
STATUTORY INSTRUMENTS

1994 No. 566

HOUSING, ENGLAND AND WALES

**The Castle Vale Housing Action Trust
(Transfer of Property) Order 1994**

<i>Made</i>	- - - -	<i>7th March 1994</i>
<i>Laid before Parliament</i>		<i>10th March 1994</i>
<i>Coming into force</i>	- -	<i>31st March 1994</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 City of Birmingham(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 Castle Vale Housing Action Trust (Transfer of Property) Order 1994 and shall come into force on 31st March 1994.

Interpretation

2. In this Order “the council” means the council of the City of Birmingham;

“the map” means the map entitled “Map referred to in the Castle Vale Housing Action Trust (Transfer of Property) Order 1994” of which prints, signed by an Under Secretary in the Department of the Environment, are deposited and available for inspection at the principal office of the Secretary of State for the Environment, the council and the trust;

“the transfer date” means 31st March 1994; and

“the trust” means the Castle Vale 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 Castle Vale Housing Action Trust

(1) 1988 c. 50; section 74(6) was amended by the Local Authorities (Capital Finance) (Consequential Amendments) Order 1990, S.I.1990/778.

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

(Area and Constitution) Order 1993⁽³⁾ and shown on the map bounded externally by a black line and shaded pink internally 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 £110,000 in respect of arrears of rent arising before the transfer date under tenancies of any of the housing transferred by this Order where such tenancies have not been determined prior to the transfer date.

(2) Any rent or other sum arising under a tenancy of land transferred under this Order and falling due before the transfer date, except for the arrears described in paragraph (1) of this article, 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 the Act.

Signed by authority of the Secretary of State 7th March 1994

G. S. K. Young
Minister of State,
Department of the Environment

(3) S.I. 1993/1634.
(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 Castle Vale Housing Action Trust the housing and other land comprising part of the Castle Vale Estate which is currently vested in the council of the City of Birmingham (article 3).

The Order also sets the financial terms of the transfer (article 5).

The property transferred is in the area designated by the Castle Vale Housing Action Trust (Area and Constitution) Order 1993 which established the Castle Vale Housing Action Trust.

The map referred to in the Order is deposited and available for inspection at the offices of the Department of the Environment, 2 Marsham Street, London SW1 3EB, the council of the City of Birmingham, Louisa Ryland House, 44 Newhall Street, Birmingham B3 3PL and the Castle Vale Housing Action Trust, the Third Floor, South Wing, Castle Vale Comprehensive School, Farnborough Road, Birmingham B35 7NL.