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STATUTORY INSTRUMENTS

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**2008 No. 2839**

**HOUSING, ENGLAND AND WALES**

**The Transfer of Housing Corporation Functions  
(Modifications and Transitional Provisions) Order 2008**

*Made - - - - 30th October 2008*  
*Laid before Parliament 3rd November 2008*  
*Coming into force in accordance with article 1(1)*

The Secretary of State, in exercise of the powers conferred by sections 67 and 320 of the Housing and Regeneration Act 2008<sup>(1)</sup>, makes the following Order:

**Citation and extent**

1.—(1) This Order may be cited as the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 and shall come into force on the day section 5 of the Housing and Regeneration Act 2008 comes into force.

(2) This Order extends to England and Wales.

**Transfer of Housing Corporation functions to the Homes and Communities Agency and the Regulator of Social Housing**

2. The functions of the Housing Corporation under the enactments listed in the Table are transferred to the Homes and Communities Agency or the Regulator of Social Housing to the extent specified.

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<i>Enactment</i>	<i>Functions of the Housing Corporation transferred to the Homes and Communities Agency</i>	<i>Functions of the Housing Corporation transferred to the Regulator of Social Housing</i>	<i>Functions of the Housing Corporation transferred to the Homes and Communities Agency and the Regulator of Social Housing concurrently</i>
Housing Act 1985(2)	The functions under sections 151B and 156	All functions other than those transferred to the Homes and Communities Agency	
Housing Associations Act 1985(3)	The functions under sections 79, 80, 81 and 83 (other than those functions transferred to the Regulator of Social Housing).	The functions under sections 9, 10, 33A, 69, 75 (except for subsection (1)(c) and (e) and subsection (4)), 77, 79 (but only in relation to loans to registered social landlords), 82, 83 (but only in relation to the guarantee of loans to registered social landlords), 87 and Schedule 7.	
Housing Act 1988(4)	The functions under sections 50 to 53.	The functions under section 82.	

- (2) [1985 c.68](#); amended by section 140 of, and Schedule 16 to the Government of Wales Act [1998 \(c.38\)](#) Section 151B was inserted by section 118 of the Leasehold Reform, Housing and Urban Development Act [1993 \(c.28\)](#) and [S.I.2001/3649](#). Further amendments have been made to the Act not relevant to this Order.
- (3) [1985 c.69](#); amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act [1998 \(c.38\)](#) and by section 59 of, and Schedule 6 to the Housing Act [1988 \(c.50\)](#). Section 9 was amended by section 227 of, and Part 1 of Schedule 19 to the Housing Act [1996 \(c.52\)](#) and [S.I. 1996/2325](#). Section 10 was amended by section 98 of, and paragraph 21 of Schedule 6 to the Charities Act [1993 \(c.10\)](#), section 75 of, and paragraph 78 of Schedule 8 to the Charities Act [2006 \(c.50\)](#) and [S.I. 1996/2325](#). Section 75 was amended by section 140 of, and Schedule 18 to the Housing Act 1988, section 55 of, and paragraph 5 of Schedule 3 to the Housing Act 1996, [S.I. 1996/2325](#), section 22 of the Local Government Act [1999 \(c.27\)](#), section 66 of, and paragraph 5 of Schedule 2 to and section 72 of, and Schedule 4 to the Public Audit (Wales) Act [2004 \(c.23\)](#) and section 146 of, and paragraph 1 of Schedule 9 to, and section 241 of, and Schedule 18 to the Local Government and Public Involvement in Health Act [2007 \(c. 28\)](#). Section 77 was amended by [S.I. 1996/2325](#). Section 84 was amended [S.I. 2000/311](#) and [S.I. 2001/3649](#). Section 87 was substituted in relation to England and Wales by section 183 of the Local Government and Housing Act [1989 \(c.42\)](#) and amended by section 55 of, and paragraph 7 of Schedule 3 to the Housing Act 1996, [S.I. 1996/2325](#) and by section 218 of, and paragraph 1 of Schedule 11 to and section 266 of, and Schedule 16 to the Housing Act [2004 \(c.34\)](#). Further amendments have been made to the Act not relevant to this Order.
- (4) [1988 c.50](#); amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act [1998 \(c.38\)](#). Section 50 is restricted and modified by section 28 of the Housing Act [1996 \(c.52\)](#). It was amended by [S.I.1996/2325](#) and section 218 of and paragraph 3 of Schedule 11 to, and section 266 of and Schedule 16 to the Housing Act [2004 \(c.34\)](#). Section 51 is restricted by section 28 of the Housing Act 1996 and amended by [S.I. 1996/2325](#). Section 52 was amended by section 28 of the Housing Act 1996, [S.I. 1996/2325](#) and by section 218 of, and paragraph 4 of Schedule 11 to, and section 266 of, and Schedule 16 to the Housing Act 2004. Section 82 was amended by [S.I. 1996/2325](#), [S.I. 1997/97](#), section 24 of, and paragraphs 42 and 43 of Schedule 4 to the Access to Justice Act [1999 \(c.22\)](#) and section 81 of, and paragraph 42 of Schedule 8 to the Civil Partnership Act [2004 \(c. 33\)](#). Further amendments have been made to the Act not relevant to this Order.

<i>Enactment</i>	<i>Functions of the Housing Corporation transferred to the Homes and Communities Agency</i>	<i>Functions of the Housing Corporation transferred to the Regulator of Social Housing</i>	<i>Functions of the Housing Corporation transferred to the Homes and Communities Agency and the Regulator of Social Housing concurrently</i>
Housing Act 1996(5)	The functions under sections 16, 16A, 18, 20, 21, 27, 27A and 27B.	All functions under the Act other than those transferred to the Homes and Communities Agency or the Homes and Communities Agency and the Regulator of Social Housing concurrently.	The functions under sections 53 and 54.

### Modification of enactments

3. The enactments specified in the Schedule have effect with the modifications specified.

### Direction to the Homes and Communities Agency

4.—(1) The Regulator of Social Housing may direct the Homes and Communities Agency not to make a grant to a specified registered social landlord under section 18 of the Housing Act 1996.

(2) A direction may be given if—

- (a) the Regulator of Social Housing has decided to hold an inquiry into the affairs of the registered social landlord under paragraph 20 of Schedule 1 to the Housing Act 1996(6) and the inquiry is not concluded,
- (b) the Regulator of Social Housing has received notice in respect of the registered social landlord under section 41 of the Housing Act 1996, or
- (c) the Regulator of Social Housing has appointed an officer of the registered social landlord under paragraph 6, 7 or 8 of Schedule 1 to the Housing Act 1996(7) and the person appointed has not vacated office.

(3) A direction shall have effect until withdrawn.

### Effect of moratorium

5.—(1) This article applies if a moratorium is imposed in respect of a registered social landlord.

(5) 1996 c.52; amended by section 140 of, and Schedule 16 to, and section 152 of, and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Section 16 was amended by S.I. 2001/3257, section 406 of, and paragraph 136 of Schedule 17 to the Communications Act 2003 (c.21) and section 202 of the Housing Act 2004 (c.34). Section 16A was inserted by section 221 of the Housing Act 2004. Section 18 was amended by section 218 of, and paragraph 8 of Schedule 11 to the Housing Act 2004. Sections 20 and 21 were amended by paragraph 9 of Schedule 11 to the Housing Act 2004. Section 27A and 27B were inserted by section 220 of the Housing Act 2004. Section 28 was amended by section 218 of, and paragraph 11 of Schedule 11 to the Housing Act 2004. Section 54 was amended by section 265 of, and paragraph 42 of Schedule 15 to the Housing Act 2004.

(6) Paragraph 20 of Schedule 1 was amended by section 218 of, and paragraphs 7 and 24 of Schedule 11 to the Housing Act 2004.

(7) Paragraph 6 of Schedule 1 was amended by section 75 of, and paragraphs 183 and 192 of Schedule 8 to the Charities Act 2006 (c.50). Paragraph 7 of Schedule 1 was amended by S.I. 2007/2194.

(2) During a moratorium under section 42 of the Housing Act 1996 the Homes and Communities Agency—

- (a) may not give the registered social landlord a direction under section 27(2)(b) of the Housing Act 1996, and
- (b) may not take steps to enforce such a direction against the registered social landlord.

**Transitional and saving provision**

6.—(1) The modifications made by this Order do not affect the validity of anything done (or having effect as if done) by or in relation to the Housing Corporation before the commencement date.

(2) Any enactment, instrument or document passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of the transfer of any function by this Order, as if any reference to the Housing Corporation (however expressed) were a reference to the Regulator of Social Housing or (as the case may be) the Homes and Communities Agency.

(3) Anything which, on the commencement date, is in the process of being done by or in relation to the Housing Corporation may, so far as it relates to any function transferred by this Order from the Housing Corporation to the Homes and Communities Agency or the Regulator of Social Housing, be continued by or in relation to the Homes and Communities Agency or (as the case may be) the Regulator of Social Housing.

(4) Anything done (or having effect as if done) by or in relation to the Housing Corporation for the purposes of or in connection with any function transferred by this Order from the Housing Corporation to the Homes and Communities Agency or the Regulator of Social Housing shall, if in force or effective on the commencement date, have effect as if done by or in relation to the Homes and Communities Agency or (as the case may be) the Regulator of Social Housing so far as that is required for continuing its effect on and after the commencement date.

(5) The references in paragraphs (3) and (4) to things done include references to things omitted to be done.

(6) The “commencement date” means the date on which this Order comes into force.

Signed by authority of the Secretary of State for Communities and Local Government

*Iain Wright*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

30th October 2008

## SCHEDULE

Article 3

### Modification of Enactments

#### References to the Housing Corporation treated as references to the Regulator of Social Housing

1. In the following provisions any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

- section 32(7B) of the Land Compensation Act 1973(8)
- section 16(6B)(a) of the Consumer Credit Act 1974(9)
- section 5(3)(d) of the Rent (Agriculture) Act 1976(10)
- sections 15(2)(a), 86(2)(a) and 93(1) of the Rent Act 1977(11)
- section 3A(8)(g) of the Protection from Eviction Act 1977(12)
- section 12A(7)(b) of the Criminal Law Act 1977(13)
- the forms in Schedule 1 to the Rent Act (Forms etc) Regulations 1980(14)
- the forms in Schedule 1 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986(15)
- section 58(1)(e) of the Landlord and Tenant Act 1987(16)
- the Schedule to the Secure Tenancies (Notices) Regulations 1987(17)
- paragraph 1(1) of Schedule 9 and paragraph 8 of Schedule 9A to the Social Security (Claims and Payments) Regulations 1987(18)
- sections 376(4)(k), 488(7A) and 489(5A) of the Income and Corporation Taxes Act 1988(19)
- sections 35(5), 81(6) and 133(6) of the Housing Act 1988(20)
- sections 172(2)(b) and 173(6) of the Local Government and Housing Act 1989(21)
- regulation 5 of the New Towns (Transfer of Housing Stock) Regulations 1990(22)

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- (8) 1973 c.26. Section 32(7B) was inserted by section 9 of the Housing Act 1988 (c.50) and amended by section 152 of, and Schedule 18 to the Government of Wales Act 1998 (c.38) and sections 68 and 70 of, and paragraph 23 of Schedule 15 to the Planning and Compensation Act 1991 (c.34).
  - (9) 1974 c. 39. Section 16(6B) was inserted by section 22 of the Housing and Planning Act 1986 (c. 63) and amended by section 140 of, and Schedule 17 to the Housing Act 1988 (c. 50) and section 152 of, and Schedule 18 to the Government of Wales Act 1998 (c. 38).
  - (10) 1976 c.80.
  - (11) 1977 c.42. Sections 86 and 93 were amended by S.I. 1999/61. Further amendments were made not relevant to this Order.
  - (12) 1977 c.43. Section 3A was inserted by section 31 of the Housing Act 1988 (c.50). Further amendments were made to the section not relevant to this Order.
  - (13) 1977 c.45. Section 12A was inserted by section 74 of the Criminal Justice and Public Order Act 1994 (c.33) and amended by S.I. 1996/2325 and by section 140 of, and paragraph 3 of Schedule 16 to the Government of Wales Act 1998 (c.38).
  - (14) S.I. 1980/1697 amended by S.I. 1984/1391 and 1999/655.
  - (15) S.I. 1986/2194, substituted by S.I.2007/784; there are other amending instruments but none is relevant.
  - (16) 1987 c.31. There are amendments to section 58 not relevant to this Order.
  - (17) S.I. 1987/755 to which there are amendments not relevant to this Order.
  - (18) S.I. 1987/1968; revoked in part by S.I.2003/492; there are other amending instruments but none is relevant.
  - (19) 1988 c.1. Section 488(7A) and 489(5A) were inserted by paragraph 8 of Schedule 3 to the Housing Act 1996.
  - (20) 1988 c.50; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Further amendments have been made not relevant to this Order.
  - (21) 1989 c.42. Sections 172(2)(b) and 173 were amended by section 140 of, and paragraph 76 of Schedule 16 to the Government of Wales Act 1998 (c.38). Section 173(6) is also amended by S.I. 1996/2325. Further amendments have been made not relevant to this Order.
  - (22) S.I. 1990/1700; to which there are amendments not relevant to this Order.

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sections 218 and 219 of the Taxation of Chargeable Gains Act 1992(23)  
 article 3(2) of the Housing (Extension of Right to Buy) Order 1993(24)  
 sections 40 to 41B of the Audit Commission Act 1998(25)  
 regulation 5(a) of the Assured and Protected Tenancies (Lettings to Students) Regulations 1998(26)  
 paragraph 1(3) of Schedule 9 to the Finance Act 2003(27)  
 section 59(1)(h) of the Finance Act 2004(28)  
 section 256(2)(e) of the National Health Service Act 2006(29)  
 section 194(2)(e) of the National Health Service (Wales) Act 2006(30)  
 in the definition of “registered housing association” in regulation 2(1) of Housing Benefit Regulations 2006(31)  
 in the definition of “registered housing association” in regulation 2(1) of the Housing Benefit (Persons who have attained qualifying age for state pension benefit) Regulations 2006(32)  
 in the definition of “registered social landlord” in regulation 2 of the Community Benefit Societies (Restrictions on Use of Assets) Regulations 2006(33).

## **Housing Act 1985**

2.—(1) In the following provisions of the Housing Act 1985 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

sections 5(4), 6A, 45(2), 92(2A)(a), 171(2) and 429A(2A)

ground 10A in Part II and paragraph 6 of Part V of Schedule 2 and paragraph 7(1) of Schedule 4(34)

(2) Section 151B of the Housing Act 1985 shall have effect as if after subsection (5) there were inserted—

“(5A) In subsection (5) “the Relevant Authority” includes the Homes and Communities Agency but does not include the Regulator of Social Housing.”.

(23) 1992 c.12. Section 218 was amended by section 140 of, and paragraph 80 of Schedule 16 to the Government of Wales Act 1998 (c.38). Section 219 was inserted by S.I. 1996/2325 and amended by section 140 of, and paragraph 80 of Schedule 16 to the Government of Wales Act 1998.

(24) S.I. 1993/2240.

(25) 1998 c.18. Sections 40 and 41 were amended by section 66 of, and paragraphs 21 and 27 of Schedule 2 to the Public Audit (Wales) Act 2004 (c.23) and section 155 of the Local Government and Public Involvement in Health Act 2007 (c.28). Section 41A was inserted by section 109 of the Local Government Act 2003 (c.26) and amended by Schedule 2 to the Public Audit (Wales) Act 2004 and section 155 of the Local Government and Public Involvement in Health Act 2007. Section 41B was inserted by section 109 of the Local Government Act 2003 and amended by Schedule 2 to the Public Audit (Wales) Act 2004.

(26) S.I. 1998/1967 to which there are amendments not relevant to this Order.

(27) 2003 c.14 to which there are amendments not relevant to this Order.

(28) 2004 c.12 to which there are amendments not relevant to this Order.

(29) 2006 c.41.

(30) 2006 c.42.

(31) S.I. 2006/213; amended by S.I. 2007/2869 and S.I. 2008/586; there are other amending instruments but none is relevant.

(32) S.I. 2006/214; amended by S.I. 2007/2869 and S.I. 2008/586; there are other amending instruments but none is relevant.

(33) S.I. 2006/264.

(34) 1985 c.68; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Section 5(4) was substituted by S.I.1996/2325. Section 6A was inserted by section 140 of, and Schedule 17 to the Housing Act 1988 (c.50) and amended by S.I.1996/2325. Section 45 was amended by sections 41 and 61 of the Landlord and Tenant Act 1987 (c.31). Section 92(2A) was inserted by section 163 of the Local Government and Housing Act 1989 (c. 42). Section 171(2) was amended by section 83 of the Housing Act 1988 and by S.I. 1996/2325. Section 429A(2A) was inserted by section 216 of, and paragraph 54 of Schedule 17 to the Housing Act 1988. Ground 10A and Part V of Schedule 2 were inserted by section 9 of the Housing and Planning Act 1986 (c.63).

(3) Section 156(4) of the Housing Act 1985 shall have effect as if after subsection (4) there were inserted—

“(4ZA) In subsection (4) “the Relevant Authority” includes the Homes and Communities Agency but does not include the Regulator of Social Housing.”.

### **Housing Associations Act 1985**

**3.**—(1) In the following provisions of the Housing Associations Act 1985 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

sections 9(1A)(a), 9(6)(a), 10(1)(a), 33A, 75(1A) and 77

paragraph 6(2)(b) of Part I and paragraph 2(2)(b) of Part VI of Schedule 5**(35)**.

(2) Section 69 of the Housing Associations Act 1985**(36)** (power to vary or terminate certain agreements with housing associations) shall have effect as if—

(a) in subsection (1) in paragraph (a) for the words from “(including” to the end there were substituted “under which rights and obligations have been transferred to the Regulator of Social Housing;”,

(b) subsection (2A) were omitted, and

(c) before subsection (3) there were inserted—

“(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.”.

(3) In section 74 of the Housing Associations Act 1985**(37)**—

(a) the reference to the Housing Corporation in subsection (1) shall be treated as if it included a reference to the Regulator of Social Housing and the Homes and Communities Agency, and

(b) the reference to the Housing Corporation in subsection (4) shall be treated as if it were a reference to Regulator of Social Housing.

(4) The modifications made by this Order to section 74(4) of the Housing Associations Act 1985 shall not have effect for the purposes of the construction of “the Relevant Authority” in relation to sections 75(1)(c) and (e) and (4), 84, 88, 89 and 90 of that Act.

(5) In section 76 of the Housing Associations Act 1985 any reference to the Housing Corporation shall be treated as if it included a reference to the Regulator of Social Housing and the Homes and Communities Agency.

(6) In section 79 of the Housing Associations Act 1985—

(a) in relation to loans to persons other than registered social landlords any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),

(b) the reference to the Housing Corporation in subsection (1) shall be treated as if it were a reference to the Homes and Communities Agency, and

(c) the reference to the Housing Corporation in subsection (4) shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.

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**(35)** 1985 c.69; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Further amendments have been made to Schedule 5 not relevant to this Order.

**(36)** Further amendments have been made to section 69 not relevant to this Order.

**(37)** Section 74 was amended by section 59 of, and paragraph 31 of Schedule 6 to the Housing Act 1988 and S.I. 1996/2325.

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(7) In section 80 of the Housing Associations Act 1985—

- (a) any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing), and
- (b) any reference to the Housing Corporation in subsections (3A) and (4) shall be treated as if it were a reference to the Homes and Communities Agency.

(8) In section 81 of the Housing Associations Act 1985 the reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(9) In section 83 of the Housing Associations Act 1985—

- (a) in relation to guarantees in respect of loans to persons other than registered social landlords any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),
- (b) the reference to the Housing Corporation in subsection (1) shall be treated as if it were a reference to the Homes and Communities Agency, and
- (c) any reference to the Housing Corporation in subsections (1A) and (3) shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.

(10) In relation to any assistance under section 87 of the Housing Associations Act 1985<sup>(38)</sup> given in the form of grant by the Regulator of Social Housing, any reference to the Relevant Authority in section 52 of the Housing Act 1988 as it applies to such a grant shall be treated as a reference to the Regulator of Social Housing.

(11) Schedule 7 to the Housing Associations Act 1985 (powers exercisable where loan outstanding under section 2 of the Housing Act 1964) shall have effect as if—

(a) for paragraph 1 there were substituted—

“1. This Schedule applies where—

- (a) the Housing Corporation made a loan to a housing association under section 2 of the Housing Act 1964 before the repeal of that section by the Housing (Consequential Provisions) Act 1985,
- (b) the Housing Corporation’s rights and obligations in respect of the loan have been transferred to the Regulator of Social Housing, and
- (c) the loan has not been repaid.”,

(b) for “Housing Corporation”, wherever appearing, there were substituted “Regulator of Social Housing”,

(c) for “Relevant Authority”, wherever appearing, there were substituted “Regulator of Social Housing”,

(d) in paragraph 3 the words from “; and the Secretary of State shall not” to the end were omitted,

(e) paragraph 4(2) were omitted, and

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<sup>(38)</sup> Section 87 was substituted in relation to England and Wales by section 183 of the Local Government and Housing Act 1989 (c.42) and amended by paragraph 7 of Schedule 3 to the Housing Act 1996, S.I.1996/2325 and section 218 of, and paragraph 1 of Schedule 11 to, and section 266 of, and Schedule 18 to the Housing Act 2004 (c.34).



(f) paragraph 5(1A) and (6) were omitted.

### **Housing Act 1988**

4.—(1) In sections 50 to 53 of the Housing Act 1988 any reference to the Relevant Authority shall be treated, in relation to a body falling within section 56(3) of the Housing Act 1996, as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(2) In section 50 of the Housing Act 1988—

- (a) the reference to the Housing Corporation in subsection (5) shall be treated as if it were a reference to the Homes and Communities Agency,
- (b) the first reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Regulator of Social Housing, and
- (c) the second reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Homes and Communities Agency.

(3) In section 53(2) of the Housing Act 1988 the reference to the Housing Corporation shall be treated as if it were a reference to the Homes and Communities Agency.

### **Housing Act 1996**

5.—(1) In the following provisions of the Housing Act 1996<sup>(39)</sup> any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—

sections 1, 9(1A), 29, 30(5), 36(4), 46(7), 49(3), 51(2)(d) and 56

paragraphs 9(3A), 11(3A), 12(6)(a), 13(7)(a) and 15(5)(b), 20(3), 27(4) of Schedule 1 and paragraphs 6(2) and 11(4) of Schedule 2<sup>(40)</sup>

(2) In sections 16, 16A, 18, 20, 21 and 27 of the Housing Act 1996 any reference to the Relevant Authority shall be treated, in relation to a body falling within section 56(3) of that Act, as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(3) In section 16(5) of the Housing Act 1996 the reference to the Housing Corporation shall be treated as if it were a reference to the Homes and Communities Agency.

(4) In section 18 of the Housing Act 1996—

- (a) the reference to the Housing Corporation in subsection (5) shall be treated as if it were a reference to the Homes and Communities Agency,
- (b) the first reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Regulator of Social Housing, and
- (c) the second reference to the Housing Corporation in subsection (8) shall be treated as if it were a reference to the Homes and Communities Agency.

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<sup>(39)</sup> 1996 c.52; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38).

<sup>(40)</sup> Section 36 was amended by section 218 of and paragraph 7 of Schedule 11 to the Housing Act 2004 (c.34). Section 46 was amended by section 75 of, by paragraphs 183 and 189 of Schedule 8 to the Charities Act 2006 (c.50). Section 51 was amended by section 228 of the Housing Act 2004 and section 39 of, and paragraphs 56 and 57 of Schedule 6 to the Public Services Ombudsman (Wales) Act 2005 (c.10). Section 56 was amended by section 39 of, and paragraphs 183 and 190 of Schedule 8 to the Charities Act 2006. Section 56 defines the Relevant Authority for the purposes of the Housing Act 1996 and for the purposes of Part III of the Housing Associations Act 1985 (see section 74(3) of that Act). Paragraph 9 of Schedule 1 was amended by S.I. 2001/3649. Paragraph 11 of Schedule 1 was amended by S.I. 2007/2194. Paragraph 12 of Schedule 1 was amended by S.I. 2001/3649 and 2007/2194. Paragraph 13 of Schedule 1 was amended by S.I. 2007/2194 and 2008/948. Paragraph 15 of Schedule 1 was amended by section 218 of, and paragraphs 7 and 15 of Schedule 11 to the Housing Act 2004. Paragraph 20 of Schedule 1 was amended by section 218 of, and paragraphs 7 and 24 of Schedule 11 to the Housing Act 2004.

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(5) Where the Regulator of Social Housing is the Relevant Authority for the purposes of section 25 of the Housing Act 1996, subsection (2) of that section shall have effect as if for the words “shall be paid to it” there were substituted “shall be paid to the Homes and Communities Agency”.

(6) In section 27A of the Housing Act 1996—

- (a) any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),
- (b) the reference to the Housing Corporation in subsection (5) shall be treated as if it were a reference to the Homes and Communities Agency, and
- (c) the references to the Housing Corporation in subsection (7) shall be treated as if they were references to the Homes and Communities Agency.

(7) In section 27B of the Housing Act 1996 any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).

(8) In sections 53 and 54 of the Housing Act 1996 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.

(9) The modifications made by this Order to section 56 of the Housing Act 1996 as applied by section 74(3) of the Housing Associations Act 1985 shall not have effect for the purposes of the construction of “the Relevant Authority” in relation to sections 75(1)(c) and (e), 75(4), 84, 88, 89 and 90 of the Housing Associations Act 1985.

### **Greater London Authority Act 1999**

**6.—**(1) Section 333A(8) of the Greater London Authority Act 1999<sup>(41)</sup> shall have effect as if after paragraph (a) there were inserted “(ab) the Regulator of Social Housing;”.

(2) Section 333A(10) of the Greater London Authority Act 1999 shall have effect as if any reference to housing financial assistance included grant under section 18 or 27A of the Housing Act 1996.

(3) Section 333D(1) of the Greater London Authority Act shall have effect as if after “Act)” there were inserted “or section 18 or 27A of the Housing Act 1996”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order transfers certain functions of the Housing Corporation to the Homes and Communities Agency or the Regulator of Social Housing or both and makes consequential modifications to reflect that transfer.

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<sup>(41)</sup> 1999 c. 29. Sections 333A and 333D were inserted by section 28 of the Greater London Authority Act 2007 (c24) and were amended by paragraphs 72 to 74 of Schedule 8 to the Housing and Regeneration Act 2008 (c.17).

The Housing Corporation is currently responsible in England for providing financial assistance in relation to housing and for the regulation of registered social landlords. The Housing and Regeneration Act 2008 establishes two new bodies, the Homes and Communities Agency and the Regulator of Social Housing with new powers to carry on these activities.

Section 67 of that Act permits the making of transitional arrangements to enable the existing functions of the Housing Corporation to be transferred to the Homes and Communities Agency or the Regulator of Social Housing or both until those functions are superseded. This Order transfers functions relating to the regulation of social housing to the regulator and functions relating to the provision of financial assistance to the Homes and Communities Agency. It also includes transitional and saving provisions. In particular articles 4 and 5 provide for relationship between the regulator and the Homes and Communities Agency during the transitional period by making provision similar to that contained in sections 106 and 148 of the 2008 Act.