

SCHEDULE

AMENDMENTS

Housing Act 1988

3.—(1) The Housing Act 1988(1) is amended as follows.

(2) In section 35(5)(2) (removal of special regimes for tenancies of housing associations etc) after “or the Housing Corporation” insert “or, where that interest becomes held by him as the result of the exercise by him of functions under Part III of the Housing Association Act 1985, the Secretary of State,”.

(3) In section 38(3) (transfer of existing tenancies from public to private sector)–

(a) in subsection (3) for “and (4A)” substitute “(4A) and (4B),”

(b) after subsection (4A) insert–

“(4B) Where, by virtue of a disposal by the Secretary of State made in the exercise by him of functions under Part III of the Housing Associations Act 1985, the interest of the landlord under a secure tenancy passes to a registered social landlord (within the meaning of the Housing Act 1985) then, notwithstanding anything in subsection (3) above, so long as the tenancy continues to be held by a body which would have been specified in subsection (1) of section 80 of the Housing Act 1985 if the repeal of provisions of that section effected by this Act had not been made, the tenancy shall continue to be a secure tenancy and to be capable of being a housing association tenancy.”

(4) At the end of paragraph 11(2) of Schedule 1 (Crown tenancies) add “or it is held by the Secretary of State as the result of the exercise by him of functions under Part III of the Housing Associations Act 1985.”

(1) 1988 c. 50.

(2) Section 35(5) was amended by the [Government of Wales Act 1998](#), (c. 38) Schedule 16.

(3) Section 38 was amended by the [Local Government and Housing Act 1989](#), (c. 42) section 194(1) and Schedule 11 and by the Housing Act 1996 (Consequential Provisions) Order 1996, Statutory Instrument [1996/2325](#).