

SCHEDULE

Transitional and saving provisions: Parts 1 and 2

Disposal of property

Priority of mortgages: saving

12.—(1) The priority provisions continue to apply on and after the commencement date in relation to the priority of mortgages (whether entered into before, on or after that date) securing a person’s liability to make payments to English registered social landlords or private registered providers of social housing.

(2) In their application by virtue of sub-paragraph (1), the priority provisions have effect—

(a) without any amendments or repeals of them which are brought into force by this Order, and

(b) as if references to social landlords or registered social landlords—

(i) in relation to times, circumstances or purposes before the commencement date, related only to English registered social landlords, and

(ii) in relation to times, circumstances or purposes on and after the commencement date, were references to private registered providers of social housing.

(3) In this paragraph “the priority provisions” means articles 2 and 4 of the Social Landlords (Permissible Additional Purposes or Objects) Order 1996⁽¹⁾ and article 3 of the Social Landlords (Additional Purposes or Objects) Order 1999⁽²⁾ and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with those articles.

Disposals made before commencement date

13.—(1) The disposal provisions continue to apply on and after the commencement date in relation to any disposal made by an English registered social landlord before that date.

(2) In their application by virtue of sub-paragraph (1), the disposal provisions have effect—

(a) without any amendments or repeals of them brought into force by this Order,

(b) as if the 2008 Order were not revoked, and

(c) as if references to registered social landlords or their registration—

(i) in relation to times, circumstances or purposes before the commencement date, related only to English registered social landlords, and

(ii) in relation to times, circumstances or purposes on and after the commencement date, were references to non-profit registered providers of social housing or their registration.

(3) In this paragraph “the disposal provisions” means sections 8 to 15A of the 1996 Act and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with those sections.

Disposals made on or after commencement date by former registered social landlords

14.—(1) Sub-paragraph (2) applies if a person who was removed as an English registered social landlord from the register of social landlords before the commencement date makes a disposal on or after that date.

(1) [S.I. 1996/2256](#).

(2) [S.I. 1999/985](#).

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(2) Section 186 of the 2008 Act (former registered providers) applies, on and after the commencement date, to that person as if the person had ceased to be a private registered provider of social housing.

Disposal proceeds fund

15.—(1) Sub-paragraphs (2) to (7) apply in relation to determinations under sections 24 and 25 of the 1996 Act (disposal proceeds fund) so far as they are in force immediately before the commencement date in relation to English registered social landlords.

(2) A determination under section 24(2)(d) of the 1996 Act is to be treated, on and after the commencement date, as a specification under section 177(2)(i) or (as the case may be) (j) of the 2008 Act (separate accounting).

(3) A determination under section 24(3) of the 1996 Act is to be treated, on and after the commencement date, as a determination under section 177(3) of the 2008 Act.

(4) A determination of the kind mentioned in section 24(5) of the 1996 Act is to be treated, on and after the commencement date, as a direction under section 177(4) of the 2008 Act.

(5) A determination under section 24(6) of the 1996 Act is to be treated, on and after the commencement date, as a determination under section 177(7) of the 2008 Act.

(6) A determination under section 25(1) of the 1996 Act is to be treated, on and after the commencement date, as a direction under section 178(1) of the 2008 Act.

(7) A determination under section 25(2) of the 1996 Act is to be treated, on and after the commencement date, as a specification under section 178(3) of the 2008 Act (use of proceeds).

(8) For the purposes of sub-paragraphs (2) to (7), the determinations concerned are to be read as modified accordingly.

Other disposal consent regimes: savings of general consents

16.—(1) The general consents mentioned in sub-paragraph (2) and made under section 171D of the Housing Act 1985 (subsequent dealings: disposal of landlord's interest in qualifying dwelling-house) or section 133 of the 1988 Act (consent required for certain subsequent disposals) continue to apply in relation to disposals made on or after the commencement date as if—

- (a) the consents were made by the TSA, and
- (b) any references in them to the First Secretary of State or registered social landlords were references to the TSA or (as the case may be) private registered providers of social housing.

(2) The general consents referred to in sub-paragraph (1) are those made by the First Secretary of State on 21st March 2005 in relation to land or houses in England, namely—

- (a) the general consent under section 171D of the Housing Act 1985 in relation to dwelling-houses in England,
- (b) the general consent under section 133 of the 1988 Act for small disposals,
- (c) the general consent under section 133 of the 1988 Act for the sale of a dwelling-house under a contractual right to buy,
- (d) the general consent under section 133 of the 1988 Act for disposals on shared ownership terms,
- (e) the general consent under section 133 of the 1988 Act for the grant of a lease of business accommodation,
- (f) the general consent under section 133 of the 1988 Act for the grant of a short lease for community purposes of special needs housing, and

- (g) the general consent under section 133 of the 1988 Act for the disposal of reversionary interests in houses and flats.

Other disposal consent regimes: transitional provisions

17.—(1) The consent provisions continue to have effect on and after the commencement date in relation to any disposal made by an English registered social landlord before the commencement date as if—

- (a) those provisions were not amended by sections 190 and 191 of the 2008 Act (consent to disposal under other legislation) or any order under section 114 of that Act (registration of local authorities), and

- (b) the 2008 Order were not revoked.

(2) Sub-paragraph (3) or (4) applies if—

- (a) an English registered social landlord has made an application for consent to the Secretary of State under any consent provision before the commencement date, and

- (b) the application has not been determined or withdrawn before that date.

(3) If the application was made 28 days or more before the commencement date, it is to be determined on or after that date by the Secretary of State (and, for this purpose, the consent provision concerned is to be treated as if the amendments made to it by sections 190 and 191 of the 2008 Act and any order under section 114 of that Act were not made and as if the 2008 Order were not revoked).

(4) If the application was made less than 28 days before the commencement date, it is to be treated on and after that date as if made to the TSA under the consent provision concerned (as it has effect on and after that date).

(5) The amendments made to the consent provisions by sections 190 and 191 of the 2008 Act do not affect the validity of any consent given under those provisions before the commencement date.

(6) Anything done or omitted to be done by or in relation to the Secretary of State for the purposes of or in connection with any function transferred by sections 190 and 191 of the 2008 Act is, if in force or effective immediately before the commencement date, to have effect as if done or omitted to be done by or in relation to the TSA so far as that is required for continuing its effect on and after the commencement date.

(7) In this paragraph “the consent provisions” means section 171D(2) to (4) of the Housing Act 1985⁽³⁾, sections 81 and 133 of the 1988 Act and section 173 of the Local Government and Housing Act 1989⁽⁴⁾ and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with those sections.

Right of tenant to acquire dwelling: outstanding applications

18.—(1) The acquisition provisions continue to apply on and after the commencement date in relation to any case where—

- (a) a claim was made before the commencement date to exercise a right to acquire in relation to an interest in land in England held by an English registered social landlord, but

- (b) the claim was not determined, or any acquisition was not completed, before that date.

(2) In their application by virtue of sub-paragraph (1), the acquisition provisions have effect—

- (a) without any amendments or repeals of them brought into force by this Order or made by an order under section 114 of the 2008 Act,

⁽³⁾ 1985 c.68. Section 171D was inserted by section 8 of the Housing and Planning Act 1986 (c.63).

⁽⁴⁾ 1989 c.42.

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- (b) as if the 2008 Order were not revoked, and
- (c) as if references to registered social landlords were or (as the case may be) included, in relation to times, circumstances or purposes on and after the commencement date, references to private registered providers of social housing.

(3) Section 35 of the 2008 Act (duty to give financial assistance in relation to certain disposals) applies in respect of any discount given to a person exercising the right to acquire by virtue of this paragraph as it applies in respect of any discount given to a person exercising the right to acquire conferred by section 180 of that Act.

(4) In this paragraph “the acquisition provisions” means sections 16 to 17 of the 1996 Act (right to acquire) and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with those sections.