



Housing (Wales) Measure 2011

2011 nawm 5

PART 2

REGISTERED SOCIAL LANDLORDS

CHAPTER 5

MISCELLANEOUS AND GENERAL PROVISIONS

83 Insolvency, etc of registered social landlord: appointment of interim manager

After section 43 of the Housing Act 1996 insert—

“43A Appointment of interim manager

- (1) During a moratorium the Welsh Ministers may appoint an interim manager of the registered social landlord.
- (2) An appointment may relate to the registered social landlord’s affairs generally or to affairs specified in the appointment.
- (3) But an appointment may not relate to affairs relating only to the provision of housing in England.
- (4) Appointment is to be on terms and conditions (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (5) An interim manager has—
 - (a) any power specified in the appointment, and
 - (b) any other power in relation to the registered social landlord’s affairs required by the manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the landlord).

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- (6) But an interim manager may not—
 - (a) dispose of land, or
 - (b) grant security over land.
- (7) The Welsh Ministers may give the interim manager general or specific directions.
- (8) The Welsh Ministers may revoke or amend any directions given.
- (9) An appointment under this section comes to an end with the earliest of the following—
 - (a) the end of the moratorium,
 - (b) the agreement of proposals made under section 44, or
 - (c) a date specified in the appointment.
- (10) If a person ceases to be an interim manager before the appointment has come to an end, the Welsh Ministers may appoint a new interim manager in place of that person.”

84 Removal of officers

- (1) Amend Schedule 1 to the Housing Act 1996 as follows.
- (2) In the heading to paragraph 4, for “director, trustee, etc” substitute “officer”.
- (3) In paragraph 4 (general power to remove officer), in sub-paragraph (1)—
 - (a) after “remove” insert “an officer of a registered social landlord.”;
 - (b) omit paragraphs (a) to (c).
- (4) In paragraph 5 (restriction on power of removal in case of registered charity), in sub-paragraph (1), for “a director or trustee” substitute “an officer”.

85 Appointment of new officers

- (1) Amend Schedule 1 to the Housing Act 1996 as follows.
- (2) In the heading to paragraph 6, for “director or trustee” substitute “officer”.
- (3) In paragraph 6 (registered charity: power to appoint new officer)—
 - (a) in sub-paragraph (1), for “a director or trustee” substitute “an officer”;
 - (b) in paragraph (b) of sub-paragraph (1), for “no directors or no trustees” substitute “no officers”;
 - (c) in paragraph (c) of sub-paragraph (1), for “director or trustee” substitute “officer”;
 - (d) in the second sentence of sub-paragraph (1), for “directors or trustees” substitute “officers”;
 - (e) in sub-paragraph (5), for “director or trustee” substitute “an officer”.
- (4) In the heading to paragraph 7, for “director” substitute “officer”.
- (5) In paragraph 7 (company: power to appoint new officer)—
 - (a) in sub-paragraph (1), for “a director” in both places substitute “an officer”;

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- (b) in paragraph (b) of sub-paragraph (1), for “no directors” substitute “no officers”;
 - (c) in paragraph (c) of sub-paragraph (1), for “director” substitute “officer”.
- (6) In the heading to paragraph 8, for “new committee member” substitute “officer”.
- (7) In paragraph 8 (industrial and provident society: power to appoint new officer)—
- (a) in sub-paragraph (1), for “a committee member” substitute “an officer”;
 - (b) in paragraph (b) of sub-paragraph (1), for “no members of the committee” substitute “no officers”;
 - (c) in paragraph (c) of sub-paragraph (1), for “committee member” substitute “officer”;
 - (d) in the second sentence of sub-paragraph (1), for “committee members” substitute “officers”.

86 Charities that have “received public assistance”

In section 58 of the Housing Act 1996 (definitions relating to charities), after subsection (1) insert—

- “(1A) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied—
- (a) the charity has received financial assistance under section 24 of the Local Government Act 1988 (assistance for privately let housing accommodation);
 - (b) the charity has received financial assistance under section 19 of the Housing and Regeneration Act 2008 (financial assistance);
 - (c) the charity has had housing transferred to it pursuant to—
 - (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or
 - (ii) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993;
 - (d) the charity has received a grant or loan under—
 - (i) section 18 (social housing grants),
 - (ii) section 22 (assistance from local authorities),
 - (iii) section 58 of the Housing Associations Act 1985 (grants or loans by local authorities),
 - (iv) section 50 of the Housing Act 1980, section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
 - (v) section 51 of the Housing Act 1988 or sections 54 or 55 of the Housing Associations Act 1985 (revenue deficit grant or hostel deficit grant),
 - (vi) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),
 - (vii) section 31 of the Housing Act 1974 (management grants), or

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(viii) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).”

87 Minor definitions

In section 63 of the Housing Act 1996 (minor definitions: Part 1), in subsection (1), insert in the appropriate places—

““action” includes inaction, proposed action and decision;”

““misconduct” includes any failure to comply with the requirements of this Part of this Act;”

““representations” means representations in writing;”.

88 Minor and consequential amendments

The Schedule contains minor and consequential amendments.