

Status: Point in time view as at 01/02/1991.

Changes to legislation: Housing Act 1988, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 46.

HOUSING FOR WALES

Status

- 1 (1) Housing for Wales is a body corporate and is in this Schedule referred to as “the Corporation”.
- (2) The Corporation is a public body for the purposes of the Prevention of Corruption Acts 1889 to 1916.
- (3) The Corporation shall not be regarded—
 - (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown; or
 - (c) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local;and its property shall not be regarded as property of, or held on behalf of, the Crown.

Membership

- 2 (1) The members of the Corporation shall be—
 - (a) not less than six nor more than eight persons appointed by the Secretary of State; and
 - (b) the chief executive of the Corporation appointed under paragraph 7 below;and the members appointed under paragraph (a) above are in this Schedule referred to as the “appointed members”.
 - (2) Before appointing a person to be a member of the Corporation the Secretary of State shall satisfy himself that he will have no financial or other interest likely to affect prejudicially the exercise of his functions as a member; and the Secretary of State may require a person whom he proposes to appoint to give him such information as he considers necessary for that purpose.
- 3 (1) The appointed members shall hold and vacate office in accordance with the terms of their appointment, subject to the following provisions.
 - (2) A member may resign his membership by notice in writing addressed to the Secretary of State.
 - (3) The Secretary of State may remove a member from office if he is satisfied that—
 - (a) he has been adjudged bankrupt or made an arrangement with his creditors;

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- (b) he has been absent from meetings of the Corporation for a period longer than three consecutive months without the permission of the Corporation; or
 - (c) he is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.
- (4) The Secretary of State shall satisfy himself from time to time with respect to every appointed member that he has no financial or other interest likely to affect prejudicially the exercise of his functions as a member; and he may require an appointed member to give him such information as he considers necessary for that purpose.

Chairman and Deputy Chairman

- 4 (1) The Secretary of State shall appoint one of the appointed members to be Chairman and may appoint one to be Deputy Chairman; and the members so appointed shall hold and vacate those offices in accordance with the terms of their appointment, subject to the following provisions.
- (2) The Chairman or Deputy Chairman may resign by notice in writing addressed to the Secretary of State.
- (3) If the Chairman or Deputy Chairman ceases to be a member of the Corporation, he also ceases to be Chairman or Deputy Chairman.

Remuneration and allowances

- 5 (1) The [^{F1}Corporation] may pay the Chairman, Deputy Chairman and appointed members such remuneration as [^{F2}Secretary of State] may, with the consent of the Treasury, determine.
- (2) The Corporation may pay them such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.

Textual Amendments

- F1** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 194\(1\), Sch. 11 para. 110\(a\)](#)
- F2** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 194\(1\), Sch. 11 para. 110\(b\)](#)

Pensions

- 6 (1) The Secretary of State may, with the consent of the Treasury, determine to pay in respect of a person's office as Chairman, Deputy Chairman or appointed member—
- (a) such pension, allowance or gratuity to or in respect of that person on his retirement or death as may be so determined; or
 - (b) such contributions or other payments towards provision for such pension, allowance or gratuity as may be so determined.

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- (2) As soon as may be after the making of such a determination the Secretary of State shall lay before each House of Parliament a statement of the amount payable in pursuance of the determination.
- (3) Sub-paragraph (1) above does not apply in the case of a member who has been admitted in pursuance of regulations under section 7 of the ^{M1}Superannuation Act 1972 to participate in the benefits of a superannuation fund maintained by a local authority.
- (4) In such a case the Secretary of State shall make any payments required to be made to the fund in respect of the member by the employing authority and may make such deductions from his remuneration as the employing authority might make in respect of his contributions to the fund.

Marginal Citations

M1 1972 c. 11.

Staff

- 7 (1) There shall be a chief executive of the Corporation.
 - (2) After consultation with the Chairman or person designated to be chairman of the Corporation, the Secretary of State shall make the first appointment of the chief executive on such terms and conditions as he may, with the consent of the Treasury, determine.
 - (3) The Corporation, with the approval of the Secretary of State, may make subsequent appointments to the office of chief executive on such terms and conditions as the Corporation may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- 8 (1) The Corporation may appoint, on such terms and conditions as it may, with the approval of the Secretary of State, determine, such other employees as it thinks fit.
 - (2) In respect of such of its employees as it may, with the approval of the Secretary of State, determine, the Corporation shall make such arrangements for providing pensions, allowances or gratuities as it may determine; and such arrangements may include the establishment and administration, by the Corporation or otherwise, of one or more pension schemes.
 - (3) The reference in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of employees of the Corporation includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Corporation's employees who suffer loss of office or employment or loss or diminution of emoluments.
 - (4) The Secretary of State with the consent of the Treasury may, by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, make regulations providing for—

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- (a) the transfer to, and administration by, Housing for Wales of any superannuation fund maintained by the Housing Corporation in terms of the provisions of any scheme made under section 7 of the ^{M2}Superannuation Act 1972; and
 - (b) the modification, for the purposes of the regulations, of that section or any scheme thereunder.
- (5) If an employee of the Corporation becomes a member of the Corporation and was by reference to his employment by the Corporation a participant in a pension scheme administered by it for the benefit of its employees—
- (a) the Corporation may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the Corporation whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 6 above; but
 - (b) if the Corporation does so determine, any discretion as to the benefits payable to or in respect of him which the scheme confers on the Corporation shall be exercised only with the approval of the Secretary of State.
- (6) Any reference in the preceding provisions of this paragraph to the approval of the Secretary of State is a reference to that approval given with the consent of the Treasury.

Marginal Citations

M2 1972 c. 11.

- 9
- (1) Not later than such date as the Secretary of State may determine, the Corporation shall make an offer of employment by it to each person employed immediately before that date by the Housing Corporation in connection with functions in Wales; and any question as to the persons to whom an offer of employment is to be made under this paragraph shall be determined by the Secretary of State.
 - (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
 - (3) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.
- 10
- (1) Where a person becomes an employee of the Corporation in consequence of an offer made under paragraph 9 above, then, for the purposes of the ^{M3}Employment Protection (Consolidation) Act 1978, his period of employment with the Housing Corporation shall count as a period of employment by the Corporation, and the change of employment shall not break the continuity of the period of employment.
 - (2) Where an offer is made in pursuance of paragraph 9 above to any person employed as mentioned in that paragraph, none of the agreed redundancy procedures applicable to such a person shall apply to him; and where that person ceases to be so employed—
 - (a) on becoming a member of the staff of the Corporation in consequence of that paragraph, or

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(b) having unreasonably refused the offer,

Part VI of the Employment Protection (Consolidation) Act 1978 shall not apply to him and he shall not be treated for the purposes of any scheme under section 24 of the Superannuation Act 1972 or any other scheme as having been retired on redundancy.

(3) Without prejudice to sub-paragraph (2) above, where a person has unreasonably refused an offer made to him in pursuance of paragraph 9 above, the Housing Corporation shall not terminate that person's employment unless it has first had regard to the feasibility of employing him in a suitable alternative position with it.

(4) Where a person continues in employment in the Housing Corporation either—

(a) not having unreasonably refused an offer made to him in pursuance of this paragraph, or

(b) not having been placed in a suitable alternative position as mentioned in sub-paragraph (3) above,

he shall be treated for all purposes as if the offer mentioned in paragraph 9 above had not been made.

Marginal Citations

M3 1978 c. 44.

- 11 (1) Any dispute as to whether an offer of employment complies with sub-paragraph (2) of paragraph 9 above shall be referred to and be determined by an industrial tribunal.
- (2) An industrial tribunal shall not consider a complaint referred to it under sub-paragraph (1) above unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or, in a case where the tribunal is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months, within such further period as the tribunal considers reasonable.
- (3) Subject to sub-paragraph (4) below, there shall be no appeal from the decision of an industrial tribunal under this paragraph.
- (4) An appeal to the Employment Appeal Tribunal may be made only on a question of law arising from the decision of, or in proceedings before, an industrial tribunal under this paragraph.

Proceedings

- 12 (1) The quorum of the Corporation and the arrangements relating to its meetings shall, subject to any directions given by the Secretary of State, be such as the Corporation may determine.
- (2) The validity of proceedings of the Corporation is not affected by any defect in the appointment of any of its members.

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- 13 (1) Where a member of the Corporation is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation—
- (a) he shall disclose the nature of his interest at a meeting of the Corporation, and the disclosure shall be recorded in the minutes of the Corporation; and
 - (b) he shall not take any part in any decision of the Corporation with respect to the contract.
- (2) A general notice given by a member at a meeting of the Corporation to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may be made with the company or firm is a sufficient disclosure of his interest for the purposes of this paragraph in relation to a contract made after the date of the notice.
- (3) A member need not attend in person at a meeting of the Corporation in order to make any disclosure which he is required to make under this paragraph provided he takes reasonable steps to secure that the disclosure is brought up and read at the meeting.
- 14 (1) The fixing of the Corporation's seal may be authenticated by the signature of the Chairman or of any other person authorised for the purpose.
- (2) A document purporting to be duly executed under the seal of the Corporation shall be received in evidence and be deemed to be so executed unless the contrary is proved.

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