
STATUTORY INSTRUMENTS

1987 No. 2219

LONDON GOVERNMENT

The London Government Reorganisation (Housing Association Mortgages) (No. 2) Order 1987

Made - - - - - *21st December 1987*
Laid before Parliament *8th January 1988*
Coming into force - - - *29th January 1988*

Whereas the London Residuary Body, acting pursuant to section 67(1)(a) of the Local Government Act 1985(1), has submitted proposals to the Secretary of State for the transfer of certain rights and liabilities (being rights and liabilities of that Body which are likely to subsist for longer than the period of five years beginning with 1st April 1986) to the councils of districts and London boroughs; And whereas the Secretary of State has decided to give effect to these proposals with modifications; Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 67(3) and 100(2) and (4) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the London Government Reorganisation (Housing Association Mortgages) (No. 2) Order 1987, and shall come into force on 29th January 1988.

(2) In this Order—

“the relevant council”, in relation to—

- (a) any mortgaged land, or
- (b) any building or dwelling provided or converted in pursuance of arrangements entered into under any enactment mentioned in article 3(2),

means the council of the district or London borough in which the land, or as the case may be, any such building or dwelling, is situated;

“the transfer date”—

- (a) is 29th January 1988 in relation to any mortgage of land situated in the London boroughs mentioned in Part I of the Schedule to this Order;

- (b) is 29th February 1988 in relation to any mortgage of land situated in the London boroughs mentioned in Part II, and
 - (c) is 30th March 1988 in relation to any mortgage of land situated in any district, or any London borough mentioned in Part III;
- and any reference to the Greater London Council includes a reference to any predecessor in title of that Council.

Transfer of housing association mortgages

2.—(1) This article applies to any mortgage granted by a housing association to secure a loan by the Greater London Council.

(2) Subject to articles 3 and 4, all rights and liabilities of the London Residuary Body in respect of any mortgage to which this article applies shall on the transfer date vest in the relevant council on the terms mentioned in paragraph (3).

(3) In relation to any mortgage to which this article applies, the relevant council shall pay to the London Residuary Body a sum equal to the aggregate of all amounts outstanding by way of principal and interest in respect of advances made to the association by the Greater London Council.

Exchequer contributions

3.—(1) All rights and liabilities of the London Residuary Body arising in connection with the duty of the Secretary of State under any enactment mentioned in paragraph (2) to pay contributions or subsidies towards arrangements between the Greater London Council and any housing association for the provision or conversion of any building or dwelling shall on 1st April 1988 vest in the relevant council.

- (2) The enactments referred to in paragraph (1) are—
- sections 12 and 15 of the Housing (Financial Provisions) Act 1958⁽²⁾;
 - section 12 of the Housing Subsidies Act 1967⁽³⁾, and
 - section 21 of the Housing Act 1969⁽⁴⁾.

Land situated in more than one area

4. Where in respect of any mortgage to which article 2 applies the mortgaged land is situated in the area of more than one relevant council the rights and liabilities in respect of the mortgage shall vest in those councils jointly on such terms as may be agreed between those councils or, failing such agreement, determined by a person so agreed on, or appointed in default of agreement by the Secretary of State; and the sum payable by virtue of article 2(3) shall be recoverable by the London Residuary Body from those councils jointly or severally.

Records

5.—(1) Subject to paragraph (2), all records of the London Residuary Body relating exclusively to any rights or liabilities transferred by this Order shall vest on the date of that transfer in the council to which those rights and liabilities are transferred.

(2) All such records as are referred to in paragraph (1) and relate to rights and liabilities which by virtue of article 4 vest in more than one council shall vest in those councils jointly.

(2) 1958 c. 42.
(3) 1967 c. 29.
(4) 1969 c. 33.

21st December 1987

Nicholas Ridley
Secretary of State for the Environment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 1(2)

PART I

Transfers on 29th January 1988

Bexley
Bromley
Croydon
Greenwich
Lambeth
Lewisham

PART II

Transfers on 29th February 1988

Barking and Dagenham
Hackney
Haringey
Havering
Newham
Redbridge
Southwark
Tower Hamlets
Waltham Forest
Wandsworth

PART III

Transfers on 30th March 1988

Barnet
Brent
Camden
Ealing
Enfield
Hammersmith and Fulham
Harrow
Hillingdon
Hounslow
Islington
Kensington and Chelsea

Kingston upon Thames
Merton
Richmond upon Thames
Sutton
Westminster

EXPLANATORY NOTE

(This note is not part of the Order)

By virtue of the London Government Reorganisation (Housing Association Mortgages) Order 1987 (S.I.1987/117), the rights and liabilities of the London Residuary Body in respect of mortgages by housing associations, other than those on which no housing association grant under the Housing Associations Act 1985 remained payable, were transferred to the councils of districts and London boroughs on 28th February and 30th April 1987.

. Article 2 of this order makes provision for the transfer to such councils of the Body's remaining rights and liabilities in relation to mortgages by housing associations in three stages, according to the situation of the mortgaged land. Article 3 makes provision for the transfer of rights and liabilities in relation to certain Exchequer subsidies, and article 4 for mortgages of sites in more than one area. Article 5 transfers the relevant records