
STATUTORY INSTRUMENTS

1992 No. 581

HOUSING, ENGLAND AND WALES

**The Waltham Forest Housing Action
Trust (Transfer of Property) Order 1992**

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 74 and 75(4) of the Housing Act 1988(1) and of all other powers enabling him in that behalf, after consulting the council of the London Borough of Waltham Forest(2) and taking such steps as appear to him to be appropriate in accordance with section 75(3) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Waltham Forest Housing Action Trust (Transfer of Property) Order 1992 and shall come into force on 6th April 1992.

Interpretation

2. In this Order—

“the council” means the council of the London Borough of Waltham Forest;

“the map” means the four maps each entitled “Map referred to in the Waltham Forest Housing Action Trust (Transfer of Property) Order 1992” of which prints, signed by an Under Secretary in the Department of the Environment, are deposited and available for inspection at the offices of the Secretary of State for the Environment, the council and the trust;

“the transfer date” means 6th April 1992; and “the trust” means the Waltham Forest Housing Action Trust.

Transfer of land

3. Subject to article 4 of this Order, the interest of the council in the housing and other land within the area designated as a housing action trust area by the Waltham Forest Housing Action Trust (Area

(1) 1988 c. 50.

(2) See section 75(2) of the Housing Act 1988.

and Constitution) Order 1991(3) comprising the four parcels of land shown on the map bounded externally by a broken black line edged internally with a stippled band shall vest in the trust on the transfer date together with all easements and rights vested in the council which are annexed or appurtenant to the land transferred by this Order (or any part of the land).

Mortgages

4. The interest of the council in any mortgage effected in pursuance of a secure tenant's right to a mortgage under section 132 of the Housing Act 1985(4) shall not vest in the trust.

Financial terms

5.—(1) On the transfer date the trust shall pay to the council—

- (a) £130,000 in respect of arrears of rent falling due before the transfer date during the period beginning on 2nd August 1991 and arising under secure tenancies of land transferred by this Order; and
- (b) £3,500 in respect of arrears of rent falling due before the transfer date and arising under any other tenancy or lease of land transferred by this Order.

(2) Any rent or other sum arising under a secure tenancy of land transferred under this Order and falling due before 2nd August 1991 shall continue to be recoverable by the council to the exclusion of the trust and of any other person in whom the reversion on the tenancy may become vested notwithstanding anything in section 141 of the Law of Property Act 1925(5).

(3) If any part of the sum payable under paragraph (1) of this article is unpaid, the trust shall further pay the council interest at such rate as may be prescribed by regulations under section 32 of the Land Compensation Act 1961(6) while it remains unpaid.

(4) Payments to the council under this article shall not be regarded for the purposes of Part IV of the Local Government and Housing Act 1989(7) as sums received by the council in respect of a disposal falling within section 58(1)(a) of that Act.

9th March 1992

Michael Heseltine
Secretary of State for the Environment

(3) S.I.1991/2773.
(4) 1985 c. 68.
(5) 1925 c. 20.
(6) 1961 c. 33.
(7) 1989 c. 42.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order vests in the Waltham Forest Housing Action Trust the housing and other land comprising the four housing estates known as Chingford Hall Estate, Chingford, Boundary Road Estate, Walthamstow, Oliver Close Estate, Leyton and Cathall Road Estate, Leytonstone which is currently vested in the council of the London Borough of Waltham Forest (article 3). The Order also sets the financial terms of the transfer (article 5). The property transferred is in the area designated by the Waltham Forest Housing Action Trust (Area and Constitution) Order 1991 which established the Waltham Forest Housing Action Trust.

The housing and other land transferred is identified on four maps which are deposited and available for inspection at the offices of the Department of the Environment, 2 Marsham Street, London SW1 3EB, the council of the London Borough of Waltham Forest, Town Hall, Forest Road, Walthamstow, London E17 3AL and the Waltham Forest Housing Action Trust, 161 Hoe Street, Walthamstow London E17 3AL.