

SCHEDULE 1

Amendment of enactments consequential on Part 1 of the Housing and Regeneration Act 2008

Housing Act 1988

39.—(1) Section 38 (transfer of existing tenancies from public to private sector) is amended as follows.

(2) In subsection (3) for “(4A)” substitute “(4ZA), (4A), (4BA)”.

(3) In subsection (4) for “a new town” substitute “the Commission for the New Towns or a development”.

(4) After subsection (4) insert—

“(4ZA) In relation to any time on or after the coming into force of this subsection, subsection (4) applies as if—

- (a) the references to the Commission for the New Towns were references to the new towns residuary body;
- (b) in the case of a disposal by the English new towns residuary body, the reference to section 37 of the New Towns Act 1981 were a reference to section 47 of the Housing and Regeneration Act 2008; and
- (c) in the case of a disposal by the Welsh new towns residuary body, the words “made pursuant to a direction under section 37 of the New Towns Act 1981” were omitted.”.

(5) After subsection (4B) insert—

“(4BA) The references in subsections (4A) and (4B) to a body which would have been specified in subsection (1) of section 80 of the Housing Act 1985 if the repeal of provisions of that section effected by this Act had not been made includes a reference to the new towns residuary body.”.

(6) In subsection (5)(a)—

- (a) for “new town” substitute “development”, and
- (b) after “1985” insert “or to the English new towns residuary body”.

(7) After subsection (5) insert—

“(5A) In this section “new towns residuary body” means—

- (a) in relation to times before the coming into force of this subsection, the Commission for the New Towns; and
- (b) in relation to other times—
 - (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 any reference to the English new towns residuary body shall be construed accordingly); 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 (and any reference to the Welsh new towns residuary body shall be construed accordingly).”.