice has been withdrawn under sub-paragraph (2)(a) does not prejudice the service of a further notice.

Commencement Information
I68 Sch. 4 para. 12 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to arrange for the works to be done by the HCA

13 (1) Sub-paragraph (2) applies if statutory undertakers have the right to carry out works for the removal or re-siting of apparatus by virtue of this Part of this Schedule.

(2) The statutory undertakers may arrange with the HCA for the works to be carried out by the HCA, under the superintendence of the statutory undertakers, instead of by the statutory undertakers themselves.

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I69 Sch. 4 para. 13 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Compensation

14 (1) Statutory undertakers are entitled to compensation from the HCA if works are carried out for the removal or re-siting of their apparatus which they have the right to carry out by virtue of this Part of this Schedule.

(2) Sections 280 and 282 of the Town and Country Planning Act 1990 (c. 8) (measure of compensation to statutory undertakers) apply to compensation under this paragraph as they apply to compensation under section 279(4) of that Act.

Commencement Information

I70 Sch. 4 para. 14 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Electronic communications

15 (1) The reference in paragraph 9(1)(a) to apparatus vested in, or belonging to, statutory undertakers includes a reference to electronic communications apparatus kept installed for the purposes of an electronic communications code network.

(2) Where paragraph 9(1)(a) has effect as mentioned in sub-paragraph (1) above—

(a) any reference in this Part of this Schedule to statutory undertakers has effect as a reference to the operator of the electronic communications code network, and

(b) any reference in this Part of this Schedule to the appropriate Minister has effect as a reference to **[**[F8]the Secretary of State for Science, Innovation and Technology**]**.

Textual Amendments

F8 Words in Sch. 4 para. 15(2)(b) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 15(b)** (with art. 17)

Modifications etc. (not altering text)

C62 Sch. 4 para. 15(2)(b) transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)

Commencement Information

I71 Sch. 4 para. 15 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

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PART 3

EXTENSION OR MODIFICATION OF FUNCTIONS OF UNDERTAKERS

Ministerial order following representations by statutory undertakers

16 (1) The Secretary of State and the appropriate Minister may by order provide for an extension or modification of the functions of particular statutory undertakers if conditions 1 and 2 are met.

(2) Condition 1 is that the statutory undertakers have made representations on the subject to the Secretary of State and the appropriate Minister.

(3) Condition 2 is that the Secretary of State and the appropriate Minister consider it appropriate to extend or modify the functions of the statutory undertakers—

(a) to secure the provision of services which—

(i) would not otherwise be provided, or

(ii) would not otherwise be satisfactorily provided,

in relation to relevant land, or

(b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in sub-paragraph (4).

(4) The acts and events are—

(a) the acquisition by the HCA under this Part of this Act of any land—

(i) in which an interest was held for the purpose of carrying on the undertaking concerned, or

(ii) which was used for that purpose, and

(b) the extinguishment of a right, or the imposition of any requirement, by virtue of Part 1 of this Schedule.

(5) In this Part of this Schedule "relevant land" means land in respect of which any of the functions of the HCA under this Part of this Act are being, or have been, exercised.

Commencement Information

I72 Sch. 4 para. 16 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Ministerial order following representations by the HCA

17 (1) The Secretary of State and the appropriate Minister may by order provide for an extension or modification of the functions of particular statutory undertakers if conditions 1 and 2 are met.

(2) Condition 1 is that the HCA has made representations on the subject to the Secretary of State and the appropriate Minister.

(3) Condition 2 is that the Secretary of State and the appropriate Minister consider it appropriate to extend or modify the functions of the statutory undertakers to secure—

(a) the provision of new services in relation to relevant land, or

(b) the extension of existing services in relation to such land.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I73 Sch. 4 para. 17 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Examples of contents of orders

18 (1) An order under paragraph 16 or 17 may, in particular—

(a) give power to statutory undertakers—

(i) to acquire (whether compulsorily or by agreement) any land specified in the order, or

(ii) to erect or construct any buildings or works specified in the order,

(b) apply, in relation to the acquisition of any such land or the erection or construction of any such buildings or works, enactments relating to the acquisition of land or the erection or construction of buildings or works.

(2) An order under paragraph 16 which is for the purposes mentioned in sub-paragraph (3)(a) of that paragraph or an order under paragraph 17 may, in particular, give effect to any financial arrangements—

(a) agreed between the HCA and the statutory undertakers, or

(b) in the absence of agreement, decided to be equitable in such manner, and by such tribunal, as may be specified in the order.

Commencement Information
I74 Sch. 4 para. 18 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Notification of proposal to make order

19 (1) Statutory undertakers must, as soon as possible after making representations of the kind mentioned in paragraph 16(2), publish a notice—

(a) giving such particulars as the Secretary of State and the appropriate Minister may direct of the matters to which the representations relate,

(b) specifying the time within which objections to the making of an order as a result of the representations may be made, and

(c) specifying the manner in which objections to the making of such an order may be made.

(2) The notice must be published in such form and manner as the Secretary of State and the appropriate Minister may direct.

(3) The statutory undertakers must also serve a copy of the notice on such persons, or descriptions of persons, as the Secretary of State and the appropriate Minister may direct if the Secretary of State and the appropriate Minister direct that a copy is to be served.

Commencement Information
I75 Sch. 4 para. 19 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

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20 (1) The HCA must, as soon as possible after making representations of the kind mentioned in paragraph 17(2), publish a notice—

(a) giving such particulars as the Secretary of State and the appropriate Minister may direct of the matters to which the representations relate,

(b) specifying the time within which objections to the making of an order as a result of the representations may be made, and

(c) specifying the manner in which objections to the making of such an order may be made.

(2) The notice must be published in such form and manner as the Secretary of State and the appropriate Minister may direct.

(3) The HCA must also serve a copy of the notice on such persons, or descriptions of persons, as the Secretary of State and the appropriate Minister may direct if the Secretary of State and the appropriate Minister direct that a copy is to be served.

Modifications etc. (not altering text)

C71 Sch. 4 para. 20 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **5(1)(j)**(2)(3)

C72 Sch. 4 para. 20 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))

C73 Sch. 4 para. 20 functions made exercisable (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), **6(1)-(4)**

C74 Sch. 4 para. 20 functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **14** (with art. 28)

C75 Sch. 4 para. 20 functions made exercisable concurrently (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **10(1)(j)**(2)-(4)

C76 Sch. 4 para. 20 functions made exercisable concurrently (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **10(1)(j)(2)-(4)**

C77 Sch. 4 para. 20: functions made exercisable concurrently (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **7**

C78 Sch. 4 para. 20: functions made exercisable concurrently (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **7**

Commencement Information

I76 Sch. 4 para. 20 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Duty to consider objections

21 (1) The Secretary of State and the appropriate Minister must proceed under paragraph 22 if—

(a) an objection to the making of an order under paragraph 16 or 17 is properly made and not withdrawn, and

(b) the matter is not otherwise dealt with.

(2) For the purposes of sub-paragraph (1) an objection is properly made if (and only if)—

(a) it is made—

(i) within the time, and

(ii) in the manner,

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stated in the notice under paragraph 19(1) or (as the case may be) 20(1), and

(b) a written statement of the grounds of the objection is comprised in, or submitted with, the objection.

(3) For the purposes of sub-paragraph (1) the matter is otherwise dealt with if (and only if) the Secretary of State and the appropriate Minister—

(a) decide, irrespective of the objection, not to make the order, or

(b) decide to make a modification which is agreed to by the objector as meeting the objection.

Commencement Information

I77 Sch. 4 para. 21 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

22 (1) The Secretary of State and the appropriate Minister must, before making a final decision, consider the grounds of the objection as set out in the statement comprised in, or submitted with, the objection.

(2) The Secretary of State and the appropriate Minister may require the objector to submit within a specified period a further written statement as to any of the matters to which the objection relates.

Commencement Information

I78 Sch. 4 para. 22 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Duty to give opportunity to appear

23 (1) The Secretary of State and the appropriate Minister must, before making a final decision, give the objector an opportunity to appear before, and be heard by, a person appointed for the purpose by the Secretary of State and the appropriate Minister.

(2) The Secretary of State and the appropriate Minister must give an opportunity of appearing and being heard on the same occasion to—

(a) the statutory undertakers or (as the case may be) the HCA as a result of whose representations the order is proposed to be made, and

(b) any other persons whom the Secretary of State and the appropriate Minister consider ought to be given the opportunity,

if the objector takes advantage of the opportunity mentioned in sub-paragraph (1).

(3) Sub-paragraphs (1) and (2) do not apply so far as the Secretary of State and the appropriate Minister have the power to proceed under paragraph 24 or 25.

Commencement Information

I79 Sch. 4 para. 23 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to treat objection as irrelevant

24 The Secretary of State and the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision—

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(a) if the Secretary of State and the appropriate Minister have considered the grounds of the objection as set out in the original statement and in any further statement, and

(b) so far as the Secretary of State and the appropriate Minister are satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation.

Commencement Information

I80 Sch. 4 para. 24 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to curtail decision-making process

25 The Secretary of State and the appropriate Minister may make a final decision without further investigation as to the matters to which the objection relates if—

(a) the Secretary of State and the appropriate Minister—

(i) have considered the grounds of the objection as set out in the original statement and in any further statement, and

(ii) are satisfied that, for the purpose of making a final decision, sufficient information is available as to the matters to which the objection relates, or

(b) a further statement has been required under paragraph 22(2) but is not submitted within the specified period.

Commencement Information

I81 Sch. 4 para. 25 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to hold public local inquiry

26 (1) The Secretary of State and the appropriate Minister must cause a public local inquiry to be held in relation to an objection under this Part of this Schedule if the Secretary of State and the appropriate Minister consider that the matters to which the objection relates are such as to require investigation by such an inquiry before the Secretary of State and the appropriate Minister make a final decision.

(2) The duty in sub-paragraph (1) is effective despite any other provisions of this Part of this Schedule.

(3) The other provisions of this Part of this Schedule are to be ignored if, when the Secretary of State and the appropriate Minister decide to cause an inquiry to be held, effect has not been given to them.

Commencement Information

I82 Sch. 4 para. 26 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Special parliamentary procedure for orders

27 Orders under paragraph 16 or 17 are subject to special parliamentary procedure.

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Commencement Information

I83 Sch. 4 para. 27 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

PART 4

RELIEVING UNDERTAKERS OF OBLIGATIONS

Orders to relieve obligations

28 (1) The appropriate Minister may by order provide for statutory undertakers to be relieved (whether absolutely or so far as specified in the order) of the need to meet an obligation relating to the carrying on of their undertaking if conditions 1 and 2 are met.

(2) Condition 1 is that the statutory undertakers have made representations on the subject to the appropriate Minister.

(3) Condition 2 is that the appropriate Minister is satisfied that meeting some or all of the obligation has been made impracticable by any of the acts and events mentioned in sub-paragraph (4).

(4) The acts and events are—

(a) the acquisition by the HCA under this Part of this Act of any land—

(i) in which an interest was held for the purpose of carrying on the undertaking concerned, or

(ii) which was used for that purpose, and

(b) the extinguishment of a right, or the imposition of any requirement, by virtue of Part 1 of this Schedule.

Commencement Information

I84 Sch. 4 para. 28 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Notification of proposal to make order

29 (1) Statutory undertakers must, as soon as possible after making representations of the kind mentioned in paragraph 28(2), proceed as directed by the appropriate Minister.

(2) The appropriate Minister may direct the statutory undertakers to do either or both of the following—

(a) publish a notice—

(i) giving such particulars as the appropriate Minister may direct of the matters to which the representations relate,

(ii) specifying the time within which objections to the making of an order as a result of the representations may be made, and

(iii) specifying the manner in which objections to the making of such an order may be made, and

(b) serve a corresponding notice on such persons, or descriptions of persons, as the appropriate Minister may direct.

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(3) Publication under sub-paragraph (2) must be in such form and manner as the appropriate Minister may direct.

Commencement Information

I85 Sch. 4 para. 29 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Duty to consider objections

30 (1) The appropriate Minister must proceed under paragraph 31 if—

(a) an objection to the making of an order is properly made and not withdrawn, and

(b) the matter is not otherwise dealt with.

(2) For the purposes of sub-paragraph (1) an objection is properly made if (and only if)—

(a) it is made—

(i) within the time, and

(ii) in the manner,

stated in the notice under paragraph 29(2), and

(b) a written statement of the grounds of the objection is comprised in, or submitted with, the objection.

(3) For the purposes of sub-paragraph (1) the matter is otherwise dealt with if (and only if) the appropriate Minister—

(a) decides, irrespective of the objection, not to make the order, or

(b) decides to make a modification which is agreed to by the objector as meeting the objection.

Commencement Information

I86 Sch. 4 para. 30 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

31 (1) The appropriate Minister must, before making a final decision, consider the grounds of the objection as set out in the statement comprised in, or submitted with, the objection.

(2) The appropriate Minister may require the objector to submit within a specified period a further written statement as to any of the matters to which the objection relates.

Commencement Information

I87 Sch. 4 para. 31 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Duty to give opportunity to appear

32 (1) The appropriate Minister must, before making a final decision, give the objector an opportunity to appear before, and be heard by, a person appointed for the purpose by the appropriate Minister.

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(2) The appropriate Minister must give an opportunity of appearing and being heard on the same occasion to—

(a) the statutory undertakers as a result of whose representations the order is proposed to be made, and

(b) any other persons whom the appropriate Minister considers ought to be given the opportunity,

if the objector takes advantage of the opportunity mentioned in sub-paragraph (1).

(3) Sub-paragraphs (1) and (2) do not apply so far as the appropriate Minister has the power to proceed under paragraph 33 or 34.

Commencement Information

I88 Sch. 4 para. 32 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to treat objection as irrelevant

33 The appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision—

(a) if the appropriate Minister has considered the grounds of the objection as set out in the original statement and in any further statement, and

(b) so far as the appropriate Minister is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation.

Commencement Information

I89 Sch. 4 para. 33 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Power to curtail decision-making process

34 The appropriate Minister may make a final decision without further investigation as to the matters to which the objection relates if—

(a) the appropriate Minister—

(i) has considered the grounds of the objection as set out in the original statement and in any further statement, and

(ii) is satisfied that, for the purpose of making a final decision, sufficient information is available as to the matters to which the objection relates, or

(b) a further statement has been required under paragraph 31(2) but is not submitted within the specified period.

Commencement Information

I90 Sch. 4 para. 34 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

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Power to hold public local inquiry

35 (1) The appropriate Minister may cause a public local inquiry to be held in relation to an objection under this Part of this Schedule if the appropriate Minister considers that the matters to which the objection relates are such as to require investigation by such an inquiry before the appropriate Minister makes a final decision.

(2) The power in sub-paragraph (1) is effective despite any other provisions of this Part of this Schedule.

(3) The other provisions of this Part of this Schedule are to be ignored if, when the Secretary of State decides to cause an inquiry to be held, effect has not been given to them.

Commencement Information

I91 Sch. 4 para. 35 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Notification procedure after the making of an order

36 (1) The appropriate Minister must, immediately after making an order under paragraph 28, proceed under sub-paragraphs (2) and (3).

(2) The appropriate Minister must publish a notice stating—

(a) that the order has been made, and

(b) a place where a copy of it may be seen at any reasonable hour.

(3) The appropriate Minister must serve a copy of the notice on—

(a) any person who—

(i) duly made an objection to the order, and

(ii) has sent the appropriate Minister a written request for the notice with an address for service, and

(b) any other person whom the appropriate Minister considers appropriate.

Commencement Information

I92 Sch. 4 para. 36 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Operative date of orders

37 An order under paragraph 28 which is not subject to special parliamentary procedure becomes operative on the date on which the notice required by paragraph 36(2) is first published.

Commencement Information

I93 Sch. 4 para. 37 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

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Special parliamentary procedure for orders

38 (1) An order under paragraph 28 is subject to special parliamentary procedure if any objection to the making of the order is properly made and not withdrawn before the order is made.

(2) Sub-paragraph (2) of paragraph 30 applies for the purposes of sub-paragraph (1) above as it applies for the purposes of sub-paragraph (1) of that paragraph.

Commencement Information
I94 Sch. 4 para. 38 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Legal challenges to orders

39 (1) Sub-paragraph (2) applies if a person aggrieved by an order under paragraph 28 wishes to question its validity on the ground that—

(a) it is not within the powers conferred by this Part of this Schedule, or

(b) any requirement of this Part of this Schedule has not been complied with in relation to the order.

(2) The person may, within 6 weeks beginning with the date on which the notice required by paragraph 36(2) is first published, apply to the High Court.

(3) The High Court may, on an application under sub-paragraph (2), make an interim order suspending (whether wholly or in part) the operation of the order under paragraph 28 until the final determination of the proceedings.

(4) The operation of the order may be suspended generally or so far as affecting any property of the applicant.

(5) The High Court may, on an application under sub-paragraph (2), quash (whether wholly or in part) the order under paragraph 28 if satisfied that—

(a) the order is wholly or to any extent outside the powers conferred by this Part of this Schedule, or

(b) the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of this Part of this Schedule.

(6) The order under paragraph 28 may be quashed generally or so far as affecting any property of the applicant.

Commencement Information
I95 Sch. 4 para. 39 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

PART 5

SUPPLEMENTARY

Orders and directions

40 (1) The power of—

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(a) the Secretary of State and the appropriate Minister,

(b) The Secretary of State and **[**F9the Secretary of State for Science, Innovation and Technology**]**, or

(c) the appropriate Minister,

to make orders under this Schedule includes power to vary or revoke such orders and to make supplementary, incidental, consequential, transitional, transitory or saving provision.

(2) The power of—

(a) the Secretary of State and the appropriate Minister, or

(b) the appropriate Minister,

to give directions under this Schedule includes power to vary or revoke such directions and to make supplementary, incidental, consequential, transitional, transitory or saving provision.

Textual Amendments

F9 Words in Sch. 4 para. 40(1)(b) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 15(c)** (with art. 17)

Commencement Information

I96 Sch. 4 para. 40 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

Interpretation

41 (1) In this Schedule—

"the appropriate Minister" is to be read as if contained in Part 11 of the Town and Country Planning Act 1990 (c. 8),

"the Secretary of State and the appropriate Minister" is to be read as if contained in Part 11 of the Town and Country Planning Act 1990 (and any references to the Secretary of State and the appropriate Minister are, in relation to anything done or to be done by them, to be read as references to them acting jointly),

"statutory undertakers" means persons who are or are deemed to be statutory undertakers for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990; and "statutory undertaking" is to be read in accordance with section 262 of that Act (meaning of "statutory undertaker").

(2) In this Schedule, in relation to an order, any reference to making a final decision is a reference to deciding whether to make the order or what modification (if any) ought to be made.

Commencement Information

I97 Sch. 4 para. 41 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(g)** (with arts. 6-13)

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SCHEDULE 5

Section 50

AMENDMENTS OF THE NEW TOWNS ACT 1981

1 The New Towns Act 1981 (c. 64) is amended as follows.

Commencement Information
I98 Sch. 5 para. 1 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

2 For the heading to Part 2 substitute "Transfers from and dissolution of development corporations etc.".

Commencement Information
I99 Sch. 5 para. 2 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

3 For the italic heading before section 35 substitute " Functions of Welsh Ministers in relation to certain transferred property ".

Commencement Information
I100 Sch. 5 para. 3 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

4 Omit section 35 (establishment of Commission for the New Towns).

Commencement Information
I101 Sch. 5 para. 4 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

5 (1) Section 36 (functions of Commission) is amended as follows.

(2) For the heading substitute "Functions of Welsh Ministers".

(3) For subsection (1) substitute—

"(1) The Welsh Ministers may—

(a) take over and, with a view to its eventual disposal, hold, manage and turn to account—

(i) the property of the Commission for the New Towns transferred to them under a scheme made under section 51(1) of the Housing and Regeneration Act 2008;

(ii) the property of development corporations transferred to them under this Act; and

(iii) the property of urban development corporations transferred to them by order under section 165A of the Local Government, Planning and Land Act 1980; and

(b) as soon as they consider it expedient to do so, dispose of property so transferred or any other property arising out of such property.

(1A) In exercising their functions under subsection (1), the Welsh Ministers must have regard to the considerations specified in subsection (2)."

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(4) Omit subsections (3) and (3A).

(5) In subsection (4)—

(a) for "Commission", in the first two places where it appears, substitute " Welsh Ministers ", and

(b) omit the words from "; nor shall any" to the end.

(6) In subsection (4A)(a) for "Commission by order under section 165B" substitute " Welsh Ministers by order under section 165A ".

Commencement Information

I102 Sch. 5 para. 5 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

6 Omit sections 37 (restrictions on functions of Commission) and 38 (local authorities and work for the Commission).

Commencement Information

I103 Sch. 5 para. 6 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

7 (1) Section 39 (power of development corporations to transfer undertakings) is amended as follows.

(2) In subsection (1) for "Secretary of State" substitute " appropriate national authority ".

(3) In subsection (2) for "Secretary of State" substitute " appropriate national authority ".

(4) In subsection (2A) for "in relation to Wales" substitute " in the case of a development corporation established by the Welsh Ministers ".

(5) In subsection (3) for "Secretary of State" substitute " appropriate national authority ".

(6) In subsection (4)—

(a) at the beginning insert "In a case in which the appropriate national authority is the Secretary of State,", and

(b) for "Secretary of State", where it first appears, substitute " appropriate national authority ".

(7) In subsection (5)—

(a) for "Secretary of State" substitute " appropriate national authority ", and

(b) for "he" substitute " the authority ".

(8) For subsection (5A) substitute—

"(5A) No order shall be made under subsection (5) above—

(a) by the Secretary of State unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons;

(b) by the Welsh Ministers unless a draft of the order has been laid before, and approved by a resolution of, the National Assembly for Wales."

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Commencement Information

I104 Sch. 5 para. 7 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

8 (1) Section 41 (transfer of property to Commission and dissolution of corporation) is amended as follows.

(2) In the heading, omit "to Commission".

(3) In subsection (1)—

(a) for "Secretary of State" substitute " appropriate national authority ",

(b) for "he" substitute " the authority ", and

(c) in paragraph (a), for "Commission" substitute " relevant transferee ".

(4) In subsection (1A) for "in relation to Wales" substitute " in the case of a development corporation established by the Welsh Ministers ".

(5) In subsection (2)—

(a) for "Commission" substitute " relevant transferee ", and

(b) in paragraph (b)—

(i) for "Secretary of State" substitute " appropriate national authority ", and

(ii) for "him" substitute " the authority ".

(6) In subsection (4) for "Secretary of State" substitute " appropriate national authority ".

(7) In subsection (5) for "Commission" substitute " relevant transferee ".

Commencement Information

I105 Sch. 5 para. 8 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

9 After section 41 insert—

"**41A Part 2: interpretation**

In this Part—

"the appropriate national authority"—

(a) in relation to a development corporation established by order made by the Secretary of State, means the Secretary of State; and

(b) in relation to a development corporation established by order made by the Welsh Ministers, means the Welsh Ministers;

"the relevant transferee"—

(a) in relation to an order made under section 41 by the Secretary of State, means the Homes and Communities Agency; and

(b) in relation to an order made under section 41 by the Welsh Ministers, means the Welsh Ministers."

Commencement Information

I106 Sch. 5 para. 9 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

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10 (1) Section 58 (advances to development corporations and Commission) is amended as follows.

(2) In the heading, omit "and Commission".

(3) Omit subsections (5) and (6).

Commencement Information
I107 Sch. 5 para. 10 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

11 (1) Section 58A (grants to development corporations and Commission) is amended as follows.

(2) In the heading, omit "and Commission".

(3) Omit subsections (4) and (5).

Commencement Information
I108 Sch. 5 para. 11 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

12 (1) Section 59 (other borrowing powers of development corporations and Commission) is amended as follows.

(2) In the heading, omit "and Commission".

(3) In subsection (1)—

(a) omit "or the Commission", and

(b) for the words from "or the Commission (as the case may be)" to the end substitute " may require for meeting its obligations or performing its functions ".

(4) In subsection (2)—

(a) omit "or the Commission", and

(b) for "they may require for enabling them" substitute " it may require for enabling it. "

Commencement Information
I109 Sch. 5 para. 12 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

13 (1) Section 60 (limit on borrowing by development corporations and Commission) is amended as follows.

(2) In the heading, omit "and Commission".

(3) In subsection (1)—

(a) at the end of paragraph (b), insert " and ",

(b) omit paragraph (c) and the "and" following it,

(c) in paragraph (d), for "(whether by development corporations or by the Commission)" substitute " by development corporations ", and

(d) for "(2) to (4)" substitute " (2) and (3) ".

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(4) Omit subsection (4).

Commencement Information
I110 Sch. 5 para. 13 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

14 (1) Section 61 (provisions supplemental to section 58) is amended as follows.

(2) In subsection (1) for from the beginning of paragraph (a) to the end of paragraph (b) substitute " to a development corporation under section 58(1) above ".

(3) In subsection (2) omit ", (5) or (6)".

Commencement Information
I111 Sch. 5 para. 14 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

15 (1) Section 62 (Treasury guarantees) is amended as follows.

(2) In subsection (1) for "or the Commission borrow" substitute " borrows ".

(3) In subsection (5) for the words from "or by the Commission" to "(as the case may be)" substitute " , the corporation ".

Commencement Information
I112 Sch. 5 para. 15 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

16 Omit section 62B (power to suspend loan obligations of development corporations and Commission).

Commencement Information
I113 Sch. 5 para. 16 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

17 (1) Section 63 (Secretary of State's general power) is amended as follows.

(2) In subsection (1) omit "or the Commission".

(3) In subsection (2) omit "or the Commission, as the case may be".

Commencement Information
I114 Sch. 5 para. 17 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

18 (1) Section 65 (disposal of surplus funds) is amended as follows.

(2) In subsection (1) for the words from ", and with the Commission" to the end substitute " and any development corporation, that the corporation has a surplus whether on capital or on revenue account after making allowance by way of transfer to reserve or otherwise for its future requirements ".

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(3) In subsection (2) for "The Commission or that corporation, as the case may be," substitute " That corporation ".

Commencement Information
I115 Sch. 5 para. 18 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

19 In section 66(1) (payments under sections 63 and 65 treated as repayments) for paragraph (a) and the "and" following it substitute—

"(a) as made by way of repayment of such part of the principal of advances under section 58(1) above, and".

Commencement Information
I116 Sch. 5 para. 19 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

20 (1) Section 67 (accounts of Commission and development corporations) is amended as follows.

(2) In the heading, omit "Commission and".

(3) In subsection (1)—

(a) omit "The Commission and",

(b) in paragraph (b), omit "respectively", and

(c) omit the words from "being, in the Commission's case" in paragraph (b) to the end of the subsection.

(4) Omit subsection (1A).

(5) In subsection (2)—

(a) omit "of the Commission and", and

(b) omit "or the Commission" wherever appearing.

(6) In subsection (3)—

(a) omit "the Commission or", and

(b) in paragraph (a), for "they are" substitute " it is ".

Commencement Information
I117 Sch. 5 para. 20 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

21 (1) Section 68 (audit) is amended as follows.

(2) In subsection (1)—

(a) omit the words from "of the Commission" to "and the accounts", and

(b) omit "Commission or".

(3) Omit subsection (2A).

(4) In subsection (3)—

(a) for "accounts of the Commission or" substitute " accounts of ",

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(b) for "Commission or corporation, as the case may be," substitute " corporation ", and

(c) for "them" substitute " it ".

Commencement Information

I118 Sch. 5 para. 21 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

22 (1) Section 69 (Secretary of State's accounts) is amended as follows.

(2) In subsection (1)—

(a) omit paragraph (a) and the "and" following it, and

(b) omit the words from "and directions under" to the end.

(3) In subsection (2), omit paragraph (a) and the "and" following it.

Commencement Information

I119 Sch. 5 para. 22 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

23 (1) Section 70 (reports) is amended as follows.

(2) Omit paragraph (a).

(3) Omit "of the Commission or".

Commencement Information

I120 Sch. 5 para. 23 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

24 (1) Section 71 (information) is amended as follows.

(2) In subsection (1)—

(a) for "the Commission and every development corporation shall respectively" substitute " every development corporation shall ", and

(b) for "their" substitute " its ".

(3) In subsection (2)—

(a) omit "the Commission and", and

(b) in paragraph (a), for "Commission or corporation, as the case may be" substitute " corporation ".

Commencement Information

I121 Sch. 5 para. 24 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

25 In section 72(1)(a) (application and exclusion of certain enactments: section 12 of the Finance Act 1895 (c. 16)) omit "or from the Commission".

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Commencement Information
I122 Sch. 5 para. 25 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

26 In section 74(3) (local inquiries) for "sections 37, 40 and 41" substitute " sections 40 and 41 ".

Commencement Information
I123 Sch. 5 para. 26 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

27 In section 77(3) (regulations and orders to be made by statutory instrument) omit "and paragraph 7 of Schedule 9 to this Act".

Commencement Information
I124 Sch. 5 para. 27 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

28 In section 80(1) (general interpretation provisions)—

(a) omit the definition of "the Commission", and

(b) in the definition of "financial year", omit "or the Commission".

Commencement Information
I125 Sch. 5 para. 28 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

29 In section 82 (short title, extent and commencement)—

(a) in subsection (2)(c) for "1, 2 and 12" substitute " 1 and 2 ", and

(b) in subsection (3) omit "paragraph 12 of Schedule 11, and".

Commencement Information
I126 Sch. 5 para. 29 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

30 Omit Schedule 9 (additional provisions as to the Commission).

Commencement Information
I127 Sch. 5 para. 30 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

31 (1) Schedule 10 (additional provisions as to transfer to Commission of property of development corporation) is amended as follows.

(2) In the heading, omit "to Commission".

(3) In paragraph 1—

(a) for "Commission", wherever appearing, substitute " relevant transferee ", and

(b) in sub-paragraph (2)(c), for ", to the member" to the end substitute "—

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(i) in a case where the relevant transferee is the Homes and Communities Agency, to the member or member of staff of the Agency who corresponds as nearly as may be to the member or officer in question of the corporation; and

(ii) in a case where the relevant transferee is the Welsh Ministers, to the member of staff of the Welsh Ministers who corresponds as mentioned in sub-paragraph (i) above."

(4) In paragraph 2—

(a) for "Secretary of State", wherever appearing, substitute " appropriate national authority ", and

(b) for "Commission", wherever appearing, substitute " relevant transferee ".

(5) In paragraph 3—

(a) in sub-paragraph (1) for "Commission" substitute " relevant transferee ",

(b) in sub-paragraph (3)(a) for "Commission" substitute " relevant transferee ", and

(c) in sub-paragraph (3)(c)—

(i) for "where the development" substitute " where, in the case of a development corporation established by the Secretary of State, the ", and

(ii) for "Commission" substitute " Homes and Communities Agency ".

(6) Omit paragraph 4.

(7) In paragraph 5—

(a) omit sub-paragraph (1), and

(b) for sub-paragraph (2) substitute—

"(2) Sub-paragraph (3) applies if, in the case of a development corporation established by the Secretary of State, the liabilities of the corporation for—

(a) the repayment of advances under section 58(1) above; or

(b) the payment of interest on such advances;

are transferred to the Homes and Communities Agency.

(3) The following provisions apply to those advances—

(a) section 61(2); and

(b) section 66(1) but as if the reference to any payment under section 63 or 65 above were a reference to any sum received by the Secretary of State under section 25(2) of the Housing and Regeneration Act 2008."

Commencement Information

I128 Sch. 5 para. 31 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(v)**(2) (with arts. 6-13)

32 (1) Schedule 11 (saving and transitional provisions) is amended as follows.

(2) In the italic heading before paragraph 3, omit "to Commission and".

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(3) Omit paragraphs 3 and 5.

(4) Omit paragraph 12 and the italic heading before it.

Commencement Information
I129 Sch. 5 para. 32 in force at 1.4.2009 by S.I. 2009/803, **art. 3(1)**

SCHEDULE 6

Sections 51(3) and 65(3)

TRANSFER SCHEMES

Creation and apportionment of property, rights and liabilities etc.

1 A scheme may—

(a) create for the transferor interests in, or rights over, property transferred by virtue of the scheme,

(b) create for a transferee interests in, or rights over, property retained by the transferor or transferred to another transferee,

(c) create rights or liabilities between the transferor and a transferee or between transferees.

Commencement Information
I130 Sch. 6 para. 1 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

2 (1) A scheme may provide for the transfer of property, rights or liabilities that would not otherwise be capable of being transferred or assigned.

(2) In particular, it may provide for the transfer to take effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of a provision having effect in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

(3) It does not matter whether the provision referred to in sub-paragraph (2) has effect under an enactment or an agreement or in any other way.

Commencement Information
I131 Sch. 6 para. 2 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

3 A certificate by the Secretary of State that anything specified in the certificate has vested in any person by virtue of a scheme is conclusive evidence for all purposes of that fact.

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Commencement Information

I132 Sch. 6 para. 3 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Employment contracts

4 (1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.

(2) The contract of employment—

(a) is not terminated by the transfer, and

(b) has effect from the transfer date as if made between the employee and the transferee.

(3) The rights, powers, duties and liabilities of the transferor under or in connection with the contract are transferred to the transferee on the transfer date.

(4) Anything done before the transfer date by or in relation to the transferor in respect of the contract or the employee is to be treated from that date as having been done by or in relation to the transferee.

(5) In particular, a period of employment with the transferor is to be treated as a period of employment with the transferee (and the transfer is not to be treated as interrupting the continuity of that employment).

(6) This paragraph is subject to paragraph 5.

Commencement Information

I133 Sch. 6 para. 4 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

5 (1) Rights and liabilities under a contract of employment are not transferred by virtue of a scheme if the employee objects to the transfer and informs the transferor or transferee of that fact.

(2) If the employee objects to the transfer and informs the transferor or transferee of that fact—

(a) the employee's contract of employment is terminated immediately before the transfer date, but

(b) the employee is not to be treated, for any purpose, as having been dismissed by the transferor.

Commencement Information

I134 Sch. 6 para. 5 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

6 If (apart from the change of employer) a substantial detrimental change is made to a person's working conditions, nothing in this Schedule affects any right the person has to terminate the person's contract of employment.

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Commencement Information

I135 Sch. 6 para. 6 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Civil servants treated as employed under a contract of employment etc.

7 (1) This Schedule applies with the following modifications in relation to employment in the civil service of the Crown on terms which do not constitute a contract of employment.

(2) An individual who holds employment in the civil service of the Crown immediately before the transfer date is to be treated as employed by virtue of a contract of employment.

(3) The terms of the employment in the civil service of the Crown are to be regarded as constituting the terms of the contract of employment.

(4) The reference in paragraph 5 to dismissal by the transferor is to termination of the employment in the civil service of the Crown.

Commencement Information

I136 Sch. 6 para. 7 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Compensation

8 A scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by it.

Commencement Information

I137 Sch. 6 para. 8 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Continuity

9 A transfer by virtue of a scheme does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

Commencement Information

I138 Sch. 6 para. 9 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

10 Anything which—

(a) is done by the transferor for the purposes of, or otherwise in connection with, anything transferred by virtue of a scheme, and

(b) is in effect immediately before the transfer date,

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is to be treated as done by the transferee.

Commencement Information

I139 Sch. 6 para. 10 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

11 There may be continued by or in relation to the transferee anything (including legal proceedings)—

(a) which relates to anything transferred by virtue of a scheme, and

(b) which is in the process of being done by or in relation to the transferor immediately before the transfer date.

Commencement Information

I140 Sch. 6 para. 11 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

12 (1) This paragraph applies to any document—

(a) which relates to anything transferred by virtue of a scheme, and

(b) which is in effect immediately before the transfer date.

(2) Any references in the document to the transferor are to be read as references to the transferee.

Commencement Information

I141 Sch. 6 para. 12 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Supplementary etc. provision

13 A scheme may include supplementary, incidental, transitional and consequential provision.

Commencement Information

I142 Sch. 6 para. 13 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

SCHEDULE 7

Sections 51(5), 65(5)

TRANSFER SCHEMES: TAX

Overview

1 This Schedule makes provision about the fiscal effect of transfers under schemes made under sections 51 and 65.

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I143 Sch. 7 para. 1 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Key concepts

2 (1) In this Schedule—

(a) "transfer scheme" means a scheme under section 51 or 65, and

(b) "transfer" means a transfer under a transfer scheme.

(2) In this Schedule "transfer between bodies" means a transfer—

(a) from the Urban Regeneration Agency, the Commission for the New Towns or the Housing Corporation, and

(b) to the HCA or the Regulator of Social Housing.

(3) In this Schedule "transfer to government" means a transfer to—

(a) a Minister of the Crown, or

(b) the Welsh Ministers.

Commencement Information

I144 Sch. 7 para. 2 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Other definitions

3 (1) In this Schedule—

(a) ICTA means the Income and Corporation Taxes Act 1988 (c. 1),

(b) TCGA means the Taxation of Chargeable Gains Act 1992 (c. 12),

(c) FA 1996 means the Finance Act 1996 (c. 8),

(d) FA 2002 means the Finance Act 2002 (c. 23), and

(e) HMRC means the Commissioners for Her Majesty's Revenue and Customs.

(2) In this Schedule a reference to a trade includes a reference to part of a trade.

Commencement Information

I145 Sch. 7 para. 3 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Corporation tax: continuity of trade

4 (1) This paragraph applies if as the result of a transfer scheme—

(a) a transferor ceases a trade, and

(b) a transferee commences it.

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(2) In connection with the computation of profits and losses for the purpose of corporation tax in respect of periods wholly or partly after the commencement of the transfer scheme—

(a) the transferee shall be treated as having always carried on the trade, and

(b) the trade shall be considered separately from any other trade of the transferee (with any necessary apportionment being made).

Commencement Information

I146 Sch. 7 para. 4 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Corporation tax: capital allowances

5 (1) This paragraph applies in respect of property transferred under a transfer scheme from—

(a) the Urban Regeneration Agency, or

(b) the Commission for the New Towns.

(2) Where the property was used by the transferor, and is to be used by the transferee, in connection with a trade, section 343(2) of ICTA (company reconstructions: capital allowances) shall apply.

Commencement Information

I147 Sch. 7 para. 5 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

6 The following transfers shall be treated as giving rise to neither allowance nor charge for the purposes of capital allowances in respect of a trade (and allowances shall be calculated as if the transferee had always carried on the trade)—

(a) a transfer from the Housing Corporation, and

(b) a transfer to government.

Commencement Information

I148 Sch. 7 para. 6 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Corporation tax: capital gains

7 (1) This paragraph applies in respect of property transferred under a transfer scheme from—

(a) the Urban Regeneration Agency,

(b) the Commission for the New Towns, or

(c) the Housing Corporation.

(2) Section 17 of TCGA (disposals and acquisitions treated as at market value) shall not apply.

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(3) For the purposes of TCGA the transfer (in relation to the transferor and the transferee) is to be taken as being a disposal for a consideration such that neither gain nor loss accrues.

Commencement Information

I149 Sch. 7 para. 7 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

8 A transfer shall be disregarded for the purposes of section 30 of TCGA (value-shifting: tax-free benefits).

Commencement Information

I150 Sch. 7 para. 8 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

F10 9 . . . . . .

Textual Amendments

F10 Sch. 7 para. 9 repealed (1.12.2008) by Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 1(2), Sch. 1 para. 59, **Sch. 3** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))

Commencement Information

I151 Sch. 7 para. 9 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Corporation tax: intangible assets

10 (1) This paragraph applies for the purposes of Schedule 29 to FA 2002 (intangible assets).

(2) Expressions used in this paragraph have the same meaning as in that Schedule.

(3) A transfer between bodies of a chargeable intangible asset is a tax-neutral transfer.

(4) An intangible fixed asset which is an existing asset of the transferor at the time of a transfer between bodies is to be treated, on and after the transfer, as an existing asset of the transferee.

(5) A transfer to government of a chargeable intangible asset is to be treated as not involving a realisation of the asset by the transferor.

Commencement Information

I152 Sch. 7 para. 10 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

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Corporation tax: loan relationships

11 (1) If as a result of a transfer the transferee replaces the transferor as a party to a loan relationship, paragraph 12(2) of Schedule 9 to FA 1996 (transfer within group: continuity of treatment) shall apply (whether or not the transferor and transferee are bodies corporate).

(2) Expressions used in this paragraph have the same meaning as in that Schedule.

Commencement Information

I153 Sch. 7 para. 11 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

Stamp duty

12 (1) Stamp duty shall not be chargeable on a transfer scheme.

(2) Stamp duty shall not be chargeable on a document certified by HMRC as connected with a transfer scheme.

(3) A document which is not chargeable by virtue of this paragraph must be stamped in accordance with section 12 of the Stamp Act 1891 (c. 39) with a stamp denoting that it is not chargeable.

Commencement Information

I154 Sch. 7 para. 12 in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by S.I. 2008/2358, **arts. 2(1)**, 3(1)

SCHEDULE 8

Section 56

AMENDMENTS OF ENACTMENTS: PART 1

Public Records Act 1958 (c. 51)

1 In Schedule 1 to the Public Records Act 1958 (definition of public records), at the end of paragraph 3, in Part 2 of the Table, insert at the appropriate place— " The Homes and Communities Agency. "

Commencement Information

I155 Sch. 8 para. 1 in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**

Land Compensation Act 1961 (c. 33)

F11 2 . . . . . .

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F11 Sch. 8 para. 2 repealed (22.9.2017) by Neighbourhood Planning Act 2017 (c. 20), **ss. 33(4)(g)**, 46(1) (with s. 33(5)); S.I. 2017/936, reg. 3(c)

Public Health Act 1961 (c. 64)

3 In Schedule 4 to the Public Health Act 1961 (attachment of street lighting equipment to certain buildings), in the first column of the Table, for the words from "Commission" to "1959" substitute " Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 ".

Commencement Information

I156 Sch. 8 para. 3 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Parliamentary Commissioner Act 1967 (c. 13)

4 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation)—

(a) insert, at the appropriate place, " Homes and Communities Agency ",

(b) insert, in the Notes after the paragraph relating to the Treasury—
Homes and Communities Agency

In the case of the Homes and Communities Agency no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.",

(c) omit the entries for the Commission for the New Towns and the Urban Regeneration Agency, and

(d) omit the Notes relating to the Commission for the New Towns and the Urban Regeneration Agency.

Commencement Information

I157 Sch. 8 para. 4(c)(d) in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)**(3)

I158 Sch. 8 para. 4(a)(b) in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**

Leasehold Reform Act 1967 (c. 88)

5 The Leasehold Reform Act 1967 is amended as follows.

Commencement Information

I159 Sch. 8 para. 5 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

6 In section 28(5)(b) (retention or resumption of land required for public purposes) for "Commission for the New Towns" substitute " new towns residuary body ".

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I160 Sch. 8 para. 6 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

7 (1) Section 29 (reservation of future right to develop) is amended as follows.

(2) In subsection (6)—

(a) in paragraph (a) for "Commission for the New Towns" substitute " new towns residuary body ", and

(b) for "that Commission" substitute " that residuary body ".

(3) In subsection (7) for "Commission for the New Towns" substitute " Welsh new towns residuary body ".

Commencement Information

I161 Sch. 8 para. 7 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

8 In section 30(7)(a) (reservation of right of pre-emption in new town or overspill area) for "Commission for the New Towns" substitute " new towns residuary body ".

Commencement Information

I162 Sch. 8 para. 8 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

9 In section 33 (Crown land) after subsection (2) insert—

"(2A) For the purposes of this Part of this Act, an interest belonging to the Welsh new towns residuary body in a tenancy of land is to be treated as if it were not an interest belonging to the Crown."

Commencement Information

I163 Sch. 8 para. 9 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

10 In section 37(1) (interpretation of Part 1) after paragraph (b) insert—

"(ba) "new towns residuary body" means—

(i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(ii) in relation to Wales, means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981 (and references to the "Welsh new towns residuary body" shall be construed accordingly);".

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Commencement Information
I164 Sch. 8 para. 10 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

11 (1) Schedule 4 (re-acquisition for development) is amended as follows.

(2) In the heading for Part 2 for "NEW TOWNS COMMISSION" substitute " WELSH NEW TOWNS RESIDUARY BODY ".

(3) In paragraph 4—

(a) for "Commission for the New Towns" substitute " Welsh new towns residuary body ",

(b) for "the Commission, the Commission" substitute " that body, the body ", and

(c) omit the words from "be authorised" to "Government to".

Commencement Information
I165 Sch. 8 para. 11 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

12 In paragraph 2(2)(c) of Schedule 4A (exclusion of certain shared ownership leases) for "Commission for the New Towns" substitute " new towns residuary body ".

Commencement Information
I166 Sch. 8 para. 12 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

National Loans Act 1968 (c. 13)

13 In Schedule 1 to the National Loans Act 1968 (Government lending and advances) in the entry relating to the New Towns Act 1981 (c. 64)—

(a) in column 1 omit "(5)(6)", and

(b) in column 2 omit "and the Commission for the New Towns".

Commencement Information
I167 Sch. 8 para. 13 in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)**(3)

Local Government Act 1972 (c. 70)

14 The Local Government Act 1972 is amended as follows.

Commencement Information
I168 Sch. 8 para. 14 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

15 (1) Section 100J (application of Part 5A of the Act to new authorities, Common Council, etc.) is amended as follows.

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

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"(g) the Homes and Communities Agency so far as it is exercising functions conferred on it in relation to a designated area by virtue of a designation order."

(3) After subsection (2) insert—

"(2A) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, a reference in this Part to the offices of the council (however expressed)—

(a) is to be treated as a reference to such premises located within the designated area as the Homes and Communities Agency considers appropriate, and

(b) in the application of section 100A(6)(a) above to a case where the meeting is to be held at premises other than those mentioned in paragraph (a) above, includes a reference to those other premises."

(4) After subsection (3) insert—

"(3ZA) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100E above shall have effect as if—

(a) in subsection (2), paragraph (c) was omitted, and

(b) in subsection (3), for paragraphs (a) to (c) there were substituted—

"(a) a committee established under paragraph 6(1) of Schedule 1 to the Housing and Regeneration Act 2008 for the purpose of exercising functions conferred on the Homes and Communities Agency in relation to a designated area by virtue of a designation order; or

(b) a sub-committee of such a committee established under paragraph 6(2) of that Schedule to that Act for that purpose."

(3ZB) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100G(1) above shall have effect as if paragraph (a) was omitted."

(5) After subsection (4A) insert—

"(4B) In this section "designated area" and "designation order" have the same meanings as in Part 1 of the Housing and Regeneration Act 2008."

Commencement Information

I169 Sch. 8 para. 15 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

16 In section 100K (interpretation and application of Part 5A) in the definition of "committee or sub-committee of a principal council" at the end insert " (and see section 100J(3ZA)(b) above) ".

Commencement Information

I170 Sch. 8 para. 16 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

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Land Compensation Act 1973 (c. 26)

17 (1) Section 39 of the Land Compensation Act 1973 (duty to rehouse residential occupiers) is amended as follows.

(2) In subsection (4)(d) for "Commission for the New Towns" substitute " new towns residuary body ".

(3) In subsection (8)—

(a) in paragraph (a) for "Commission for the New Towns" substitute " new towns residuary body ", and

(b) in paragraph (c) for "Commission for the New Towns, the Commission" substitute " new towns residuary body, that body ".

(4) In subsection (9)—

(a) after "section" insert "—

(a) ", and

(b) at the end insert—

"(b) "new towns residuary body" means—

(i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(ii) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981."

Commencement Information

I171 Sch. 8 para. 17 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Local Government Act 1974 (c. 7)

18 (1) The Local Government Act 1974 is amended as follows.

(2) In section 25(1) (authorities subject to investigation)—

(a) omit paragraph (ba), and

(b) in paragraph (bf), for "Urban Regeneration" substitute " Homes and Communities ".

(3) In section 26(7) (matters subject to investigation)—

(a) omit paragraph (a), and

(b) in paragraph (ba)—

(i) for "Urban Regeneration" substitute " Homes and Communities ", and

(ii) for "Part III of the Leasehold Reform, Housing and Urban Development Act 1993" substitute " Part 1 of the Housing and Regeneration Act 2008 ".

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(4) In paragraph 8 of Schedule 5 (matters not subject to investigation) for "Urban Regeneration" substitute " Homes and Communities ".

Commencement Information

I172 Sch. 8 para. 18 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

House of Commons Disqualification Act 1975 (c. 24)

19 (1 Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) is amended as follows.

(2 Insert at the appropriate place— " The Homes and Communities Agency. "

(3) Omit the entries relating to—

(a) the Commission for the New Towns, and

(b) the Urban Regeneration Agency.

Commencement Information

I173 Sch. 8 para. 19(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**

I174 Sch. 8 para. 19(3)(a)(b) in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)**(3)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

20 (1 Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) is amended as follows.

(2 Insert at the appropriate place— " The Homes and Communities Agency. "

(3) Omit the entry relating to the Urban Regeneration Agency.

Commencement Information

I175 Sch. 8 para. 20(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**

I176 Sch. 8 para. 20(3) in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)**(3)

Race Relations Act 1976 (c. 74)

21 (1 Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) is amended as follows.

(2 In Part 1, after paragraph 52, insert—

"52A The Homes and Communities Agency."

(3) In Part 2, omit the entry relating to English Partnerships.

Commencement Information

I177 Sch. 8 para. 21(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**

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I178 Sch. 8 para. 21(3) in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)**(3)

Rent (Agriculture) Act 1976 (c. 80)

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

(2) In subsection (3)(c) for "Commission for the New Towns" substitute " English new towns residuary body ".

(3) After subsection (3) insert—

"(3A) In subsection (3)(c) above "English new towns residuary body" means the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008."

Commencement Information
I179 Sch. 8 para. 22 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Rent Act 1977 (c. 42)

23 (1) Section 14 of the Rent Act 1977 (landlord's interest belonging to local authority, etc.) is amended as follows.

(2) At the beginning insert "(1)".

(3) In paragraph (d) for "Commission for the New Towns" substitute " English new towns residuary body ".

(4) At the end insert—

"(2) In subsection (1)(d) "English new towns residuary body" means the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008."

Commencement Information
I180 Sch. 8 para. 23 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Protection from Eviction Act 1977 (c. 43)

24 (1) Section 3A of the Protection from Eviction Act 1977 (excluded tenancies and licences) is amended as follows.

(2) In subsection (8)(c) for "Commission for the New Towns" substitute " new towns residuary body ".

(3) After subsection (8) insert—

"(8A) In subsection (8)(c) above "new towns residuary body" means—

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(a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(b) in relation to Wales, means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981."

Commencement Information

I181 Sch. 8 para. 24 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Local Government, Planning and Land Act 1980 (c. 65)

25 The Local Government, Planning and Land Act 1980 is amended as follows.

Commencement Information

I182 Sch. 8 para. 25 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

26 In section 4(4) (power to direct bodies to publish information) omit paragraph (b).

Commencement Information

I183 Sch. 8 para. 26 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

27 In section 93 (public bodies to whom Part 10 applies) after subsection (1) insert—

"(1A) Sections 95 to 96A also apply to the Homes and Communities Agency so far as it is exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 (and references to a body to which this Part of this Act applies in those sections are to be read accordingly)."

Commencement Information

I184 Sch. 8 para. 27 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

28 In section 99(4)(e) (directions to dispose of land: supplementary) omit "the Commission for the New Towns,".

Commencement Information

I185 Sch. 8 para. 28 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

29 In section 165A(2) (transfer by order of property etc. of urban development corporations to the Secretary of State etc.)—

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(a) in paragraph (a) for the words from "177" to "Agency)" substitute " 42 of the Housing and Regeneration Act 2008 (agency arrangements with urban development corporations) ", and

(b) in paragraph (b) for "subsection (2)" substitute " subsections (5) and (6) ".

Commencement Information

I186 Sch. 8 para. 29 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

30 In section 165B(2) (transfer by order of property etc. of urban development corporations to statutory bodies)—

(a) in paragraph (a) for the words from "177" to "Agency)" substitute " 42 of the Housing and Regeneration Act 2008 (agency arrangements with urban development corporations) ", and

(b) in paragraph (b) for "subsection (2)" substitute " subsections (5) and (6) ".

Commencement Information

I187 Sch. 8 para. 30 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

31 In Schedule 16 (bodies to whom Part 10 applies) omit paragraph 6.

Commencement Information

I188 Sch. 8 para. 31 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Highways Act 1980 (c. 66)

32 (1) Section 219 of the Highways Act 1980 (payments to be made by owners of new buildings in respect of street works) is amended as follows.

(2) In subsection (4)(i)(iii), for "Commission for the New Towns" substitute " new towns residuary body ".

(3) After subsection (4A) insert—

"(4B) In subsection (4)(i)(iii) "new towns residuary body" means—

(a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(b) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981."

Commencement Information

I189 Sch. 8 para. 32 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

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Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

33 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 is amended as follows.

(2) In section 15 (application of Act to orders under section 161(1) of the Leasehold Reform, Housing and Urban Development Act 1993) omit the words from "or under subsection (1)" to "similar provision)".

(3) In Schedule 2 (modifications of Act in certain cases)—

(a) in paragraph 1 omit the words from "or under subsection (1)" to "contains similar provision)", and

(b) in paragraph 3 for "the housing action trust or the Urban Regeneration Agency (as the case may be)" substitute " or the housing action trust (as the case may be) ".

Commencement Information

I190 Sch. 8 para. 33 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

34 (1) Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading) is amended as follows.

(2) In sub-paragraph (5)(b) for "Commission for the New Towns" substitute " new towns residuary body ".

(3) After sub-paragraph (5) insert—

"(5A) In sub-paragraph (5)(b) above "new towns residuary body" means—

(a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(b) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981."

Commencement Information

I191 Sch. 8 para. 34 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Housing Act 1985 (c. 68)

35 In Schedule 5 to the Housing Act 1985 (exceptions to the right to buy) in paragraph 3, at the end insert " , or section 19 of the Housing and Regeneration Act 2008 (financial assistance) which was a grant made on condition that the housing association provides social housing (and "provides social housing" has the same meaning as in Part 1 of that Act). "

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Commencement Information
I192 Sch. 8 para. 35 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Landlord and Tenant Act 1985 (c. 70)

36 In section 38 (minor definitions) of the Landlord and Tenant Act 1985, in the definition of "new town corporation", for paragraph (b) (and the word "or" immediately before it) substitute—

"(b) the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008, or

(c) the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981;".

Commencement Information
I193 Sch. 8 para. 36 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Landlord and Tenant Act 1987 (c. 31)

37 The Landlord and Tenant Act 1987 is amended as follows.

Commencement Information
I194 Sch. 8 para. 37 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

38 In section 21(3)(a) (tenant's right to apply to tribunal for appointment of manager)—

(a) after "by" insert "—

(i) ", and

(b) after "resident landlord," insert "or

(ii) the Welsh Ministers in their new towns residuary capacity,".

Commencement Information
I195 Sch. 8 para. 38 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

39 In section 29(7)(a) (conditions for making acquisition orders)—

(a) after "by" insert "—

(i) ", and

(b) after "resident landlord," insert "or

(ii) the Welsh Ministers in their new towns residuary capacity,".

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Commencement Information
I196 Sch. 8 para. 39 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

40 In section 58(1) (exempt landlords and resident landlords)—

(a) in paragraph (b) omit "the Commission for the New Towns or", and

(b) after paragraph (de) insert—

"(df) the Homes and Communities Agency;".

Commencement Information
I197 Sch. 8 para. 40 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

41 In section 60 (general interpretation) after subsection (1) insert—

"(1A) In this Act a reference to the Welsh Ministers in their new towns residuary capacity means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981."

Commencement Information
I198 Sch. 8 para. 41 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Income and Corporation Taxes Act 1988 (c. 1)

42 In section 376(4) of the Income and Corporation Taxes Act 1988 (qualifying borrowers and qualifying lenders) for paragraph (j) substitute—

"(j) the Homes and Communities Agency;".

Commencement Information
I199 Sch. 8 para. 42 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Local Government Act 1988 (c. 9)

43 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: public authorities) for "The Commission for the New Towns." substitute— " The Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008. "

Commencement Information
I200 Sch. 8 para. 43 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Housing Act 1988 (c. 50)

44 The Housing Act 1988 is amended as follows.

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Commencement Information
I201 Sch. 8 para. 44 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

45 In the italic heading before section 50 omit ": functions of Relevant Authority".

Commencement Information
I202 Sch. 8 para. 45 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

46 Omit sections 50 (housing association grants) and 51 (revenue deficit grants).

Commencement Information
I203 Sch. 8 para. 46 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

47 (1) Section 52 (recovery etc. of grants) is amended as follows.

(2) For "Relevant Authority", wherever it appears, substitute " appropriate authority ".

(3) In subsections (1) and (5)(b) for "housing association which is a registered social landlord" substitute " relevant housing association ".

(4) After subsection (9) insert—

"(9A) In this section and sections 53 and 54—

"the appropriate authority"—

(a) in relation to an English relevant housing association, means the Homes and Communities Agency, and

(b) in relation to a Welsh relevant housing association, means the Welsh Ministers,

"relevant housing association" means—

(a) a housing association which is a registered provider of social housing ("an English relevant housing association"), and

(b) a housing association which is a registered social landlord ("a Welsh relevant housing association").

(9B) In this section a reference to registration as a provider of social housing, so far as the context permits, is to be construed as including, in relation to times, circumstances and purposes before the commencement of section 111 of the Housing and Regeneration Act 2008, a reference to registration under—

(a) Part 1 of the Housing Act 1996,

(b) Part 1 of the 1985 Act, or

(c) any corresponding earlier enactment."

Commencement Information
I204 Sch. 8 para. 47 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

48 (1) Section 53 (determinations under Part 2) is amended as follows.

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(2) In subsection (2) for "Housing Corporation" substitute " Homes and Communities Agency ".

(3) In subsection (3) for "Relevant Authority", in both places where it appears, substitute " appropriate authority ".

(4) In subsection (4) for "any provision of sections 50 to" substitute " section ".

Commencement Information
I205 Sch. 8 para. 48 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

49 In section 54(2)(a) (tax relief grants) for "a registered social landlord" substitute " a relevant housing association ".

Commencement Information
I206 Sch. 8 para. 49 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

50 In section 59(1A) (interpretation of Part 2 etc.) for "50" substitute " 52 ".

Commencement Information
I207 Sch. 8 para. 50 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Local Government and Housing Act 1989 (c. 42)

51 In section 172(8) of the Local Government and Housing Act 1989 (transfers of new town housing stock) in the definition of "new town corporation" omit "the Commission for the New Towns or".

Commencement Information
I208 Sch. 8 para. 51 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Town and Country Planning Act 1990 (c. 8)

52 (1) Section 8A of the Town and Country Planning Act 1990 (the Urban Regeneration Agency) is amended as follows.

(2) In the heading for "Urban Regeneration" substitute " Homes and Communities ".

(3) In subsection (1)—

(a) for "section 170 of the Leasehold Reform, Housing and Urban Development Act 1993" substitute " section 13 of the Housing and Regeneration Act 2008 ",

(b) for "subsection (1) of section 171" substitute " section 14(2) ", and

(c) for "Urban Regeneration" substitute " Homes and Communities ".

(4) Omit subsection (2).

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I209 Sch. 8 para. 52 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

53 In Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (further provisions as to exercise of functions by different authorities), in paragraph 2, for "and housing action areas" substitute " , housing action areas and areas for which the Homes and Communities Agency is the local planning authority ".

Commencement Information
I210 Sch. 8 para. 53 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Planning (Hazardous Substances) Act 1990 (c. 10)

54 In section 3 of the Planning (Hazardous Substances) Act 1990 (hazardous substances authorities: special cases) for subsection (5A) substitute—

"(5A) The power to make a designation order under section 13 of the Housing and Regeneration Act 2008 which contains provision of the kind mentioned in section 14(3) of that Act does not extend to providing for the Homes and Communities Agency to be the hazardous substances authority (whether instead of, or concurrently with, a county council) in relation to land to which subsection (1) above applies.

(5B) Subject to this, section 1 and this section are subject to any provision made by such an order."

Commencement Information
I211 Sch. 8 para. 54 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Water Industry Act 1991 (c. 56)

55 The Water Industry Act 1991 is amended as follows.

Commencement Information
I212 Sch. 8 para. 55 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

56 In section 41(2)(d)(i) (power to require the provision of a water main) for "Commission for the New Towns" substitute " new towns residuary body ".

Commencement Information
I213 Sch. 8 para. 56 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

57 In section 97(5) (performance of sewerage undertaker's functions by local authorities etc.)—

(a) in the definition of "relevant area" for paragraph (b) substitute—

"(b) in relation to the English new towns residuary body, means any new town in England;

(ba) in relation to the Welsh new towns residuary body, means any new town in Wales;", and

(b) in the definition of "relevant authority" in paragraph (b) for "Commission for the New Towns" substitute " new towns residuary body ".

Commencement Information

I214 Sch. 8 para. 57 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

58 In section 98 (power to require the provision of a public sewer etc.)—

(a) in subsection (2)(d)(i) for "Commission for the New Towns" substitute " new towns residuary body ", and

(b) in subsection (2A)(d)(i) for "Commission for the New Towns" substitute " new towns residuary body ".

Commencement Information

I215 Sch. 8 para. 58 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

59 In section 219(1) (general interpretation) after the definition of "navigation authority" insert—

""new towns residuary body" means—

(a) in relation to a new town in England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) or (b) of the Housing and Regeneration Act 2008 (and references to the "English new towns residuary body" are to be read accordingly); and

(b) in relation to a new town in Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) or (ii) of the New Towns Act 1981 (and references to the "Welsh new towns residuary body" are to be read accordingly);".

Commencement Information

I216 Sch. 8 para. 59 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Water Resources Act 1991 (c. 57)

60 (1) Section 72 of the Water Resources Act 1991 (interpretation of Chapter 2 of Part 2) is amended as follows.

(2) In subsection (2)(a)(iii) for "Commission for the New Towns" substitute " new towns residuary body ".

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(3) After subsection (2) insert—

"(2A) In subsection (2)(a)(iii) "new towns residuary body" means—

(a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(b) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981."

Commencement Information

I217 Sch. 8 para. 60 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Social Security Administration Act 1992 (c. 5)

61 In section 191 (interpretation: general), in the definition of "new town corporation", for paragraph (a) (but not the "and" following it) substitute—

"(a) in relation to England—

(i) a development corporation established under the New Towns Act 1981; or

(ii) the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008;

(ab) in relation to Wales—

(i) a development corporation established under the New Towns Act 1981; and

(ii) the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of that Act;".

Commencement Information

I218 Sch. 8 para. 61 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Taxation of Chargeable Gains Act 1992 (c. 12)

62 In section 219(1) of the Taxation of Chargeable Gains Act 1992 (disposals by Housing Corporation etc.)—

(a) in paragraph (a) before "disposes" insert " or the Homes and Communities Agency ",

F12(b) . . . . . .

(c) in the words after paragraph (d)—

(i) before ", relevant housing" insert " , the Homes and Communities Agency ", and

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(ii) before "or, as the case" insert " , the Homes and Communities Agency ".

Textual Amendments

F12 Sch. 8 para. 62(b) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 31**; S.I. 2012/628, art. 6(j) (with arts. 911141517)

Commencement Information

I219 Sch. 8 para. 62 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

63 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.

(2) Omit—

(a) sections 158 to 173, 175, 177 and 183 to 185, and

(b) Schedules 17 to 20,

(provisions about the Urban Regeneration Agency).

(3) In section 188(6) (extent etc.) omit paragraph (b) and the "and" before it.

Commencement Information

I220 Sch. 8 para. 63 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

I221 Sch. 8 para. 63 in force at 1.4.2009 in so far as not already in force by S.I. 2009/803, **art. 3(2)**(3)

Finance Act 1996 (c. 8)

64 (1) Section 43A of the Finance Act 1996 (landfill tax in relation to contaminated land) is amended as follows.

(2) In subsection (5) omit paragraph (e).

(3) In subsection (6) omit the definition of "English Partnerships".

Commencement Information

I222 Sch. 8 para. 64 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Housing Act 1996 (c. 52)

65 (1) Section 28 of the Housing Act 1996 (grants under sections 50 to 54 of the Housing Act 1988) is amended as follows.

(2) Omit subsections (1), (2) and (6).

(3) In the heading for "ss 50 to 54" substitute " Part 2 ".

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Commencement Information

I223 Sch. 8 para. 65 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Regional Development Agencies Act 1998 (c. 45)

F13 66 . . . . . .

Textual Amendments

F13 Sch. 8 paras. 66-71 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

F13 67 . . . . . .

Textual Amendments

F13 Sch. 8 paras. 66-71 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

F13 68 . . . . . .

Textual Amendments

F13 Sch. 8 paras. 66-71 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

F13 69 . . . . . .

Textual Amendments

F13 Sch. 8 paras. 66-71 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

F13 70 . . . . . .

Textual Amendments

F13 Sch. 8 paras. 66-71 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

F13 71 . . . . . .

Textual Amendments

F13 Sch. 8 paras. 66-71 repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)

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Greater London Authority Act 1999 (c. 29)

72 The Greater London Authority Act 1999 is amended as follows.

Commencement Information

I224 Sch. 8 para. 72 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

73 (1) Section 333A (the London housing strategy) is amended as follows.

F14(2) . . . . . .

F14(3) . . . . . .

(4) In subsection (8)(a) for "Housing Corporation" substitute " Homes and Communities Agency ".

(5) In subsection (10)—

(a) for the definition of "housing grant" substitute—

""housing financial assistance" means financial assistance given under section 19 of the Housing and Regeneration Act 2008 in connection with the provision of housing accommodation;",

(b) after the definition of "local housing authority" insert—

""provide", in relation to houses or housing accommodation, includes—

(a) provide by way of acquisition, construction, conversion, improvement or repair; and

(b) provide indirectly;", and

(c) omit the words from "and the reference" to the end.

Textual Amendments

F14 Sch. 8 para. 73(2)(3) repealed (7.6.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 31**; S.I. 2012/1463, art. 2(i)

Commencement Information

I225 Sch. 8 para. 73 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

74 In section 333D (duty to have regard to the London housing strategy)—

F15(a) . . . . . .

(b) in subsection (1) for the words from "under" to "Corporation" substitute " relating to Greater London and conferred by or under Part 1 of the Housing and Regeneration Act 2008 (other than any function conferred by virtue of section 13 or 14 of that Act), the Homes and Communities Agency ".

Textual Amendments

F15 Sch. 8 para. 74(a) repealed (7.6.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 31**; S.I. 2012/1463, art. 2(i)

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Commencement Information
I226 Sch. 8 para. 74 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

75 (1) Section 408 (transfers of property, rights or liabilities) is amended as follows.

(2) In subsection (3) omit paragraphs (h) and (i).

(3) Omit subsection (6).

Commencement Information
I227 Sch. 8 para. 75 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

76 In section 409 (transfer schemes) omit subsection (5).

Commencement Information
I228 Sch. 8 para. 76 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Freedom of Information Act 2000 (c. 36)

77 (1 Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) is amended as follows.

(2 Insert at the appropriate place— " The Homes and Communities Agency. "

(3) Omit the entries relating to—

(a) the Commission for the New Towns, and

(b) the Urban Regeneration Agency.

Commencement Information
I229 Sch. 8 para. 77(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**
I230 Sch. 8 para. 77(3) in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)**(3)

Finance Act 2003 (c. 14)

78 The Finance Act 2003 is amended as follows.

Commencement Information
I231 Sch. 8 para. 78 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

79 In section 71(4) (certain acquisitions by registered social landlord exempt from charge to stamp duty land tax) after paragraph (c) insert—

"(ca) under section 19 of the Housing and Regeneration Act 2008 (financial assistance by the Homes and Communities Agency),".

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Commencement Information

I232 Sch. 8 para. 79 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

80 (1) Schedule 9 (stamp duty land tax: right to buy, shared ownership leases etc.) is amended as follows.

(2) In paragraph 1(3)—

(a) after "*and development corporations*" insert " *etc.* ", and

(b) for "Commission for the New Towns" substitute " Homes and Communities Agency ".

(3) In paragraph 5(2) for paragraph (e) substitute—

"(e) the Homes and Communities Agency;".

Commencement Information

I233 Sch. 8 para. 80 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Planning and Compulsory Purchase Act 2004 (c. 5)

81 In section 37 of the Planning and Compulsory Purchase Act 2004 (interpretation of Part 2), after subsection (5), insert—

"(5A) Subsection (4) must also be construed subject to any designation order under section 13 of the Housing and Regeneration Act 2008 (power to make designation orders) providing that the Homes and Communities Agency is to be the local planning authority—

(a) for an area specified in the order, and

(b) for all purposes of this Part or any such purposes so specified.

(5B) Where such an order makes such provision, the Homes and Communities Agency is the local planning authority for the area and the purposes concerned in place of any authority who would otherwise be the local planning authority for that area and those purposes."

Commencement Information

I234 Sch. 8 para. 81 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

Finance Act 2004 (c. 12)

82 In section 59(1)(f) of the Finance Act 2004 (contractors) for "Commission for the New Towns" substitute " Homes and Communities Agency ".

Commencement Information

I235 Sch. 8 para. 82 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

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Local Government and Public Involvement in Health Act 2007 (c. 28)

83 In section 104(4) of the Local Government and Public Involvement in Health Act 2007 (partner authorities), after paragraph (e), insert—

"(ea) the Homes and Communities Agency;".

Commencement Information

I236 Sch. 8 para. 83 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)**(3) (with arts. 6-13)

SCHEDULE 9

Section 277

AMENDMENTS OF ENACTMENTS: PART 2

Public Records Act 1958 (c. 51)

F16 1 . . . . . .

Textual Amendments

F16 Sch. 9 para. 1 repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(j) (with arts. 911141517)

Parliamentary Commissioner Act 1967 (c. 13)

2 (1 Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) is amended as follows.

F17 (2 . . . . . .

(3) Omit the entry for the Housing Corporation.

Textual Amendments

F17 Sch. 9 para. 2(2) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(j) (with arts. 911141517)

Commencement Information

I237 Sch. 9 para. 2(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 3(2)**

I238 Sch. 9 para. 2(3) in force at 1.4.2009 by S.I. 2009/803, **art. 8**

House of Commons Disqualification Act 1975 (c. 24)

3 (1 Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) is amended as follows.

F18 (2 . . . . . .

(3) Omit the entry for the Housing Corporation.

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Textual Amendments

F18 Sch. 9 para. 3(2) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(j) (with arts. 911141517)

Commencement Information

I239 Sch. 9 para. 3(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 3(2)**

I240 Sch. 9 para. 3(3) in force at 1.4.2009 by S.I. 2009/803, **art. 8**

Race Relations Act 1976 (c. 74)

4 In paragraph 52 of Part 1 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) for "Housing Corporation" substitute "Office for Tenants and Social Landlords".

Commencement Information

I241 Sch. 9 para. 4 in force at 1.12.2008 by S.I. 2008/3068, **art. 3** (with arts. 6-13)

Interpretation Act 1978 (c. 30)

5 In Schedule 1 to the Interpretation Act 1978 (defined expressions) at the appropriate place insert—

""Registered provider of social housing" has the meaning given by section 80(2) of the Housing and Regeneration Act 2008 (and "non-profit" and "profit-making" in connection with a provider have the meanings given by section 115 of that Act)."

Commencement Information

I242 Sch. 9 para. 5 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Local Government, Planning and Land Act 1980 (c. 65)

6 In Schedule 16 to the Local Government, Planning and Land Act 1980 (bodies to whom Part X applies) for paragraph 9 substitute—

"9 The Regulator of Social Housing."

Commencement Information

I243 Sch. 9 para. 6 in force at 1.12.2008 by S.I. 2008/3068, **art. 3** (with arts. 6-13)

Inheritance Tax Act 1984 (c. 51)

7 In section 24A(2) of the Inheritance Tax Act 1984 (gifts to housing associations) before paragraph (a) insert—

"(za) a non-profit registered provider of social housing;".

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Commencement Information
I244 Sch. 9 para. 7 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Housing Associations Act 1985 (c. 69)

8 The Housing Associations Act 1985 is amended as follows.

Commencement Information
I245 Sch. 9 para. 8 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

9 (1) Section 9 (control by Corporation of disposals of land by housing associations) is amended as follows.

(2) In subsection (1A)—

(a) for "the relevant Corporation", in both places, substitute "the relevant regulator", and

(b) for paragraphs (a) to (c) substitute—

"(a) if the land is in England, the Regulator of Social Housing, and

(b) if the land is in Wales, the Welsh Ministers."

(3) For subsection (6) substitute—

"(6) Consent under this section must be in writing."

(4) For the heading substitute "Control of disposals by unregistered housing associations".

Commencement Information
I246 Sch. 9 para. 9 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

10 (1) Section 10 (dispositions excepted from section 9) is amended as follows.

(2) In subsection (1) for paragraphs (a) to (c) substitute—

"(a) in the case of dispositions of land in England, the Regulator of Social Housing, and

(b) in the case of dispositions of land in Wales, the Welsh Ministers."

(3) Omit subsection (2)(e) and the "or" before it.

Commencement Information
I247 Sch. 9 para. 10 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Income and Corporation Taxes Act 1988 (c. 1)

11 The Income and Corporation Taxes Act 1988 is amended as follows.

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Commencement Information
I248 Sch. 9 para. 11 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

12 In section 376(4) (qualifying borrowers and qualifying lenders) for paragraph (k) substitute—

"(k) the Regulator of Social Housing,".

Commencement Information
I249 Sch. 9 para. 12 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

13 In section 488(7A) (co-operative housing associations)—

(a) at the beginning insert "In relation to a housing association which is a registered provider of social housing", and

(b) for paragraph (a) substitute "to the Regulator of Social Housing".

Commencement Information
I250 Sch. 9 para. 13 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

14 In section 489(5A) (self-build societies) for "Housing Corporation" substitute "Regulator of Social Housing".

Commencement Information
I251 Sch. 9 para. 14 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

15 In section 506B(9) (transactions with substantial donors: exceptions)—

(a) for "registered social landlord or housing association", in both places it appears, substitute "relevant housing provider", and

(b) in paragraph (a) after "body" insert "which is a non-profit registered provider of social housing or which is".

Commencement Information
I252 Sch. 9 para. 15 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Taxation of Chargeable Gains Act 1992 (c. 12)

16 The Taxation of Chargeable Gains Act 1992 is amended as follows.

Commencement Information
I253 Sch. 9 para. 16 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

17 (1) Section 218 (disposals of land between the Housing Corporation, Secretary of State or Scottish Homes and housing associations) is amended as follows.

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(2) For "the Housing Corporation", wherever appearing, substitute "the Regulator of Social Housing".

(3) For "the Corporation", wherever appearing, substitute "the Regulator".

(4) In subsection (1)(a) after "Housing Associations Act 1985" insert ", or in accordance with a requirement imposed under section 253 of the Housing and Regeneration Act 2008,".

(5) In the heading to the section, and in the italic heading before it, for "Housing Corporation," substitute "Regulator of Social Housing,".

Commencement Information
I254 Sch. 9 para. 17 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

18 (1) Section 219 (disposals by Housing Corporation, the Secretary of State, Scottish Homes and certain housing associations) is amended as follows.

(2) In subsection (1)—

(a) in paragraphs (a), (c) and (d) for "the Corporation" substitute "a housing regulator",

(b) for "relevant housing association" and "association", wherever appearing, substitute "relevant housing provider",

(c) in paragraph (c) after "given under" insert "section 167 of the Housing and Regeneration Act 2008,", and

(d) in the words after paragraph (d) for "the Corporation", wherever appearing, substitute "the housing regulator".

(3) In subsection (2)—

(a) for "" "the Corporation" means the Housing Corporation" substitute "housing regulator" means the Regulator of Social Housing", and

(b) for the definition of "relevant housing association" substitute—

""relevant housing provider" means—

(a) a non-profit registered provider of social housing,

(b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996, or

(c) a body registered in the register maintained under section 57 of the Housing (Scotland) Act 2001."

(4) For the heading substitute "Disposals by housing related bodies".

Commencement Information
I255 Sch. 9 para. 18 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

19 (1) Section 259 (gifts to housing associations) is amended as follows.

(2) In subsection (1)(a) for "relevant housing association" substitute "relevant housing provider".

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(3) In subsections (1)(b) and (2) for "association", wherever appearing, substitute "relevant housing provider".

(4) For subsection (3) substitute—

"(3) In this section "relevant housing provider" means—

(a) a non-profit registered provider of social housing,

(b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996,

(c) a body registered in the register maintained under section 57 of the Housing (Scotland) Act 2001, or

(d) a registered housing association within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992."

Commencement Information

I256 Sch. 9 para. 19 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Audit Commission Act 1998 (c. 18)

F19 20 . . . . . .

Textual Amendments

F19 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F20 21 . . . . . .

Textual Amendments

F20 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F21 22 . . . . . .

Textual Amendments

F21 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F22 23 . . . . . .

Textual Amendments

F22 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F23 24 . . . . . .

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Textual Amendments

F23 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F24 25 . . . . . .

Textual Amendments

F24 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F25 26 . . . . . .

Textual Amendments

F25 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

F26 27 . . . . . .

Textual Amendments

F26 Sch. 9 paras. 20-27 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, **art. 3(a)** (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, **art. 2**)

Freedom of Information Act 2000 (c. 36)

28 (1) Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) is amended as follows.

F27 (2) . . . . . .

(3) Omit the entry for the Housing Corporation.

Textual Amendments

F27 Sch. 9 para. 28(2) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 26**; S.I. 2012/628, **art. 6(j)** (with arts. 9 11 14 15 17)

Commencement Information

I257 Sch. 9 para. 28(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 3(2)**

I258 Sch. 9 para. 28(3) in force at 1.4.2009 by S.I. 2009/803, **art. 8**

Finance Act 2003 (c. 14)

29 The Finance Act 2003 is amended as follows.

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Commencement Information
I259 Sch. 9 para. 29 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

30 (1) Section 71 (certain acquisitions by registered social landlord exempt from charge to stamp duty land tax) is amended as follows.

(2) In subsections (1), (2) and (3) for "registered social landlord", wherever appearing, substitute " relevant housing provider ".

(3) After subsection (1) insert—

"(1A) In this section "relevant housing provider" means—

(a) a non-profit registered provider of social housing, or

(b) a registered social landlord."

Commencement Information
I260 Sch. 9 para. 30 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

31 (1) Paragraph 2 of Schedule 3 (stamp duty land tax: transactions exempt from charge) is amended as follows.

(2) In sub-paragraphs (1) and (2) for "registered social landlord" and "landlord", wherever appearing, substitute " relevant housing provider ".

(3) After sub-paragraph (2) insert—

"(2A) A "relevant housing provider" means—

(a) a non-profit registered provider of social housing, or

(b) a registered social landlord."

Commencement Information
I261 Sch. 9 para. 31 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

32 (1) Schedule 9 (stamp duty land tax: right to buy, shared ownership leases etc.) is amended as follows.

(2) In paragraph 1(3)—

(a) for "The Housing Corporation" substitute " The Regulator of Social Housing ", and

(b) after "The Northern Ireland Housing Executive" insert— " A non-profit registered provider of social housing ".

(3) In paragraph 1(5) after "social landlord" insert " or registered provider of social housing ".

(4) After paragraph 1(5) insert—

"(6) A grant under section 19 of the Housing and Regeneration Act 2008 which—

(a) is made by virtue of section 35 of that Act, or

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(b) is otherwise made to a relevant provider of social housing (within the meaning of section 35 of that Act) in respect of discounts given by the provider on disposals of dwellings to tenants,

does not count as part of the chargeable consideration for a right to buy transaction to which the vendor is a relevant provider of social housing." "

Commencement Information

I262 Sch. 9 para. 32 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Finance Act 2004 (c. 12)

33 In section 59(1)(h) of the Finance Act 2004 (contractors) for "Housing Corporation" substitute " Regulator of Social Housing ".

Commencement Information

I263 Sch. 9 para. 33 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Income Tax Act 2007 (c. 3)

F28 34 . . . . . .

Textual Amendments

F28 Sch. 9 para. 34 omitted (with effect in accordance with Sch. 3 para. 27 of the amending Act) by virtue of Finance Act 2011 (c. 11), **Sch. 3 para. 16**

Commencement Information

I264 Sch. 9 para. 34 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

PROSPECTIVE

SCHEDULE 10

Section 285(3)

PENALTY CHARGE NOTICES

Contents of notice

1 A penalty charge notice given to a person under section 285 by an officer of an enforcement authority must—

(a) state the officer's belief that the person has committed a breach of duty,

(b) give such particulars of the circumstances as may be necessary to give reasonable notice of the breach of duty,

(c) require the person, within a period specified in the notice—

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(i) to pay a penalty charge specified in the notice, or

(ii) to give notice to the enforcement authority that the person wishes the authority to review the notice,

(d) state the effect of paragraph 7,

(e) specify the person to whom, and the address at which, the penalty charge may be paid and the method or methods by which payment may be made, and

(f) specify the person to whom, and the address at which, a notice requesting a review may be sent (and to which any representations relating to the review may be addressed).

2 The penalty charge specified in the notice shall be of such amount (not exceeding £1,000) as may be prescribed for the time being by regulations made by the appropriate national authority.

3 (1) The period specified under paragraph 1(c) must not be less than 28 days beginning with the day after that on which the penalty charge notice was given.

(2) The enforcement authority may extend the period for complying with the requirement mentioned in paragraph 1(c) in any particular case if it considers it appropriate to do so.

Review and withdrawal of notice

4 (1) Sub-paragraph (2) applies if, within the period specified under paragraph 1(c) (or that period as extended under paragraph 3(2)), the recipient of the penalty charge notice gives notice to the enforcement authority requesting a review.

(2) The enforcement authority must—

(a) consider any representations made by the recipient and all other circumstances of the case,

(b) decide whether to confirm or withdraw the notice, and

(c) give notice of its decision to the recipient.

(3) A notice under sub-paragraph (2)(c) confirming the penalty charge notice must also state the effect of paragraph 6(1) to (4).

(4) The enforcement authority must withdraw the penalty charge notice if it is not satisfied of one (or more) of the following—

(a) that the recipient committed the breach of duty specified in the notice,

(b) that the notice was given within the time allowed by section 285(2) and complies with the other requirements imposed by virtue of this Schedule, or

(c) that, in the circumstances of the case, it was appropriate for a penalty charge notice to be given to the recipient.

5 The enforcement authority may give the recipient of a penalty charge notice a notice withdrawing the penalty charge notice if the authority considers that the penalty charge notice ought not to have been given.

Appeals

6 (1) The recipient of a penalty charge notice may appeal to the county court against the notice if the notice is confirmed by the enforcement authority after a review.

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(2) The appeal must be made within the period of 28 days beginning with the day after that on which the notice under paragraph 4(2)(c) is given.

(3) The county court may extend the period for appealing against the notice.

(4) An appeal must be on one (or more) of the following grounds—

(a) that the recipient did not commit the breach of duty specified in the penalty charge notice,

(b) that the notice was not given within the time allowed by section 285(2) or does not comply with any other requirement imposed by virtue of this Schedule, or

(c) that in the circumstances of the case it was inappropriate for the notice to be given to the recipient.

(5) An appeal is to be by way of a rehearing.

(6) On an appeal the court is to uphold the notice or quash it.

Recovery of penalty charge

7 (1) The amount of the penalty charge is recoverable from the recipient of the penalty charge notice as a debt owed to the enforcement authority unless—

(a) the notice has been withdrawn or quashed, or

(b) the charge has been paid.

(2) Proceedings for the recovery of the penalty charge may not be started before the end of the period mentioned in paragraph 4(1).

(3) Sub-paragraph (4) applies if, within that period, the recipient of the penalty charge notice gives notice to the enforcement authority that the recipient wishes the authority to review the penalty charge notice.

(4) Proceedings for the recovery of the penalty charge may not be started—

(a) before the end of the period mentioned in paragraph 6(2), and

(b) where the recipient appeals against the penalty charge notice, before the end of the period of 28 days beginning with the day on which the appeal is withdrawn or determined.

8 In proceedings for the recovery of the penalty charge, a certificate which—

(a) purports to be signed by, or on behalf of, the person having responsibility for the financial affairs of the enforcement authority, and

(b) states that payment of the penalty charge was, or was not, received by a date specified in the certificate,

is evidence of the facts stated.

Repayments

9 The enforcement authority must repay any amount previously paid as a penalty charge in pursuance of a penalty charge notice if the notice is withdrawn or quashed.

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Supplementary

10 (1) A penalty charge notice and any other notice mentioned in this Schedule may be given by post.

(2) Any such notice may be given—

(a) in the case of a body corporate (other than a limited liability partnership), to the secretary or clerk of that body,

(b) in the case of a limited liability partnership, to any member or to any person having control or management of the partnership business,

(c) in the case of any other partnership, to any partner or to any person having control or management of the partnership business, and

(d) in the case of an unincorporated association, to any member or to any person having control or management of the affairs of the association.

11 (1) The appropriate national authority may by regulations make provision supplementary or incidental to the preceding provisions of this Schedule.

(2) Such provision may, in particular, include—

(a) provision prescribing—

(i) the form of penalty charge notices or any other notice mentioned in this Schedule,

(ii) circumstances in which penalty charge notices may not be given,

(iii) the method or methods by which penalty charges may be paid,

(b) provision about the service of notices.

SCHEDULE 11

Section 299

POSSESSION ORDERS RELATING TO CERTAIN TENANCIES

PART 1

AMENDMENTS TO THE HOUSING ACTS OF 1985, 1988 AND 1996

Housing Act 1985 (c. 68)

1 The Housing Act 1985 is amended as follows.

Commencement Information

I265 Sch. 11 para. 1 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

2 (1) Section 82 (security of tenure: date on which secure tenancy comes to an end as a result of a possession order etc.) is amended as follows.

(2) In subsection (1) for "by obtaining an order" substitute " as ".

(3) For subsections (1A) and (2) substitute—

"(1A) The tenancy may be brought to an end by the landlord—

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(a) obtaining—

(i) an order of the court for the possession of the dwelling-house, and

(ii) the execution of the order,

(b) obtaining an order under subsection (3), or

(c) obtaining a demotion order under section 82A.

(2) In the case mentioned in subsection (1A)(a), the tenancy ends when the order is executed."

Commencement Information

I266 Sch. 11 para. 2 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

3 (1) Section 85 (extended discretion of court in certain proceedings for possession) is amended as follows.

(2) In subsection (3)(a) omit the words from "or payments" to "profits),".

(3) For subsection (4) substitute—

"(4) The court may discharge or rescind the order for possession if it thinks it appropriate to do so having had regard to—

(a) any conditions imposed under subsection (3), and

(b) the conduct of the tenant in connection with those conditions."

(4) Omit subsections (5) and (5A).

Commencement Information

I267 Sch. 11 para. 3(1)(2)(4) in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

4 In Schedule 3 (grounds for withholding consent to assignment by way of exchange) for Ground 1 substitute—

"Ground 1

The tenant or the proposed assignee is subject to an order of the court for the possession of the dwelling-house of which he is the secure tenant."

Commencement Information

I268 Sch. 11 para. 4 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

Housing Act 1988 (c. 50)

5 The Housing Act 1988 is amended as follows.

Commencement Information

I269 Sch. 11 para. 5 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

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6 (1) Section 5 (security of tenure) is amended as follows.

(2) For subsection (1) substitute—

"(1) An assured tenancy cannot be brought to an end by the landlord except by—

(a) obtaining—

(i) an order of the court for possession of the dwelling-house under section 7 or 21, and

(ii) the execution of the order,

(b) obtaining an order of the court under section 6A (demotion order), or

(c) in the case of a fixed term tenancy which contains power for the landlord to determine the tenancy in certain circumstances, by the exercise of that power,

and, accordingly, the service by the landlord of a notice to quit is of no effect in relation to a periodic assured tenancy.

(1A) Where an order of the court for possession of the dwelling-house is obtained, the tenancy ends when the order is executed."

(3) In subsection (2)(a) after "court" insert " of the kind mentioned in subsection (1)(a) or (b) or any other order of the court ".

Commencement Information
I270 Sch. 11 para. 6 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

7 In section 7(7) (possession orders in cases of fixed term tenancies which have come to an end) for "on the day on which the order takes effect" substitute " in accordance with section 5(1A) ".

Commencement Information
I271 Sch. 11 para. 7 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

8 (1) Section 9 (extended discretion of court in possession claims) is amended as follows.

(2) In subsection (3) omit the words from "or payments" to "profits)".

(3) For subsection (4) substitute—

"(4) The court may discharge or rescind any such order as is referred to in subsection (2) if it thinks it appropriate to do so having had regard to—

(a) any conditions imposed under subsection (3), and

(b) the conduct of the tenant in connection with those conditions."

(4) Omit subsections (5) and (5A).

Commencement Information
I272 Sch. 11 para. 8(1)(2)(4) in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

9 (1) Section 21 (recovery of possession on expiry or termination of assured shorthold tenancies) is amended as follows.

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(2) In subsection (3) for "on the day on which the order takes effect" substitute " in accordance with section 5(1A) ".

(3) After subsection (4) insert—

"(4A) Where a court makes an order for possession of a dwelling-house by virtue of subsection (4) above, the assured shorthold tenancy shall end in accordance with section 5(1A)."

Commencement Information
I273 Sch. 11 para. 9 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

Housing Act 1996 (c. 52)

10 The Housing Act 1996 is amended as follows.

Commencement Information
I274 Sch. 11 para. 10 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

11 (1) Section 127 (introductory tenancies: proceedings for possession) is amended as follows.

(2) In subsection (1) for the words from "an order" to the end substitute "—

(a) an order of the court for the possession of the dwelling-house, and

(b) the execution of the order."

(3) After subsection (1) insert—

"(1A) In such a case, the tenancy ends when the order is executed."

(4) In subsection (2) for "such an order" substitute " an order of the kind mentioned in subsection (1)(a) ".

(5) Omit subsection (3).

Commencement Information
I275 Sch. 11 para. 11 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

12 (1) Section 130 (introductory tenancies: effect of beginning proceedings for possession) is amended as follows.

(2) In subsection (2)(a) for the words from "in pursuance of", where they first appear, to "of the court)" substitute " in accordance with section 127(1A) ".

(3) In subsection (3)(b) for "127(2) and (3)" substitute " 127(1A) and (2) ".

Commencement Information
I276 Sch. 11 para. 12 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

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13 (1) Section 143D (demoted tenancies: proceedings for possession) is amended as follows.

(2) In subsection (1) for the words from "an order" to the end substitute "—

(a) an order of the court for the possession of the dwelling-house, and

(b) the execution of the order."

(3) After subsection (1) insert—

"(1A) In such a case, the tenancy ends when the order is executed."

(4) Omit subsection (3).

Commencement Information

I277 Sch. 11 para. 13 in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

Transitional provisions

14 (1) Subject as follows, this Part of this Schedule does not apply to any possession order made before the commencement date.

(2) This Part of this Schedule does apply to a possession order made before the commencement date if the order applies to—

(a) a new tenancy by virtue of paragraph 20, or

(b) a tenancy which has not ended pursuant to the order before that date.

(3) Paragraphs 3(3) and 8(3) apply to any possession order regardless of when it was made.

(4) In determining for the purposes of sub-paragraph (2) whether a tenancy has ended, any ending which was temporary because the tenancy was restored in consequence of a court order is to be ignored.

(5) In this paragraph "the commencement date" means the day on which section 299 comes into force for purposes other than the purposes of the Secretary of State or the Welsh Ministers making orders under Part 2 of this Schedule.

Commencement Information

I278 Sch. 11 para. 14(1)(2)(4)(5) in force at 20.5.2009 by S.I. 2009/1261, **arts. 2**, 3

PART 2

REPLACEMENT OF CERTAIN TERMINATED TENANCIES

Modifications etc. (not altering text)

C79 Sch. 11 Pt. 2 applied (with modifications) (E.) (20.5.2009) by Housing (Replacement of Terminated Tenancies) (Successor Landlords) (England) Order 2009 (S.I. 2009/1262), arts. 1(1), **arts. 2-7**

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C80 Sch. 11 Pt. 2 applied (with modifications) (W.) (21.5.2009) by Housing (Replacement of Terminated Tenancies) (Successor Landlords) (Wales) Order 2009 (S.I. 2009/1260), arts. 1(1), **arts. 2-7**

Circumstances in which replacement tenancies arise

15 In this Part of this Schedule "an original tenancy" means any secure tenancy, assured tenancy, introductory tenancy or demoted tenancy—

(a) in respect of which a possession order was made before the commencement date, and

(b) which ended before that date pursuant to the order but not on the execution of the order.

Commencement Information

I279 Sch. 11 para. 15 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I280 Sch. 11 para. 15 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

16 (1) A new tenancy of the dwelling-house which was let under the original tenancy is treated as arising on the commencement date between the ex-landlord and the ex-tenant if—

(a) on that date—

(i) the home condition is met, and

(ii) the ex-landlord is entitled to let the dwelling-house, and

(b) the ex-landlord and the ex-tenant have not entered into another tenancy after the date on which the original tenancy ended but before the commencement date.

(2) The home condition is that the dwelling-house which was let under the original tenancy—

(a) is, on the commencement date, the only or principal home of the ex-tenant, and

(b) has been the only or principal home of the ex-tenant throughout the termination period.

(3) In this Part of this Schedule "the termination period" means the period—

(a) beginning with the end of the original tenancy, and

(b) ending with the commencement date.

(4) For the purposes of sub-paragraph (2)(a) the dwelling-house is the only or principal home of the ex-tenant on the commencement date even though the ex-tenant is then absent from the dwelling-house as a result of having been evicted in pursuance of a warrant if the warrant is subsequently set aside but the possession order under which it was granted remains in force.

(5) In that case, the new tenancy is treated as arising on the first day (if any) on which the ex-tenant resumes occupation of the dwelling-house as that person's only or principal home.

(6) For the purposes of sub-paragraph (2)(b) any period of time within the termination period is to be ignored if—

(a) it is a period in which the ex-tenant was absent from the dwelling-house as a result of having been evicted in pursuance of a warrant which was then

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set aside although the possession order under which it was granted remained in force, and

(b) the ex-tenant subsequently resumes occupation of the dwelling-house as the ex-tenant's only or principal home.

(7) The appropriate national authority may by order provide for particular cases or descriptions of case, or particular circumstances, where the home condition is met where it would not otherwise be met.

Commencement Information

I281 Sch. 11 para. 16 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I282 Sch. 11 para. 16 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Nature of replacement tenancies

17 The new tenancy is to be—

(a) a secure tenancy if—

(i) the original tenancy was a secure tenancy, or

(ii) the original tenancy was an introductory tenancy but no election by the ex-landlord under section 124 of the Housing Act 1996 (c. 52) is in force on the day on which the new tenancy arises,

(b) an assured shorthold tenancy if the original tenancy was an assured shorthold tenancy,

(c) an assured tenancy which is not an assured shorthold tenancy if the original tenancy was a tenancy of that kind,

(d) an introductory tenancy if the original tenancy was an introductory tenancy and an election by the ex-landlord under section 124 of the Housing Act 1996 is in force on the day on which the new tenancy arises,

(e) a demoted tenancy to which section 20B of the Housing Act 1988 (c. 50) applies if the original tenancy was a demoted tenancy of that kind, and

(f) a demoted tenancy to which section 143A of the Housing Act 1996 applies if the original tenancy was a demoted tenancy of that kind.

Commencement Information

I283 Sch. 11 para. 17 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I284 Sch. 11 para. 17 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

18 (1) The new tenancy is, subject as follows, to have effect on the same terms and conditions as those applicable to the original tenancy immediately before it ended.

(2) The terms and conditions of the new tenancy are to be treated as modified so as to reflect, so far as applicable, any changes made during the termination period to the level of payments for the ex-tenant's occupation of the dwelling-house or to the other terms and conditions of the occupation.

(3) The terms and conditions of the new tenancy are to be treated as modified so that any outstanding liabilities owed by the ex-tenant to the ex-landlord in respect of payments for the ex-tenant's occupation of the dwelling-house during the termination period are liabilities in respect of rent under the new tenancy.

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(4) The appropriate national authority may by order provide for other modifications of the terms and conditions of the new tenancy.

(5) Nothing in sub-paragraphs (2) to (4) is to be read as permitting modifications of the new tenancy which would not have been possible if the original tenancy had remained a tenancy throughout the termination period.

(6) The terms and conditions of a new secure tenancy which arises by virtue of paragraph 17(a)(ii) are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a secure tenancy and not an introductory tenancy.

Commencement Information

I285 Sch. 11 para. 18 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I286 Sch. 11 para. 18 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

19 (1) Any provision which is made by or under an enactment and relates to a secure tenancy, assured tenancy, introductory tenancy or demoted tenancy applies, subject as follows, to a new tenancy of a corresponding kind.

(2) Any such provision which relates to an introductory tenancy applies to a new tenancy which is an introductory tenancy as if the trial period mentioned in section 125(2) of the Housing Act 1996 (c. 52) were the period of one year beginning with the day on which the new tenancy arises.

(3) Any such provision which relates to a demoted tenancy applies to a new tenancy which is a demoted tenancy as if the demotion period mentioned in section 20B(2) of the Housing Act 1988 (c. 50) or section 143B(1) of the Housing Act 1996 were the period of one year beginning with the day on which the new tenancy arises.

(4) The appropriate national authority may by order modify any provision made by or under an enactment in its application to a new tenancy.

Commencement Information

I287 Sch. 11 para. 19 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I288 Sch. 11 para. 19 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Status of possession order and other court orders

20 (1) The possession order in pursuance of which the original tenancy ended is to be treated, so far as practicable, as if it applies to the new tenancy.

(2) Any court orders made before the commencement date which—

(a) are in force on that date,

(b) relate to the occupation of the dwelling-house, and

(c) were made in contemplation of, in consequence of or otherwise in connection with the possession order,

are to be treated, so far as practicable, as if they apply to the new tenancy.

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Commencement Information

I289 Sch. 11 para. 20 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I290 Sch. 11 para. 20 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Continuity of tenancies

21 (1) The new tenancy and the original tenancy are to be treated for the relevant purposes as—

(a) the same tenancy, and

(b) a tenancy which continued uninterrupted throughout the termination period.

(2) The relevant purposes are—

(a) determining whether the ex-tenant is a successor in relation to the new tenancy,

(b) calculating on or after the commencement date the period qualifying, or the aggregate of such periods, under Schedule 4 to the Housing Act 1985 (c. 68) (qualifying period for right to buy and discount),

(c) determining on or after the commencement date whether the condition set out in paragraph (b) of Ground 8 of Schedule 2 to that Act is met, and

(d) any other purposes specified by the appropriate national authority by order.

(3) In proceedings on a relevant claim the court concerned may order that the new tenancy and the original tenancy are to be treated for the purposes of the claim as—

(a) the same tenancy, and

(b) a tenancy which continued uninterrupted throughout the termination period.

(4) The following are relevant claims—

(a) a claim by the ex-tenant or the ex-landlord against the other for breach of a term or condition of the original tenancy—

(i) in respect of which proceedings are brought on or after the commencement date, or

(ii) in respect of which proceedings were brought, but were not finally determined, before that date,

(b) a claim by the ex-tenant against the ex-landlord for breach of statutory duty in respect of which proceedings are or were brought as mentioned in paragraph (a)(i) or (ii), and

(c) any other claim of a description specified by the appropriate national authority by order.

(5) For the purposes of sub-paragraph (4)(a) proceedings must be treated as finally determined if—

(a) they are withdrawn,

(b) any appeal is abandoned, or

(c) the time for appealing has expired without an appeal being brought.

Commencement Information

I291 Sch. 11 para. 21 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

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I292 Sch. 11 para. 21 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Compliance with consultation requirements

22 (1) The fact that—

(a) the views of the ex-tenant during the termination period were not sought or taken into account when they should have been sought or taken into account, or

(b) the views of the ex-tenant during that period were sought or taken into account when they should not have been sought or taken into account,

is not to be taken to mean that the consultation requirements were not complied with.

(2) The consultation requirements are—

(a) the requirements under—

(i) section 105(1) of the Housing Act 1985 (c. 68),

(ii) paragraphs 3 and 4 of Schedule 3A to that Act,

(iii) regulations made under section 27AB of that Act which relate to arranging for ballots or polls with respect to a proposal to enter into a management agreement, and

(iv) section 137(2) of the Housing Act 1996 (c. 52), and

(b) any other requirements specified by the appropriate national authority by order.

Commencement Information

I293 Sch. 11 para. 22 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I294 Sch. 11 para. 22 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Joint tenancies

23 (1) In the application of this Part of this Schedule in relation to an original tenancy which was a joint tenancy, a reference to the dwelling-house being the only or principal home of the ex-tenant is to be treated as a reference to the dwelling-house being the only or principal home of at least one of the ex-tenants of the joint tenancy.

(2) The appropriate national authority may by order provide for this Part of this Schedule to apply in relation to an original tenancy which was a joint tenancy subject to such additional modifications as may be specified in the order.

Commencement Information

I295 Sch. 11 para. 23 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I296 Sch. 11 para. 23 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Successor landlords

24 (1) The appropriate national authority may by order provide for this Part of this Schedule to apply, subject to such modifications as may be specified in the order, to successor landlord cases.

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(2) For the purposes of sub-paragraph (1) a successor landlord case is a case, in relation to an original tenancy, where the interest of the ex-landlord in the dwelling-house—

(a) has been transferred to another person after the end of the original tenancy and before the commencement date, and

(b) on the commencement date, belongs to the person to whom it has been transferred or a subsequent transferee.

Commencement Information

I297 Sch. 11 para. 24 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I298 Sch. 11 para. 24 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

Supplementary

25 In determining for the purposes of this Part of this Schedule whether a tenancy has ended, any ending which was temporary because the tenancy was restored in consequence of a court order is to be ignored.

Commencement Information

I299 Sch. 11 para. 25 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I300 Sch. 11 para. 25 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

26 (1) In this Part of this Schedule—

"appropriate national authority" means—

(a) in relation to a dwelling-house in England, the Secretary of State, and

(b) in relation to a dwelling-house in Wales, the Welsh Ministers,

"assured shorthold tenancy" and "assured tenancy" have the same meanings as in Part 1 of the Housing Act 1988 (c. 50) but do not include a demoted tenancy to which section 20B of that Act applies,

"the commencement date" means the day on which section 299 comes into force for purposes other than the purposes of the Secretary of State or the Welsh Ministers making orders under this Part of this Schedule,

"demoted tenancy" means a tenancy to which section 20B of the Act of 1988 or section 143A of the Housing Act 1996 (c. 52) applies,

"dwelling-house"—

(a) in relation to an assured tenancy, or a tenancy to which section 20B of the Act of 1988 applies, has the same meaning as in Part 1 of that Act,

(b) in relation to a tenancy to which section 143A of the Act of 1996 applies, has the same meaning as in Chapter 1A of Part 5 of that Act,

(c) in relation to an introductory tenancy, has the meaning given by section 139 of the Act of 1996, and

(d) in relation to a secure tenancy, has the meaning given by section 112 of the Housing Act 1985 (c. 68),

"ex-landlord" means the person who was the landlord under an original tenancy,

"ex-tenant" means the person who was the tenant under an original tenancy,

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"introductory tenancy" has the same meaning as in Chapter 1 of Part 5 of the Act of 1996,

"modification" includes omission,

"new tenancy" means a tenancy which is treated as arising by virtue of paragraph 16,

"original tenancy" has the meaning given by paragraph 15,

"possession order", in relation to a tenancy, means a court order for the possession of the dwelling-house,

"secure tenancy" has the same meaning as in Part 4 of the Act of 1985,

"successor"—

(a) in relation to a new tenancy which is an assured tenancy or which is a demoted tenancy to which section 20B of the Act of 1988 applies, has the same meaning as in section 17 of that Act,

(b) in relation to a new tenancy which is a demoted tenancy to which section 143A of the Act of 1996 applies, has the meaning given by section 143J of that Act,

(c) in relation to a new tenancy which is an introductory tenancy, has the same meaning as in section 132 of the Act of 1996, and

(d) in relation to a new tenancy which is a secure tenancy, has the same meaning as in section 88 of the Act of 1985.

"termination period" has the meaning given by paragraph 16(3).

(2) For the purposes of the definition of "appropriate national authority" in sub-paragraph (1) a dwelling-house which is partly in England and partly in Wales is to be treated—

(a) as being in England if it is treated as situated in the area of a billing authority in England by virtue of regulations under section 1(3) of the Local Government Finance Act 1992 (c. 14) (council tax in respect of dwellings), and

(b) as being in Wales if it is treated as situated in the area of a billing authority in Wales by virtue of regulations under that section.

Commencement Information

I301 Sch. 11 para. 26 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(4)** (with arts. 6-13)

I302 Sch. 11 para. 26 in force at 20.5.2009 in so far as not already in force by S.I. 2009/1261, **arts. 2**, 3

SCHEDULE 12

Section 303

SERVICE CHARGES: PROVISION OF INFORMATION AND DESIGNATED ACCOUNTS

Landlord and Tenant Act 1985 (c. 70)

1 The Landlord and Tenant Act 1985 is amended as follows.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I303 Sch. 12 para. 1 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

2 For section 21 (as substituted by section 152 of the Commonhold and Leasehold Reform Act 2002 (c. 15)) (regular statements of account) substitute—

"**21 Service charge information**

(1) The appropriate national authority may make regulations about the provision, by landlords of dwellings to each tenant by whom service charges are payable, of information about service charges.

(2) The regulations must, subject to any exceptions provided for in the regulations, require the landlord to provide information about—

(a) the service charges of the tenant,

(b) any associated service charges, and

(c) relevant costs relating to service charges falling within paragraph (a) or (b).

(3) The regulations must, subject to any exceptions provided for in the regulations, require the landlord to provide the tenant with a report by a qualified person on information which the landlord is required to provide by virtue of this section.

(4) The regulations may make provision about—

(a) information to be provided by virtue of subsection (2),

(b) other information to be provided (whether in pursuance of a requirement or otherwise),

(c) reports of the kind mentioned in subsection (3),

(d) the period or periods in relation to which information or reports are to be provided,

(e) the times at or by which information or reports are to be provided,

(f) the form and manner in which information or reports are to be provided (including in particular whether information is to be contained in a statement of account),

(g) the descriptions of persons who are to be qualified persons for the purposes of subsection (3).

(5) Subsections (2) to (4) do not limit the scope of the power conferred by subsection (1).

(6) Regulations under this section may—

(a) make different provision for different cases or descriptions of case or for different purposes,

(b) contain such supplementary, incidental, consequential, transitional, transitory or saving provision as the appropriate national authority considers appropriate.

(7) Regulations under this section are to be made by statutory instrument which, subject to subsections (8) and (9)—

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(a) in the case of regulations made by the Secretary of State, is to be subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) in the case of regulations made by the Welsh Ministers, is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(8) The Secretary of State may not make a statutory instrument containing the first regulations made by the Secretary of State under this section unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(9) The Welsh Ministers may not make a statutory instrument containing the first regulations made by the Welsh Ministers under this section unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

(10) In this section—

"the appropriate national authority"—

(a) in relation to England, means the Secretary of State, and

(b) in relation to Wales, means the Welsh Ministers,

"associated service charges", in relation to a tenant by whom a contribution to relevant costs is payable as a service charge, means service charges of other tenants so far as relating to the same costs."

Commencement Information

I304 Sch. 12 para. 2 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

3 (1) Section 21A (withholding of service charges) is amended as follows.

(2) For subsection (1) substitute—

"(1) A tenant may withhold payment of a service charge if—

(a) the landlord has not provided him with information or a report—

(i) at the time at which, or

(ii) (as the case may be) by the time by which,

he is required to provide it by virtue of section 21, or

(b) the form or content of information or a report which the landlord has provided him with by virtue of that section (at any time) does not conform exactly or substantially with the requirements prescribed by regulations under that section."

(3) In subsection (2)—

(a) in paragraph (a) for "accounting period to which the document" substitute " period to which the information or report ", and

(b) for paragraph (b) substitute—

"(b) amounts standing to the tenant's credit in relation to the service charges at the beginning of that period."

(4) In subsection (3)—

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(a) in paragraph (a) for "document concerned has been supplied" substitute " information or report concerned has been provided ", and

(b) for paragraph (b) substitute—

"(b) in a case within paragraph (b) of that subsection, after information or a report conforming exactly or substantially with requirements prescribed by regulations under section 21 has been provided to the tenant by the landlord by way of replacement of that previously provided."

Commencement Information

I305 Sch. 12 para. 3 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

4 (1) Section 22 (as substituted by section 154 of the Commonhold and Leasehold Reform Act 2002 (c. 15)) (inspection etc. of documents) is amended as follows.

(2) In subsection (1)(a) for the words from "the matters" to "under" substitute " information required to be provided to him by virtue of ".

(3) In subsection (3) for "supplied with the statement of account under" substitute " provided with the information concerned by virtue of ".

(4) In subsection (4)—

(a) for "statement of account", wherever it appears, substitute " information ",

(b) for "supplied", wherever it appears, substitute " provided ", and

(c) in paragraph (b) for "21(4)" substitute " 21 ".

Commencement Information

I306 Sch. 12 para. 4 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

5 In section 23(1) (as substituted by paragraph 1 of Schedule 10 to the Commonhold and Leasehold Reform Act 2002 (c. 15) (information held by superior landlord))—

(a) for "a statement of account which the landlord is required to supply under" substitute " information which the landlord is required to provide by virtue of ", and

(b) after "of the relevant information" insert " which relates to those matters ".

Commencement Information

I307 Sch. 12 para. 5 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

6 In section 23A(4) (effect of change of landlord)—

(a) in paragraph (a) after "23" insert " and any regulations under section 21 ", and

(b) after paragraph (b) insert "and

(c) any regulations under section 21 apply subject to any modifications contained in the regulations."

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Commencement Information
I308 Sch. 12 para. 6 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

7 In section 26(1) (exception: tenants of certain public authorities) for "statements of account" substitute " service charge information, reports on such information ".

Commencement Information
I309 Sch. 12 para. 7 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

8 In section 27 (exception: rent registered and not entered as variable) for "statements of account" substitute " service charge information, reports on such information ".

Commencement Information
I310 Sch. 12 para. 8 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

9 Omit section 28 (meaning of "qualified accountant").

Commencement Information
I311 Sch. 12 para. 9 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

10 In section 39 (index of defined expressions) omit the entry in the Table for "qualified accountant".

Commencement Information
I312 Sch. 12 para. 10 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(6)** (with arts. 6-13)

Landlord and Tenant Act 1987 (c. 31)

11 The Landlord and Tenant Act 1987 is amended as follows.

Commencement Information
I313 Sch. 12 para. 11 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(7)** (with arts. 6-13)

12 (1) Section 42A (service charge contributions to be held in designated account) is amended as follows.

(2) In subsection (2)—

(a) for paragraph (b) substitute—

"(b) any other sums held in the account are sums standing to the credit of one or more other trust funds,", and

(b) for "Secretary of State" substitute " appropriate national authority ".

(3) After subsection (2) insert—

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"(2A) The appropriate national authority may by regulations ensure that a payee who holds more than one trust fund in the same designated account cannot move any of those funds to another designated account unless conditions specified in the regulations are met."

(4) In subsection (3)(a)—

(a) after "subsection (1) is" insert " , or regulations under subsection (2A) are, ", and

(b) for "them" substitute " such documents ".

(5) In subsections (5), (6), (7) and (8) for "this section" substitute " subsection (3) ".

(6) After subsection (9) insert—

"(9A) Regulations under subsection (2A) may include provision about —

(a) the circumstances in which a contributing tenant who has reasonable grounds for believing that the payee has not complied with a duty imposed on him by the regulations may withhold payment of a service charge,

(b) the period for which payment may be so withheld,

(c) the amount of service charge that may be so withheld;

and the regulations may provide that any provisions of the contributing tenant's tenancy relating to non-payment or late payment of service charge do not have effect in relation to the period for which the payment is so withheld."

(7) In subsection (10)—

(a) after "this section" insert " or in regulations under subsection (2A) ", and

(b) for "Secretary of State" substitute " appropriate national authority ".

(8) After subsection (10) insert—

"(10A) Regulations under this section may—

(a) make different provision for different cases, including different provision for different areas,

(b) contain such supplementary, incidental, consequential, transitional, transitory or saving provision as the appropriate national authority considers appropriate.

(10B) Regulations under this section are to be made by statutory instrument which—

(a) in the case of regulations made by the Secretary of State, is to be subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) in the case of regulations made by the Welsh Ministers, is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales."

(9) In subsection (11)—

(a) after "section—" insert—

""the appropriate national authority"—

(a) in relation to England, means the Secretary of State, and

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(b) in relation to Wales, means the Welsh Ministers,", and

(b) in the definition of "relevant financial institution" for "Secretary of State" substitute " appropriate national authority ".

Commencement Information

I314 Sch. 12 para. 12 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(7)** (with arts. 6-13)

13 (1) Section 53 (regulations and orders) is amended as follows.

(2) In subsection (2)(b) omit "or 42A".

(3) After subsection (2) insert—

"(3) This section does not apply to any power to make regulations under section 42A."

Commencement Information

I315 Sch. 12 para. 13 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, **art. 4(7)** (with arts. 6-13)

PROSPECTIVE

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

14 The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.

15 (1) Section 78 (management audits) is amended as follows.

(2) In subsection (4) for paragraphs (a) and (b), and the "and" following paragraph (b), substitute—

"(a) he is—

(i) a member of a body which is a recognised supervisory body for the purposes of Part 42 of the Companies Act 2006;

(ii) a qualified surveyor; or

(iii) where the landlord is a relevant landlord, a member of the Chartered Institute of Public Finance and Accountancy;

(b) he is not any of the following—

(i) an officer, employee or partner of the landlord or, where the landlord is a company, of an associated company;

(ii) a person who is a partner or employee of any such officer or employee;

(iii) an agent of the landlord who is a managing agent for any premises to which the audit in question relates; or

(iv) an employee or partner of any such agent; and".

(3) After subsection (5) insert—

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"(5A) For the purposes of subsection (4)(b)(i) above a company is associated with a landlord company if it is the landlord's holding company, a subsidiary of the landlord or another subsidiary of the landlord's holding company.

(5B) Subsection (4)(b)(i) does not apply where the landlord is a relevant landlord.

(5C) For the purposes of subsection (4)(b)(iii) above a person is a managing agent for any premises if he has been appointed to discharge any of the landlord's obligations relating to the management by the landlord of the premises."

(4) After subsection (6) insert—

"(7) In this section—

"holding company" and "subsidiary" have the meanings given by section 1159 of the Companies Act 2006;

"relevant landlord" means—

(a) a local authority (within the meaning of the Landlord and Tenant Act 1985);

(b) a National Park authority; or

(c) a new town corporation (within the meaning of the Act of 1985)."

16 In section 79(2)(a) (rights exercisable in connection with management audits)—

(a) for the words from "the matters" to "supplied" substitute " information required to be provided ", and

(b) for "under" substitute " by virtue of ".

SCHEDULE 13

Section 305

DEMOLITION NOTICES

Final demolition notices

1 Schedule 5 to the Housing Act 1985 (c. 68) (exceptions to the right to buy: final demolition notices) is amended as follows.

2 (1) Paragraph 13 (final demolition notices) is amended as follows.

(2) In sub-paragraph (5) (period of validity of final demolition notices)—

(a) omit the "and" following paragraph (a),

(b) in paragraph (b) for "(7)" substitute " (7A) ", and

(c) after paragraph (b) insert ", and

(c) the provisions of paragraph 15A".

(3) In sub-paragraph (9) (certain references to landlord to include superior landlord) after "15" insert " (other than paragraph 15(7A) ".

3 (1) Paragraph 15 (extension or revocation etc. of final demolition notices) is amended as follows.

(2) After sub-paragraph (7) (revocation notices) insert—

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"(7A) Sub-paragraphs (4) to (7) do not apply if the landlord is selling or otherwise transferring his interest as landlord to another person or is offering it for sale or for other transfer."

(3) In sub-paragraph (8) (restrictions on service of further notices)—

(a) after "final demolition notice", where it first appears, insert " ("the earlier notice") ",

(b) after "final demolition notice", where it appears for a second time, insert " (and no initial demolition notice) ",

(c) after "in respect of it" insert " , by the landlord who served the earlier notice or any landlord who served a continuation notice in respect of the earlier notice, ",

(d) after "when the" insert " earlier ", and

(e) in paragraph (a) for "it" substitute " the further final demolition notice (or, as the case may be, the initial demolition notice) ".

(4) After sub-paragraph (9) insert—

"(10) In sub-paragraph (8) "initial demolition notice" has the meaning given by paragraph 1 of Schedule 5A (initial demolition notices)."

4 After paragraph 15 insert—

"15A(1) This paragraph applies if—

(a) a final demolition notice is in force in respect of a dwelling-house, and

(b) the landlord transfers his interest as landlord to another person.

(2) The final demolition notice ("the original notice") continues in force but this is subject to—

(a) paragraphs 13(5) and 15, and

(b) the following provisions of this paragraph.

(3) Sub-paragraph (4) applies if the transferee—

(a) intends to demolish the dwelling-house, but

(b) has not—

(i) served a continuation notice, and

(ii) complied with the conditions in sub-paragraphs (8) and (10),

within the period of 2 months beginning with the date of transfer.

(4) The transferee must proceed under paragraph 15(4) as if the transferee has decided not to demolish the dwelling-house (and paragraph 15(5) to (7) applies on the same basis).

(5) A continuation notice is a notice—

(a) stating that the transferee—

(i) has acquired the interest concerned, and

(ii) intends to demolish the dwelling-house or (as the case may be) the building containing it ("the relevant premises"),

(b) setting out the reasons why the transferee intends to demolish the relevant premises,

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(c) stating that one of conditions A to C in paragraph 14 is satisfied in relation to the original notice (specifying the condition concerned),

(d) stating that the original notice is to continue in force, and

(e) explaining the continued effect of the original notice.

(6) A continuation notice may not vary the proposed demolition date in the original notice nor the date when the original notice will cease to be in force.

(7) Sub-paragraph (8) applies if—

(a) the dwelling-house is contained in a building which contains one or more other dwelling-houses, and

(b) the transferee intends to demolish the whole of the building.

(8) The transferee must serve a continuation notice on the occupier of each of the dwelling-houses contained in the building (whether addressed to him by name or just as "the occupier").

(9) An accidental omission to serve a continuation notice on one or more occupiers does not prevent the condition in sub-paragraph (8) from being satisfied.

(10) Paragraph 13(7) and (8) apply in relation to the transferee's intention to demolish so as to impose a condition on the transferee for a notice to appear within the period of 2 months beginning with the date of transfer.

(11) Sub-paragraphs (7) to (10) above apply instead of paragraph 13(6) to (8) in relation to a final demolition notice so far as continued in force under this paragraph."

5 In paragraph 16(1) (notices under paragraphs 13 and 15) for "or 15" substitute " , 15 or 15A ".

Initial demolition notices

6 Schedule 5A to the Housing Act 1985 (c. 68) (initial demolition notices) is amended as follows.

7 In paragraph 1(4)(b) (initial demolition notices: maximum specified period to carry out demolition) for "five" substitute " seven ".

8 In paragraph 2(1) (period of validity of initial demolition notices) for "paragraph 3" substitute " paragraphs 3 and 3A ".

9 In paragraph 3(1) (revocation of initial demolition notices: application of paragraph 15(4) to (7) of Schedule 5 to that Act) for "(7)" substitute " (7A) ".

10 After paragraph 3 insert—

"Transfer of initial demolition notices

3A (1) This paragraph applies if—

(a) an initial demolition notice is in force in respect of a dwelling-house, and

(b) the landlord transfers his interest as landlord to another person.

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(2) The initial demolition notice ("the original notice") continues in force but this is subject to—

(a) paragraphs 2 and 3, and

(b) the following provisions of this paragraph.

(3) Sub-paragraph (4) applies if the transferee—

(a) intends to demolish the dwelling-house, but

(b) has not—

(i) served a continuation notice, and

(ii) complied with the conditions in sub-paragraphs (8) and (10),

within the period of 2 months beginning with the date of transfer.

(4) The transferee must proceed under paragraph 15(4) of Schedule 5 as applied by paragraph 3(1) above as if the transferee has decided not to demolish the dwelling-house (and paragraph 15(5) to (7) of that Schedule as so applied applies on the same basis).

(5) A continuation notice is a notice—

(a) stating that the transferee—

(i) has acquired the interest concerned, and

(ii) intends to demolish the dwelling-house or (as the case may be) the building containing it ("the relevant premises"),

(b) setting out the reasons why the transferee intends to demolish the relevant premises,

(c) stating that the original notice is to continue in force, and

(d) explaining the continued effect of the original notice.

(6) A continuation notice may not vary the period specified in the original notice in accordance with paragraph 1(1)(c).

(7) Sub-paragraph (8) applies if—

(a) the dwelling-house is contained in a building which contains one or more other dwelling-houses, and

(b) the transferee intends to demolish the whole of the building.

(8) The transferee must serve a continuation notice on the occupier of each of the dwelling-houses contained in the building (whether addressed to him by name or just as "the occupier").

(9) An accidental omission to serve a continuation notice on one or more occupiers does not prevent the condition in sub-paragraph (8) from being satisfied.

(10) Paragraph 13(7) of Schedule 5 applies in relation to the transferee's intention to demolish so as to impose a condition on the transferee for a notice to appear within the period of 2 months beginning with the date of transfer; and paragraph 2(3) above applies for this purpose.

(11) Sub-paragraphs (7) to (10) above apply instead of paragraph 2(2) and (3) in relation to an initial demolition notice so far as continued in force under this paragraph."

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11 (1) Paragraph 4 (restrictions on service of further notices) is amended as follows.

(2) In sub-paragraph (2) (further initial demolition notices)—

(a) after "dwelling-house" insert " , by the landlord who served the relevant notice or any landlord who served a continuation notice in respect of the relevant notice, ", and

(b) in paragraph (a) for "it" substitute " the further notice ".

(3) In sub-paragraph (3) (final demolition notices)—

(a) after "dwelling-house" insert " , by the landlord who served the relevant notice or any landlord who served a continuation notice in respect of the relevant notice, ", and

(b) in paragraph (a) for "it" substitute " the final demolition notice ".

12 In paragraph 5 (notices under Schedule 5A) for "or 15" substitute " , 15 or 15A ".

13 In paragraph 6(1) (interpretation) after "Schedule" insert " (other than paragraph 3A) ".

Transitional provision

14 This Schedule does not apply to notices served before the coming into force of the Schedule.

SCHEDULE 14

Section 311

DISPOSALS OF DWELLING-HOUSES BY LOCAL AUTHORITIES

Housing Act 1985 (c. 68)

1 (1) The Housing Act 1985 is amended as follows.

(2) In section 34 (consents in relation to disposals of land held for housing purposes)—

(a) in subsection (1) for "Secretary of State's" substitute " appropriate national body's ",

(b) in subsection (4A)—

(i) for "Secretary of State" substitute " appropriate national body ",

(ii) after "disposal;" at the end of paragraph (c), insert—

"(ca) in the case of a proposed large scale disposal, the appropriate national body's estimate of the exchequer costs of the large scale disposal;", and

(iii) in paragraph (d) for "he" substitute " the appropriate national body ", and

(c) after subsection (4A) insert—

"(4AA) The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions (including as to the period during which housing subsidies may be payable) as the appropriate national body may determine, regardless of whether those assumptions are, or are likely to be, borne out by events.

(4AB) In this section—

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"appropriate national body"—

(a) in relation to England, means the Secretary of State; and

(b) in relation to Wales, means the Welsh Ministers;

"dwelling-house" has the same meaning as in Part 5 of this Act except that it does not include a hostel or any part of a hostel;

"the exchequer costs", in relation to a large scale disposal, means any increase which is or may be attributable to the disposal in the aggregate of any housing subsidies;

"housing subsidies" means any subsidies payable under—

(a) section 140A of the Social Security Administration Act 1992 (subsidy); or

(b) section 79 of the Local Government and Housing Act 1989 (Housing Revenue Account subsidy);

"large scale disposal" means a disposal of one or more dwelling-houses by a local authority to a person where—

(a) the number of dwelling-houses included in the disposal; and

(b) the number of dwelling-houses which, in the relevant period, have previously been disposed of by the authority to that person, or that person and any of the person's associates taken together,

exceeds 499 or, if the appropriate national body by order so provides, such other number as may be specified in the order;

"long lease" means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;

"the relevant period", in relation to a large scale disposal means—

(a) the period of 5 years ending with the date of the disposal; or

(b) if the appropriate national body by order so provides, such other period ending with that date as may be specified in the order;

"subsidiary" has the same meaning as in section 61 of the Housing Act 1996 but as if references in subsection (2) of that section and section 60 of that Act to registered social landlords and landlords were references to housing associations (within the meaning of the Housing Associations Act 1985).

(4AC) For the purposes of this section—

(a) a disposal of any dwelling-house is to be disregarded if at the time of the disposal the local authority's interest in the dwelling-house is or was subject to a long lease;

(b) two persons are associates of each other if—

(i) one of them is a subsidiary of the other;

(ii) they are both subsidiaries of some other person; or

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(iii) there exists between them such relationship or other connection as may be specified in a determination made by the appropriate national body; and

(c) a description of an authority may be framed by reference to any circumstances whatever.

(4AD) An order made by the appropriate national body under this section—

(a) is to be made by statutory instrument which—

(i) in the case of an order made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament; and

(ii) in the case of an order made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales;

(b) may make different provision for different cases or descriptions of case, or for different authorities or descriptions of authority; and

(c) may contain such transitional and supplementary provisions as appear to the appropriate national body to be necessary or expedient.

(4AE) A determination under this section—

(a) may make different provision for different cases or descriptions of case, or for different authorities or descriptions of authority; and

(b) may be varied or revoked by a subsequent determination.”

(3) In section 43 (consent required for certain disposals not within section 32)—

(a) in subsection (1) for “Secretary of State” substitute “ appropriate national body ”,

(b) in subsection (4A)—

(i) for “Secretary of State” substitute “ appropriate national body ”,

(ii) after “disposal;” at the end of paragraph (c), insert—

“(ca) in the case of a proposed disposal which is part of a proposed large scale disposal, the appropriate national body's estimate of the exchequer costs of the large scale disposal;”, and

(iii) in paragraph (d) for “he” substitute “ the appropriate national body ”, and

(c) after subsection (4A) insert—

“(4AA) The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions (including as to the period during which housing subsidies may be payable) as the appropriate national body may determine, regardless of whether those assumptions are, or are likely to be, borne out by events.

(4AB) Subsections (4AB) to (4AE) of section 34 apply for the purposes of this section as they apply for the purposes of that section.”, and

(d) in subsection (5A) after “this section” insert “ (other than in subsection (4A)(ca) and in subsections (4AB) to (4AE) of section 34 as applied for the purposes of this section) ”.

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Commencement Information

I316 Sch. 14 para. 1 in force at 1.12.2008 by S.I. 2008/3068, **art. 4(1)(c)** (with arts. 6-13)

Housing Act 1988 (c. 50)

2 In section 133(3) of the Housing Act 1988 (consent required for certain subsequent disposals)—

(a) in paragraph (a) for "and (3) to (4A)" substitute " , (3), (4) and (4A)(a) to (c) and (d) ",

(b) in paragraph (b) for "and (3) to (4A)" substitute " , (3), (4) and (4A)(a) to (c) and (d) ", and

(c) in paragraph (c) for "(4A)" substitute " (4A)(a) to (c) and (d) ".

Commencement Information

I317 Sch. 14 para. 2 in force at 1.12.2008 by S.I. 2008/3068, **art. 4(1)(c)** (with arts. 6-13)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

3 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.

(2) Omit section 135 (programmes for disposals of dwelling-houses by local authorities).

(3) In section 136 (levy on disposals) for subsection (14) substitute—

"(14) In this section—

"the 1989 Act" means the Local Government and Housing Act 1989;

"dwelling-house" has the same meaning as in Part 5 of the 1985 Act except that it does not include a hostel (as defined in section 622 of that Act) or any part of a hostel;

"local authority" has the meaning given by section 4 of that Act;

"long lease" means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;

"subsidiary" has the same meaning as in section 61 of the Housing Act 1996 but as if references in subsection (2) of that section and section 60 of that Act to registered social landlords and landlords were references to housing associations (within the meaning of the Housing Associations Act 1985).

(15) For the purposes of this section—

(a) a disposal of any dwelling-house is to be disregarded if at the time of the disposal the local authority's interest in the dwelling-house is or was subject to a long lease;

(b) two persons are associates of each other if—

(i) one of them is a subsidiary of the other;

(ii) they are both subsidiaries of some other person; or

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(iii) there exists between them such relationship or other connection as may be specified in a determination made by the Secretary of State; and

(c) a description of authority may be framed by reference to any circumstances whatever."

(4) Omit section 137(1) to (3) (disposals: transitional provisions in relation to section 135).

(5) The reference to the Secretary of State in subsection (15) of section 136 of the Act of 1993, as inserted by sub-paragraph (3) above, is to be read in the same way as other references to the Secretary of State in that section of that Act.

Commencement Information

I318 Sch. 14 para. 3 in force at 1.12.2008 by S.I. 2008/3068, **art. 4(1)(c)** (with arts. 6-13)

Housing Act 1996 (c. 52)

4 (1) The Housing Act 1996 is amended as follows.

(2) In section 51(2)(b) (schemes for investigation of complaints) for "a qualifying disposal" substitute "—

(i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act; or

(ii) a qualifying disposal that was made".

(3) In paragraph 5(1)(b) of Part 2 of Schedule 1 (constitution, change of rules, amalgamation and dissolution: restriction on power of removal in case of registered charity) for "a qualifying disposal" substitute "—

(i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or

(ii) a qualifying disposal that was made".

(4) In paragraph 28(1)(b) of Part 4 of Schedule 1 (inquiry into affairs of registered social landlords: availability of powers in relation to registered charities) for "a qualifying disposal" substitute "—

(i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or

(ii) a qualifying disposal that was made".

Commencement Information

I319 Sch. 14 para. 4 in force at 1.12.2008 by S.I. 2008/3068, **art. 4(1)(c)** (with arts. 6-13)

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SCHEDULE 15

Section 314

INELIGIBLE PERSONS FROM ABROAD: STATUTORY DISREGARDS

PART 1

ENGLAND AND WALES

Housing Act 1996 (c. 52)

1 The Housing Act 1996 is amended as follows.

Commencement Information
I320 Sch. 15 para. 1 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

2 (1) Section 167 (allocation in accordance with allocation scheme) is amended as follows.

(2) In subsection (2) after "scheme shall" insert " , subject to subsection (2ZA), ".

(3) After subsection (2) insert—

"(2ZA) People are to be disregarded for the purposes of subsection (2) if they would not have fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of Part 7)."

Commencement Information
I321 Sch. 15 para. 2 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

3 (1) Section 184 (inquiry into cases of homelessness or threatened homelessness) is amended as follows.

(2) After subsection (3) insert—

"(3A) If the authority decide that a duty is owed to the applicant under section 193(2) or 195(2) but would not have done so without having had regard to a restricted person, the notice under subsection (3) must also—

(a) inform the applicant that their decision was reached on that basis,

(b) include the name of the restricted person,

(c) explain why the person is a restricted person, and

(d) explain the effect of section 193(7AD) or (as the case may be) section 195(4A)."

(3) After subsection (6) insert—

"(7) In this Part "a restricted person" means a person—

(a) who is not eligible for assistance under this Part,

(b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and

(c) either—

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(i) who does not have leave to enter or remain in the United Kingdom, or

(ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds."

Commencement Information

I322 Sch. 15 para. 3 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

4 (1) Section 185 (persons from abroad not eligible for certain housing assistance) is amended as follows.

(2) In subsection (4) for "another person" substitute " a person falling within subsection (5) ".

(3) After subsection (4) insert—

"(5) A person falls within this subsection if the person—

(a) falls within a class prescribed by regulations made under subsection (2); but

(b) is not a national of an EEA State or Switzerland."

Commencement Information

I323 Sch. 15 para. 4 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

5 (1) Section 193 (duty to persons with priority need who are not homeless intentionally) is amended as follows.

(2) In subsection (3A) after "this section" insert " in a case which is not a restricted case ".

(3) After subsection (3A) insert—

"(3B) In this section "a restricted case" means a case where the local housing authority would not be satisfied as mentioned in subsection (1) without having had regard to a restricted person."

(4) After subsection (7A) insert—

"(7AA) In a restricted case the authority shall also cease to be subject to the duty under this section if the applicant, having been informed of the matters mentioned in subsection (7AB)—

(a) accepts a private accommodation offer, or

(b) refuses such an offer.

(7AB) The matters are—

(a) the possible consequence of refusal of the offer, and

(b) that the applicant has the right to request a review of the suitability of the accommodation.

(7AC) For the purposes of this section an offer is a private accommodation offer if—

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(a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under this section to an end, and

(c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 12 months.

(7AD) In a restricted case the authority shall, so far as reasonably practicable, bring their duty under this section to an end as mentioned in subsection (7AA).”

(5) In subsections (7B) and (7C) at the beginning insert “ In a case which is not a restricted case, ”.

(6) In subsection (7F) after paragraph (a) (but before the “or” following it) insert—

“(ab) approve a private accommodation offer;”.

Commencement Information

I324 Sch. 15 para. 5 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

6 (1) Section 195 (duties in the case of threatened homelessness) is amended as follows.

(2) In subsection (3A) after “this section” insert “ in a case which is not a restricted threatened homelessness case ”.

(3) In subsection (4)—

(a) after “Where” insert “ , in a case which is not a restricted threatened homelessness case, ”, and

(b) at the end insert “in a case which is not a restricted case (within the meaning of that section)”.

(4) After subsection (4) insert—

“(4A) Where, in a restricted threatened homelessness case, in pursuance of the duty under subsection (2) the authority secure that accommodation other than that occupied by the applicant when he made his application is available for occupation by him, the provisions of section 193(3) to (9) (period for which duty owed) apply, with any necessary modifications, in relation to the duty under this section as they apply in relation to the duty under section 193 in a restricted case (within the meaning of that section).

(4B) In subsections (3A) to (4A) “a restricted threatened homelessness case” means a case where the local housing authority would not be satisfied as mentioned in subsection (1) without having had regard to a restricted person.”

Commencement Information

I325 Sch. 15 para. 6 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

7 (1) Section 202 (right to request review of decision) is amended as follows.

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(2) In subsection (1) after paragraph (f) insert ", or

(g) any decision of a local housing authority as to the suitability of accommodation offered to him by way of a private accommodation offer (within the meaning of section 193)."

(3) In subsection (1A)—

(a) for "or (7)" substitute " , (7) or (7AA) ", and

(b) after "(f)" insert " or (as the case may be) (g) ".

Commencement Information

I326 Sch. 15 para. 7 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

8 In section 218 (index of defined expressions: Part 7) insert in the Table at the appropriate place—

"restricted person	section 184(7)".

Commencement Information

I327 Sch. 15 para. 8 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 2**

PART 2

SCOTLAND AND NORTHERN IRELAND

Housing (Scotland) Act 1987 (c. 26)

9 The Housing (Scotland) Act 1987 is amended as follows.

Commencement Information

I328 Sch. 15 para. 9 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

10 (1) Section 20 (persons having priority on housing list and allocation of housing) is amended as follows.

(2) In subsection (1)(b) at the beginning insert " subject to subsection (1A), ".

(3) After subsection (1) insert—

"(1A) Homeless persons and persons threatened with homelessness (within the meaning of Part 2) are to be disregarded for the purposes of subsection (1) if they would not be such persons without the local authority having had regard to a restricted person (also within the meaning of Part 2)."

(4) In subsection (2) for "such housing" substitute " housing falling within subsection (1) ".

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Commencement Information

I329 Sch. 15 para. 10 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

11 (1) Section 30 (notification of decision and reasons) is amended as follows.

(2) After subsection (3) insert—

"(3A) If they decide that he is homeless, threatened with homelessness or has a priority need but would not have done so without having had regard to a restricted person, they shall also notify him of—

(a) the fact that their decision was reached on that basis,

(b) the name of the restricted person,

(c) the reason why the person is a restricted person, and

(d) the effect of section 31(2G) or (as the case may be) 32(2A) and (2B)."

(3) After subsection (5) insert—

"(6) In this Part "a restricted person" means a person—

(a) who is not eligible for assistance under this Part,

(b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and

(c) either—

(i) who does not have leave to enter or remain in the United Kingdom, or

(ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds."

Commencement Information

I330 Sch. 15 para. 11 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

12 (1) Section 31 (duties to persons found to be homeless) is amended as follows.

(2) After subsection (2) insert—

"(2A) In a restricted case the local authority shall cease to be subject to the duty under subsection (2) if the applicant, having been informed of the matters mentioned in subsection (2B)—

(a) accepts a private accommodation offer, or

(b) refuses such an offer.

(2B) The matters are—

(a) the possible consequence of refusal of the offer, and

(b) that the applicant has the right to request a review of the decisions mentioned in section 35A(2)(e).

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(2C) In this section "a restricted case" means a case falling within subsection (2) where the local authority would not be satisfied as mentioned in subsections (1) and (2) without having had regard to a restricted person.

(2D) For the purposes of this Part an offer is a private accommodation offer if—

(a) it is an offer of a short assured tenancy made by a landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the local authority, in pursuance of arrangements made by them with the landlord with a view to bringing their duty under subsection (2) to an end, and

(c) the tenancy being offered is for a period of at least 12 months.

(2E) The local authority shall not approve a private accommodation offer unless they are satisfied that it is reasonable for the applicant to accept the offer.

(2F) For the purposes of subsection (2E) an applicant may reasonably be expected to accept an offer even though he is under contractual or other obligations in respect of his existing accommodation, provided he is able to bring those obligations to an end before he is required to take up the offer.

(2G) In a restricted case the local authority shall, so far as reasonably practicable, bring their duty under subsection (2) to an end as mentioned in subsection (2A).

(2H) Subsections (2A) to (2G) are without prejudice to any other way in which the local authority can cease to be subject to the duty under subsection (2)."

(3) In subsection (3)—

(a) for "In any other case, they" substitute " In a case not falling within subsection (2), the local authority ", and

(b) in paragraph (a) for "his", in the first place where it appears, substitute " the applicant's ".

Commencement Information

I331 Sch. 15 para. 12 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

13 (1) Section 32 (duties to persons found to be threatened with homelessness) is amended as follows.

(2) After subsection (2) insert—

"(2A) Subsection (2B) applies in a restricted threatened homelessness case where, in pursuance of the duty under subsection (2), the local authority secure that accommodation other than that occupied by the applicant when he made his application is available for occupation by him.

(2B) The provisions of section 31(2A) to (2H) (circumstances in which duty in restricted case ceases) apply, with any necessary modifications, in relation to the duty under subsection (2) as they apply in relation to the duty under section 31(2) in a restricted case (within the meaning of that section)."

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(3) In subsection (3) for "In any other case they shall furnish him" substitute " In a case not falling within subsection (2) the local authority shall furnish the applicant ".

(4) After subsection (5) insert—

"(5A) In this section "a restricted threatened homelessness case" means a case falling within subsection (2) where the local authority would not be satisfied as mentioned in subsections (1) and (2) without having had regard to a restricted person."

Commencement Information
I332 Sch. 15 para. 13 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

14 (1) Section 34 (duties to persons whose applications are referred) is amended as follows.

(2) For subsection (2) substitute—

"(2) If it is determined that the conditions for referral—

(a) are satisfied, the notified authority are subject to the duty under section 31(2);

(b) are not satisfied, the notifying authority are subject to that duty."

(3) In subsection (3) for paragraph (a) (but not the "and" after it) substitute—

"(a) whether they or the notified authority are subject to the duty under section 31(2),".

(4) Omit subsection (6).

Commencement Information
I333 Sch. 15 para. 14 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

15 In section 35A(2) (right to request review of decision) after paragraph (d) insert—

"(e) in a case where a private accommodation offer is made to the applicant, any decision—

(i) that the accommodation offered is not accommodation falling within section 32(5)(a) to (c), or

(ii) that the authority have discharged their duty to the applicant under section 32(8)."

Commencement Information
I334 Sch. 15 para. 15 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

16 In section 43 (minor definitions) at the appropriate places insert—

(a) " "private accommodation offer" has the meaning assigned to it by section 31(2D);",

(b) " "restricted person" has the meaning assigned to it by section 30(6);", and

(c) " "short assured tenancy" has the same meaning as in Part 2 of the Housing (Scotland) Act 1988;".

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Commencement Information
I335 Sch. 15 para. 16 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23))

17 Part 2 of the Housing (Northern Ireland) Order 1988 is amended as follows.

Commencement Information
I336 Sch. 15 para. 17 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

18 (1) Article 7A (persons not eligible for housing assistance) is amended as follows.

(2) In paragraph (4) for "another person" substitute " a person falling within paragraph (4A) ".

(3) After paragraph (4) insert—

"(4A) A person falls within this paragraph if the person—

(a) falls within a class specified in an order under section 119(1) of the Immigration and Asylum Act 1999; but

(b) is not a national of an EEA State or Switzerland."

Commencement Information
I337 Sch. 15 para. 18 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

19 (1) Article 9 (notification of decision and reasons) is amended as follows.

(2) After paragraph (3) insert—

"(3A) If the Executive decides that the applicant is homeless, threatened with homelessness or has a priority need but would not have done so without having had regard to a restricted person, it shall also notify him of—

(a) the fact that its decision was reached on that basis,

(b) the name of the restricted person,

(c) the reason why the person is a restricted person, and

(d) the effect of Article 10(2E) and (2F) or (as the case may be) 11(2A) and (2B)."

(3) After paragraph (5) insert—

"(6) In this Article "a restricted person" means a person—

(a) who is not eligible for assistance under this Part,

(b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and

(c) either—

(i) who does not have leave to enter or remain in the United Kingdom, or

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(ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds."

Commencement Information

I338 Sch. 15 para. 19 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

20 (1) Article 10 (duties to persons found to be homeless) is amended as follows.

(2) After paragraph (2) insert—

"(2A) In a restricted case the Executive shall cease to be subject to the duty under paragraph (2) if the applicant, having been informed of the possible consequence of refusal—

(a) accepts a private accommodation offer, or

(b) refuses such an offer.

(2B) For the purposes of this Article an offer is a private accommodation offer if—

(a) it is an offer of a private tenancy made by a landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the Executive, in pursuance of arrangements made by the Executive with the landlord with a view to bringing its duty under paragraph (2) to an end, and

(c) the tenancy being offered is for a term certain of at least 12 months.

(2C) The Executive shall not approve a private accommodation offer unless it is satisfied that the accommodation is suitable for the applicant and that it is reasonable for him to accept the offer.

(2D) For the purposes of paragraph (2C) an applicant may reasonably be expected to accept an offer even though he is under contractual or other obligations in respect of his existing accommodation, provided he is able to bring those obligations to an end before he is required to take up the offer.

(2E) In a restricted case the Executive shall, so far as reasonably practicable, bring its duty under paragraph (2) to an end as mentioned in paragraph (2A).

(2F) In a restricted case the Executive shall also cease to be subject to the duty under paragraph (2) if the applicant, having been informed of the possible consequence of refusal, refuses a reasonable offer of accommodation under the Housing Selection Scheme.

(2G) For the purposes of paragraph (2F)—

(a) "the Housing Selection Scheme" means the scheme for the allocation of housing accommodation held by the Executive approved from time to time under Article 22 of the Order of 1981, and

(b) an offer of accommodation is reasonable if it is a reasonable offer within the meaning of that Scheme.

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(2H) Paragraphs (2A) to (2G) are without prejudice to any other way in which the Executive can cease to be subject to the duty under paragraph (2).”

(3) After paragraph (4) insert—

“(5) In this Article—

“a private tenancy” has the same meaning as in the Private Tenancies (Northern Ireland) Order 2006,

“a restricted case” means a case falling within paragraph (2) where the Executive would not be satisfied as mentioned in paragraphs (1) and (2) without having had regard to a restricted person,

“a restricted person” has the same meaning as in Article 9.”

Commencement Information

I339 Sch. 15 para. 20 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

21 (1) Article 11 (duties to persons found to be threatened with homelessness) is amended as follows.

(2) After paragraph (2) insert—

“(2A) Paragraph (2B) applies in a restricted threatened homelessness case where, in pursuance of the duty under paragraph (2), the Executive secures that accommodation other than that occupied by the applicant when he made his application is available for occupation by him.

(2B) The provisions of Article 10(2A) to (2H) (circumstances in which duty in restricted case ceases) apply, with any necessary modifications, in relation to the duty under paragraph (2) as they apply in relation to the duty under Article 10(2) in a restricted case (within the meaning of that Article).”

(3) After paragraph (4) insert—

“(4A) In this Article—

“a restricted person” has the same meaning as in Article 9,

“a restricted threatened homelessness case” means a case falling within paragraph (2) where the Executive would not be satisfied as mentioned in paragraphs (1) and (2) without having had regard to a restricted person.”

Commencement Information

I340 Sch. 15 para. 21 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

Immigration and Asylum Act 1999 (c. 33)

22 (1) Section 119 of the Immigration and Asylum Act 1999 (persons subject to immigration control to be disregarded in determining another person's eligibility for accommodation or assistance) is amended as follows.

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(2) In subsection (1)(b) for "another person" substitute " a person falling within subsection (1A) ".

(3) After subsection (1) insert—

"(1A) A person falls within this subsection if the person—

(a) falls within a class specified in an order under subsection (1); but

(b) is not a national of an EEA State or Switzerland."

Commencement Information

I341 Sch. 15 para. 22 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 3**

PART 3

CONSEQUENTIAL AMENDMENTS

Criminal Justice and Immigration Act 2008 (c. 4)

23 The Criminal Justice and Immigration Act 2008 is amended as follows.

Commencement Information

I342 Sch. 15 para. 23 in force at 2.3.2009 by S.I. 2009/415, **art. 4(a)**

24 Omit section 134(6) (support for designated persons: eligibility for certain housing assistance).

Commencement Information

I343 Sch. 15 para. 24 in force at 2.3.2009 by S.I. 2009/415, **art. 4(a)**

25 Omit section 135(7) (power to amend or repeal section 134(6)).

Commencement Information

I344 Sch. 15 para. 25 in force at 2.3.2009 by S.I. 2009/415, **art. 4(a)**

SCHEDULE 16

Section 321(1)

REPEALS AND REVOCATIONS

Commencement Information

I345 Sch. 16 partly in force; Sch. 16 in force for specified purposes at 22.9.2008 see s. 325(2)(b)

I346 Sch. 16 in force at 22.9.2008 for specified purposes by S.I. 2008/2358, **art. 4(b)**

I347 Sch. 16 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 5, **Sch.** (with arts. 6-13)

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I348 Sch. 16 in force at 2.3.2009 for specified purposes by S.I. 2009/415, **art. 4(b)**
I349 Sch. 16 in force at 1.4.2009 for specified purposes by S.I. 2009/803, **art. 10**
I350 Sch. 16 in force at 20.5.2009 for specified purposes by S.I. 2009/1261, **art. 4**
I351 Sch. 16 in force at 7.9.2009 for specified purposes for E. by S.I. 2009/2096, **art. 2(2)(c)** (with art. 3(1)(2))
I352 Sch. 16 in force at 1.4.2010 for specified purposes by S.I. 2010/862, **art. 3** (with Sch.)
I353 Sch. 16 in force at 30.4.2011 for specified purposes for E. by S.I. 2011/1002, **art. 2** (with arts. 3-7, Sch.)
I354 Sch. 16 in force at 10.7.2013 for specified purposes for W. by S.I. 2013/1469, **art. 2(1)(b)** (with arts. 3-7)

Title	*Extent of repeal or revocation*
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry for the Housing Corporation and the entries for, and Notes relating to, the Commission for the New Towns and the Urban Regeneration Agency.
Leasehold Reform Act 1967 (c. 88)	In section 1— (a) in subsections (1)(a) and (1A), the words "at a low rent", (b) in subsection (3A)(b), the words ", 1AA". Section 1A(2). Section 1AA. Section 4A. In section 9(1C), the words ", 1AA". In section 9A(1), the words ", 1AA". In section 32A(1)(b), the words "or if section 1AA above were not in force". In Schedule 3, paragraph 6(1A). In Schedule 4, in paragraph 4, the words from "be authorised" to "Government to".
National Loans Act 1968 (c. 13)	In Schedule 1, in the entry relating to the New Towns Act 1981 (c. 64)— (a) in column 1, the words "(5)(6)", (b) in column 2, the words "and the Commission for the New Towns".
Local Government Act 1974 (c. 7)	Section 25(1)(ba). Section 26(7)(a).
Statutory Corporations (Financial Provisions) Act 1974 (c. 8)	In section 4(2), the words "and of the Commission for the New Towns".
House of Commons Disqualification Act 1975 (c. 24)	In Part 2 of Schedule 1, the entries relating to the Commission for the New Towns, the Housing Corporation and the Urban Regeneration Agency.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 2 of Schedule 1, the entry relating to the Urban Regeneration Agency.
Race Relations Act 1976 (c. 74)	In Part 2 of Schedule 1A, the entry relating to English Partnerships.
Local Government, Planning and Land Act 1980 (c. 65)	Section 4(4)(b).

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	In section 99(4)(e), the words "the Commission for the New Towns,".
	In Schedule 16, paragraph 6.
New Towns Act 1981 (c. 64)	Section 35.
	In section 36—
	(a) subsections (3) and (3A),
	(b) in subsection (4), the words from "; nor shall any" to the end.
	Section 37.
	Section 38.
	In section 41, in the heading, the words "to Commission".
	In section 58—
	(a) in the heading, the words "and Commission",
	(b) subsections (5) and (6).
	In section 58A—
	(a) in the heading, the words "and Commission",
	(b) subsections (4) and (5).
	In section 59—
	(a) in the heading, the words "and Commission",
	(b) in subsection (1), the words "or the Commission" where they first appear,
	(c) in subsection (2), the words "or the Commission".
	In section 60—
	(a) in the heading, the words "and Commission",
	(b) in subsection (1), paragraph (c) and the word "and" following it,
	(c) subsection (4).
	In section 61(2), the words ", (5) or (6)".
	Section 62B.
	In section 63—
	(a) in subsection (1), the words "or the Commission",
	(b) in subsection (2), the words "or the Commission, as the case may be".
	In section 67—
	(a) in the heading, the words "Commission and",
	(b) in subsection (1), the words "The Commission and",
	(c) in subsection (1)(b), the word "respectively",
	(d) also in subsection (1), the words from "being, in the Commission's case" in paragraph (b) to the end of the subsection,
	(e) subsection (1A),

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	(f) in subsection (2), the words "of the Commission and", (g) >in subsection (2), wherever appearing, the words "or the Commission", (h) in subsection (3), the words "the Commission or". In section 68— (a) in subsection (1), the words from "of the Commission" to "and the accounts", (b) in subsection (1), the words "Commission or", (c) subsection (2A). In section 69— (a) in subsection (1), paragraph (a) and the word "and" following it, (b) in subsection (1), the words from "and directions under" to the end, (c) in subsection (2), paragraph (a) and the word "and" following it. In section 70— (a) paragraph (a), (b) the words "of the Commission or". In section 71(2), the words "the Commission and". In section 72(1)(a), the words "or from the Commission". In section 77(3), the words "and paragraph 7 of Schedule 9 to this Act". In section 80(1)— (a) the definition of "the Commission", (b) n the definition of "financial year", the words "or the Commission". In section 82(3), the words "paragraph 12 of Schedule 11, and". Schedule 9. In Schedule 10— (a) in the heading, the words "to Commission", (b) paragraph 4, (c) paragraph 5(1). In Schedule 11— (a) in the italic heading before paragraph 3, the words "to Commission and", (b) paragraphs 3 and 5, (c) paragraph 12 and the italic heading before it.
Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)	In section 15, the words from "or under subsection (1)" to "similar provision)". In Schedule 2, in paragraph 1, the words from "or under subsection (1)" to "contains similar provision)".

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Mobile Homes Act 1983 (c. 34)	In section 5(1), in the definition of "protected site", the words from "does not include" to "that,".
Building Act 1984 (c. 55)	In section 35A— (a) in the heading the word "certain", (b) subsections (2), (3) and (6).
New Towns and Urban Development Corporations Act 1985 (c. 5)	Section 1(3) and (4). Section 2. In Schedule 3, paragraphs 3, 5, 6(b), 8(b), 12(1)(b) and 16.
Housing Act 1985 (c. 68)	In section 85— (a) in subsection (3)(a), the words from "or payments" to "profits),", (b) subsections (5) and (5A). In section 125D(2), the word "and" following paragraph (a). In section 128(2), the words ", or as the case may be re-determined,". In section 136(2), the word "and" following paragraph (a). Section 156(5) and (6). In Schedule 5, in paragraph 13(5), the word "and" following paragraph (a).
Housing Associations Act 1985 (c. 69)	In section 10(2), paragraph (e) and the word "or" before it. Section 33A.
Landlord and Tenant Act 1985 (c. 70)	Section 28. In section 39, the entry in the Table for "qualified accountant".
Housing (Scotland) Act 1987 (c. 26)	Section 34(6).
Landlord and Tenant Act 1987 (c. 31)	In section 53(2)(b), the words "or 42A". In section 58(1)(b), the words "the Commission for the New Towns or". In Schedule 2, paragraph 9 and the italic heading before it.
Housing Act 1988 (c. 50)	In section 9— (a) in subsection (3), the words from "or payments" to "profits)", (b) subsections (5) and (5A). In the italic heading before section 50, the words ": functions of Relevant Authority". Sections 50 and 51. Section 81(6). Section 133(6). In Schedule 6, paragraphs 7(3) and 24.
Local Government and Housing Act 1989 (c. 42)	In section 172(8), in the definition of "new town corporation", the words "the Commission for the New Towns or".

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	Section 173(6). In Schedule 11, paragraph 58 and the italic heading before it.
Town and Country Planning Act 1990 (c. 8)	Section 8A(2).
Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S.I. 1991/1997)	In the Schedule, paragraph 60 and the heading before it.
Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)	Section 65. Section 135. Section 137(1) to (3). Sections 158 to 173. Section 175. Section 177. Section 181(1) and (3). Sections 183 to 185. In section 188(6), paragraph (b) and the "and" before it. Schedules 17 to 20. In Schedule 21— (a) paragraph 3 and the italic heading before it, (b) paragraph 32 and the italic heading before it.
New Towns (Amendment) Act 1994 (c. 5)	The whole Act.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraphs 63(5) and 104 and the italic heading before paragraph 104.
Criminal Justice and Public Order Act 1994 (c. 33)	In section 80(4), the words from "in the definition" to "1983 or".
Environment Act 1995 (c. 25)	In Schedule 10, paragraph 25(2).
Finance Act 1996 (c. 8)	In section 43A— (a) subsection (5)(e), (b) in subsection (6), the definition of "English Partnerships".
Family Law Act 1996 (c. 27)	In Schedule 8— (a) paragraph 53, (b) paragraph 59 and the italic heading before it.
Housing Act 1996 (c. 52)	Section 1(1A) and (1B). Section 28(1), (2), (5) and (6). Section 56. Section 105(2). Section 127(3). Section 143D(3). In section 199— (a) subsection (2), (b) in subsection (3), paragraph (a) and the word "or" following it,

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	(c) subsection (4), (d) in subsection (5), the word "other". In section 202(1), the word "or" after paragraph (e). In Schedule 2, in paragraph 11(4)— (a) the words "or the Housing Corporation", (b) the words "or, as the case may be, the Housing Corporation". In Schedule 9, paragraphs 1 and 2(2), (4), (5), (6) and (8). In Schedule 13, paragraph 4 and the italic heading before it. In Schedule 18, paragraph 22(1)(f).
Housing Grants, Construction and Regeneration Act 1996 (c. 53)	Section 129. Section 145.
Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325)	In Schedule 2, paragraphs 15(19), 18(4) to (7), (10)(a) and (12)(a), 19(7)(a) and 21(2).
Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74)	In the Schedule, paragraph 9(c).
Audit Commission Act 1998 (c. 18)	Sections 41 to 41B and 43. In Schedule 1— (a) paragraph 8(2)(c) and (ca), (b) paragraph 8A. In Schedule 2A, in paragraph 3— (a) paragraph (a) of the definition of "Audit Commission inspection", (b) paragraph (e) of the definition of "national studies functions".
Government of Wales Act 1998 (c. 38)	In Schedule 15, paragraph 13. In Schedule 16, paragraphs 24 to 26, 61(1), 64, 65, 68(a), 83(3), 94 and 97(3).
Regional Development Agencies Act 1998 (c. 45)	Section 36 and the italic heading before it. Section 37. In section 38(10), in the definition of "qualifying transfer", paragraph (b). Schedule 9.
Urban Development Corporations in England (Transfer of Property, Rights and Liabilities) Commission for the New Towns) Order 1998 (S.I. 1998/85)	Article 3(1), (3), (4) and (5).
Greater London Authority Act 1999 (c. 29)	In section 333A— (a) in subsection (3)(b), the words from "(and see also" to the end of the paragraph, (b) in subsection (10), the words from "and the reference" to the end. In section 408— (a) subsection (3)(h) and (i),

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	(b) subsection (6).
	Section 409(5).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entries relating to the Commission for the New Towns, the Housing Corporation and the Urban Regeneration Agency.
Transport Act 2000 (c. 38)	In Schedule 5, paragraph 17.
Armed Forces Act 2001 (c. 19)	In Schedule 6, paragraph 30 and the italic heading before it.
Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149)	In Schedule 1, paragraph 98 and the italic heading before it.
Commonhold and Leasehold Reform Act 2002 (c. 15)	Section 141. Section 156(2). In Schedule 10, paragraphs 6 and 7 and the italic heading before paragraph 6.
Deregulation (Disposals of Dwelling-houses by Local Authorities) Order 2002 (S.I. 2002/367)	The whole Order.
Communications Act 2003 (c. 21)	In Schedule 17, paragraph 123 and the italic heading before it.
Local Government Act 2003 (c. 26)	Section 109.
Anti-social Behaviour Act 2003 (c. 38)	Section 14(1)(b).
Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2003 (S.I. 2003/1326)	Article 11(2), (3) and (4)(a). Article 18 and the heading before it.
Public Audit (Wales) Act 2004 (c. 23)	In Schedule 2, paragraphs 27 to 30 and 37.
Civil Partnership Act 2004 (c. 33)	In Schedule 9— (a) paragraph 18, (b) paragraph 23 and the italic heading before it.
Charities Act 2006 (c. 50)	In Schedule 8, paragraph 190.
Armed Forces Act 2006 (c. 52)	In Schedule 16, paragraph 139 and the italic heading before it.
Tribunals, Courts and Enforcement Act 2007 (c. 15)	In Schedule 22, paragraph 8 and the italic heading before it.
Local Government and Public Involvement in Health Act 2007 (c. 28)	Section 155(2) and (5).
Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194)	In Schedule 4, paragraph 83 and the heading before it.
Criminal Justice and Immigration Act 2008 (c. 4)	Section 134(6). Section 135(7).

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Housing and Regeneration Act 2008 (c. 17) Section 53(2).

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- Pt. 1 Ch. 12 applied (with modifications) by S.I. 2024/402 art. 36(4)Sch. 4
- s. 146 heading word substituted by 2023 c. 36 s. 12(3)(a)
- s. 129 heading words inserted by 2023 c. 36 Sch. 1 para. 12(2)
- s. 130 heading words inserted by 2023 c. 36 Sch. 1 para. 13(2)
- s. 131 heading words inserted by 2023 c. 36 Sch. 1 para. 14(a)
- s. 133 heading words inserted by 2023 c. 36 Sch. 1 para. 16(a)
- s. 160 heading words inserted by 2023 c. 36 Sch. 1 para. 19(a)
- s. 259 heading word omitted by 2023 c. 36 Sch. 5 para. 36
- s. 169A heading word inserted by 2023 c. 36 s. 19(2)(a)
- s. 5 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 6 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 7 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 8 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 9 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 9(2) functions made exercisable by S.I. 2023/1432 art. 27(1)-(3)
- s. 10 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 11 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 12 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 19 functions made exercisable concurrently by S.I. 2024/402 art. 34
- s. 107(1) substituted by 2023 c. 36 s. 3(2)(a)
- s. 107(2) omitted by 2023 c. 36 s. 3(2)(b)
- s. 107(3) words inserted by 2023 c. 36 s. 3(2)(d)(i)
- s. 107(3)(a) words substituted by 2023 c. 36 s. 3(2)(d)(ii)
- s. 107(4) words substituted by 2023 c. 36 s. 3(2)(e)
- s. 107(5) words inserted by 2023 c. 36 s. 3(2)(g)
- s. 107(6) words substituted by 2023 c. 36 s. 3(2)(h)
- s. 107(7) words inserted by 2023 c. 36 s. 3(2)(j)
- s. 108(1) words inserted by 2023 c. 36 s. 3(3)(a)
- s. 108(2) substituted by 2023 c. 36 s. 3(3)(b)
- s. 108(4) words inserted by 2023 c. 36 s. 3(3)(d)(i)
- s. 108(5) words substituted by 2023 c. 36 s. 3(3)(e)
- s. 115(2) omitted by 2023 c. 36 s. 8(a)
- s. 115(3) substituted by 2023 c. 36 s. 8(b)
- s. 115(4)(a) word omitted by 2023 c. 36 s. 8(c)(i)
- s. 115(4)(b) omitted by 2023 c. 36 s. 8(c)(ii)
- s. 115(8) words omitted by 2023 c. 36 s. 8(e)
- s. 117(1)(a) words inserted by 2023 c. 36 s. 4(2)
- s. 117(2) words omitted by 2023 c. 36 s. 4(4)
- s. 117(5)(a) words substituted by 2023 c. 36 s. 4(6)(a)
- s. 117(5)(b) omitted by 2023 c. 36 s. 4(6)(b)
- s. 117(5)(c) words substituted by 2023 c. 36 s. 4(6)(c)
- s. 120(1)(c) words inserted by 2023 c. 36 Sch. 1 para. 11
- s. 129(1)(a) words inserted by 2023 c. 36 Sch. 1 para. 12(3)
- s. 129(2) words inserted by 2023 c. 36 Sch. 1 para. 12(4)(a)
- s. 129(2) words substituted by 2023 c. 36 Sch. 1 para. 12(4)(b)
- s. 129(2) words substituted by 2023 c. 36 Sch. 1 para. 12(4)(c)
- s. 129(3) words substituted by 2023 c. 36 Sch. 1 para. 12(5)
- s. 130(2) words substituted by 2023 c. 36 Sch. 1 para. 13(3)
- s. 130(3)(b) words substituted by 2023 c. 36 Sch. 1 para. 13(4)
- s. 130(6) substituted by 2023 c. 36 Sch. 1 para. 13(5)

- s. 131(1) words substituted by 2023 c. 36 Sch. 1 para. 14(b)
- s. 132(1) words substituted by 2023 c. 36 Sch. 1 para. 15(2)(a)
- s. 132(1) words substituted by 2023 c. 36 Sch. 1 para. 15(2)(b)
- s. 132(2)(e) word substituted by 2023 c. 36 Sch. 1 para. 15(3)(a)
- s. 132(2)(e) words substituted by 2023 c. 36 Sch. 1 para. 15(3)(b)
- s. 133(1) words substituted by 2023 c. 36 Sch. 1 para. 16(b)
- s. 133(2) words substituted by 2023 c. 36 Sch. 1 para. 16(b)
- s. 133(4) words substituted by 2023 c. 36 Sch. 1 para. 16(b)
- s. 145 substituted by 2023 c. 36 s. 12(2)
- s. 146(1) omitted by 2023 c. 36 s. 12(3)(b)
- s. 146(2) words inserted by 2023 c. 36 s. 12(3)(c)
- s. 146(2A)(a) words substituted by 2023 c. 36 s. 12(3)(d)
- s. 146(3) words substituted by 2023 c. 36 s. 12(3)(f)
- s. 146(5) words omitted by 2023 c. 36 s. 12(3)(g)
- s. 146(9) words substituted by 2023 c. 36 s. 12(3)(h)
- s. 147(3) words substituted by 2023 c. 36 s. 12(4)
- s. 151(4)(b) substituted by 2023 c. 36 s. 12(5)
- s. 153(2) words substituted by 2023 c. 36 s. 12(6)(c)(i)
- s. 153(2)(a) words omitted by 2023 c. 36 Sch. 5 para. 13(a)
- s. 153(2)(b) substituted by 2023 c. 36 s. 12(6)(c)(ii)
- s. 153(3) words substituted by 2023 c. 36 s. 12(6)(d)
- s. 153(4) substituted by 2023 c. 36 s. 12(6)(e)
- s. 153(5) words substituted by 2023 c. 36 s. 12(6)(f)(i)
- s. 153(5)(a) words substituted by 2023 c. 36 s. 12(6)(f)(ii)
- s. 153(6)(a) words omitted by 2023 c. 36 Sch. 5 para. 13(b)
- s. 153(6)(b) word substituted by 2023 c. 36 s. 12(6)(g)(i)
- s. 153(6)(b) word substituted by 2023 c. 36 s. 12(6)(g)(ii)
- s. 153(8) substituted by 2023 c. 36 s. 12(6)(h)
- s. 158(1) words substituted by 2023 c. 36 s. 12(7)
- s. 160(1) words inserted by 2023 c. 36 Sch. 1 para. 19(b)
- s. 160(1) words omitted by 2023 c. 36 s. 15(a)
- s. 161(1) words omitted by 2023 c. 36 s. 15(b)
- s. 161(4)-(7) omitted by 2023 c. 36 s. 16
- s. 163(1) words omitted by 2023 c. 36 s. 15(c)
- s. 163(5)-(8) omitted by 2023 c. 36 s. 17(2)
- s. 165(1) words omitted by 2023 c. 36 s. 15(d)
- s. 169A words inserted by 2023 c. 36 s. 19(2)(b)
- s. 169A words omitted by 2023 c. 36 s. 15(e)
- s. 169B substituted by 2023 c. 36 s. 19(3)
- s. 169C words omitted by 2023 c. 36 s. 15(f)
- s. 169D applied by S.I. 2023/1311 reg. 2
- s. 169D word substituted by 2023 c. 36 Sch. 5 para. 15(a)
- s. 169D(1)(a) word omitted by 2023 c. 36 Sch. 5 para. 15(b)
- s. 192(a) words substituted by 2023 c. 36 Sch. 5 para. 16(a)
- s. 198A omitted by 2023 c. 36 s. 26
- s. 198B omitted by 2023 c. 36 s. 26
- s. 199(3) words substituted by 2023 c. 36 s. 28(2)(a)(i)
- s. 199(3) words substituted by 2023 c. 36 s. 28(2)(a)(ii)
- s. 199(4)-(6) omitted by 2023 c. 36 s. 28(2)(b)
- s. 200(1) omitted by 2023 c. 36 s. 28(4)(a)
- s. 200(3) omitted by 2023 c. 36 s. 28(4)(b)
- s. 200(4) substituted by 2023 c. 36 s. 28(4)(c)
- s. 201(2) omitted by 2023 c. 36 Sch. 3 para. 2
- s. 201(2A) omitted by 2023 c. 36 Sch. 3 para. 2
- s. 202(1)-(3) omitted by 2023 c. 36 s. 30(2)
- s. 202(4)-(7) omitted by 2023 c. 36 s. 4(7)
- s. 203(3) words substituted by 2023 c. 36 Sch. 5 para. 21
- s. 203(12) words inserted by 2023 c. 36 s. 30(3)

- s. 206(1) substituted by 2023 c. 36 Sch. 3 para. 3(a)
- s. 206(4)(a) words substituted by 2023 c. 36 Sch. 3 para. 3(b)
- s. 206(5) omitted by 2023 c. 36 Sch. 3 para. 3(c)
- s. 208(4) words substituted by 2023 c. 36 Sch. 5 para. 22
- s. 215(2A) omitted by 2023 c. 36 Sch. 5 para. 23(c)
- s. 218(1) words substituted by 2023 c. 36 Sch. 5 para. 26(a)
- s. 218(3) omitted by 2023 c. 36 Sch. 5 para. 26(c)
- s. 218(4) omitted by 2023 c. 36 Sch. 5 para. 26(c)
- s. 226 word omitted by 2023 c. 36 Sch. 3 para. 4
- s. 227(1) word omitted by 2023 c. 36 Sch. 3 para. 5
- s. 229(2) words inserted by 2023 c. 36 Sch. 3 para. 6(a)
- s. 229(2) words substituted by 2023 c. 36 Sch. 3 para. 6(b)
- s. 229(3) omitted by 2023 c. 36 Sch. 3 para. 6(c)
- s. 249(1)(a) word omitted by 2023 c. 36 Sch. 3 para. 7(a)
- s. 251(2) words omitted by 2023 c. 36 Sch. 3 para. 8
- s. 252(2) substituted by 2023 c. 36 Sch. 3 para. 9(a)
- s. 252(3) omitted by 2023 c. 36 Sch. 3 para. 9(c)
- s. 252A(2) words substituted by 2023 c. 36 Sch. 3 para. 10(a)
- s. 252A(2)(a) word omitted by 2023 c. 36 s. 10(7)(a)
- s. 253(1)(a) word omitted by 2023 c. 36 Sch. 3 para. 11(a)
- s. 255(1)(a) word omitted by 2023 c. 36 Sch. 3 para. 12(a)
- s. 256(1)(a) word substituted by 2023 c. 36 Sch. 3 para. 13(a)
- s. 256(2) words substituted by 2023 c. 36 Sch. 5 para. 34
- s. 256(3) words substituted by 2023 c. 36 Sch. 3 para. 13(b)
- s. 257(1) word substituted by 2023 c. 36 Sch. 3 para. 14
- s. 259(1)(a) word substituted by 2023 c. 36 Sch. 3 para. 15(a)
- s. 259(1)(b) word substituted by 2023 c. 36 Sch. 3 para. 15(b)
- s. 259(2) words substituted by 2023 c. 36 Sch. 5 para. 37
- s. 259(3) words substituted by 2023 c. 36 Sch. 3 para. 15(c)
- s. 259(4) substituted by 2023 c. 36 Sch. 3 para. 15(e)
- s. 260(1) words substituted by 2023 c. 36 Sch. 3 para. 16(a)
- s. 260(2) words substituted by 2023 c. 36 Sch. 3 para. 16(b)
- s. 266(1) word substituted by 2023 c. 36 Sch. 3 para. 17(a)
- s. 269(1) word substituted by 2023 c. 36 Sch. 3 para. 18(a)
- s. 269(1)(b) word omitted by 2023 c. 36 Sch. 3 para. 18(b)
- s. 269(1)(c) words substituted by 2023 c. 36 Sch. 5 para. 39
- s. 269A(2) words substituted by 2023 c. 36 Sch. 5 para. 40
- s. 269A(3) words substituted by 2023 c. 36 Sch. 3 para. 19(a)
- s. 269A(4) words substituted by 2023 c. 36 Sch. 3 para. 19(b)
- s. 269B(2)(c) words inserted by 2023 c. 36 Sch. 3 para. 20
- s. 270 words inserted by 2023 c. 36 Sch. 1 para. 20
- s. 271(1) substituted for s. 271(1)-(5) by 2023 c. 36 s. 38(1)
- s. 276 words inserted by 2023 c. 36 Sch. 5 para. 43(a)
- s. 276 words inserted by 2023 c. 36 Sch. 5 para. 43(b)
- s. 320(3)(d) words substituted by 2023 c. 36 s. 10(8)
- s. 320(7)(a) words substituted by 2023 c. 36 Sch. 5 para. 46
- Sch. 2-4 applied (with modifications) by S.I. 2024/402 art. 36(4)Sch. 4
- Sch. 3 para. 1920 functions made exercisable concurrently by S.I. 2024/402 art. 34
- Sch. 4 para. 1-4 functions made exercisable concurrently by S.I. 2024/402 art. 34
- Sch. 4 para. 6 functions made exercisable concurrently by S.I. 2024/402 art. 34
- Sch. 4 para. 10 functions made exercisable concurrently by S.I. 2024/402 art. 34
- Sch. 4 para. 20 functions made exercisable concurrently by S.I. 2024/402 art. 34

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 107(2A) inserted by 2023 c. 36 s. 3(2)(c)
- s. 107(4A)(4B) inserted by 2023 c. 36 s. 3(2)(f)
- s. 107(6A) inserted by 2023 c. 36 s. 3(2)(i)
- s. 115(6A) inserted by 2023 c. 36 s. 8(d)
- s. 117(1A) inserted by 2023 c. 36 s. 4(3)
- s. 117(4A) inserted by 2023 c. 36 s. 4(5)
- s. 126A-126D inserted by 2023 c. 36 s. 10(2)
- s. 146(2B) inserted by 2023 c. 36 s. 12(3)(e)
- s. 153(1)(ba) inserted by 2023 c. 36 s. 12(6)(a)
- s. 153(1A) inserted by 2023 c. 36 s. 12(6)(b)
- s. 154(2)(ab) inserted by 2023 c. 36 Sch. 1 para. 18
- s. 161A inserted by 2023 c. 36 s. 18(2)
- s. 163A applied (with modifications by S.I. 2023/1311 reg. 9
- s. 163A inserted by 2023 c. 36 s. 17(3)
- s. 163B inserted by 2023 c. 36 s. 18(3)
- s. 169CA inserted by 2023 c. 36 s. 19(4)
- s. 169CB-169CD and cross-heading inserted by 2023 c. 36 s. 20(2)
- s. 169ZA inserted by 2023 c. 36 Sch. 5 para. 14
- s. 199(9) inserted by 2023 c. 36 s. 28(2)(c)
- s. 199A199B inserted by 2023 c. 36 s. 28(3)
- s. 200(4A) inserted by 2023 c. 36 s. 28(4)(d)
- s. 201A inserted by 2023 c. 36 s. 29(2)
- s. 203A inserted by 2023 c. 36 s. 30(4)
- s. 215(1A) inserted by 2023 c. 36 s. 29(3)
- s. 218(2)(e) inserted by 2023 c. 36 Sch. 5 para. 26(b)
- s. 218A-218D and cross-heading inserted by 2023 c. 36 s. 31(2)
- s. 220(11B) inserted by 2023 c. 36 s. 10(3)
- s. 220(11D)(11E) inserted by 2023 c. 36 s. 31(3)
- s. 225A-225H and cross-heading inserted by 2023 c. 36 s. 32
- s. 227(7B) inserted by 2023 c. 36 s. 10(4)
- s. 227(7D)(7E) inserted by 2023 c. 36 s. 31(4)
- s. 237(5)(6) inserted by 2023 c. 36 s. 31(5)
- s. 247(1)(c) and word inserted by 2023 c. 36 s. 31(6)
- s. 247(1)(ab)(ac) inserted by 2023 c. 36 s. 10(5)
- s. 249(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 7(b)
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)
- s. 252(2A) inserted by 2023 c. 36 Sch. 3 para. 9(b)
- s. 252A(2)(c)(d) inserted by 2023 c. 36 s. 10(7)(b)
- s. 252A(2)(e) inserted by 2023 c. 36 Sch. 3 para. 10(b)
- s. 252A(2)(f) and word inserted by 2023 c. 36 s. 31(8)
- s. 253(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 11(b)
- s. 255(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 12(b)
- s. 259(3A) inserted by 2023 c. 36 Sch. 3 para. 15(d)
- s. 266(9) inserted by 2023 c. 36 Sch. 3 para. 17(b)
- s. 269(1)(ba)(bb) inserted by 2023 c. 36 Sch. 3 para. 18(c)
- s. 269(1A) inserted by 2023 c. 36 Sch. 3 para. 18(d)