

SCHEDULE 1

Amendment of enactments consequential on Part 1 of the Housing and Regeneration Act 2008

Housing Act 1985

10.—(1) Section 80 (the landlord condition for secure tenancies) is amended as follows.

(2) In subsection (1)—

- (a) for “new town” substitute “development”, and
- (b) after “an urban development corporation,” insert—

“in the case of a tenancy falling within subsections (2A) to (2E), the Homes and Communities Agency or the Welsh Ministers (as the case may be),”.

(3) Before subsection (3) insert—

“(2A) A tenancy falls within this subsection if the interest of the landlord is transferred to—

- (a) the Homes and Communities Agency as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008, or
- (b) the Welsh Ministers as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981.

(2B) A tenancy falls within this subsection if it is entered into pursuant to a contract under which the rights and liabilities of the prospective landlord are transferred to the Homes and Communities Agency or the Welsh Ministers as mentioned in subsection (2A)(a) or (b) (as the case may be).

(2C) A tenancy falls within this subsection if it is granted by the Homes and Communities Agency or the Welsh Ministers to a person (alone or jointly with others) who, immediately before it was entered into, was a secure tenant of the Homes and Communities Agency or the Welsh Ministers (as the case may be).

(2D) A tenancy falls within this subsection if—

- (a) it is granted by the Homes and Communities Agency or the Welsh Ministers to a person (alone or jointly with others),
- (b) before the grant of the tenancy, an order for possession of a dwelling-house let under a secure tenancy was made against the person (alone or jointly with others) and in favour of the Homes and Communities Agency or the Welsh Ministers (as the case may be) on the court being satisfied as mentioned in section 84(2)(b) or (c), and
- (c) the tenancy is of the premises which constitute the suitable accommodation as to which the court was so satisfied.

(2E) A tenancy falls within this subsection if it is granted by the Homes and Communities Agency or the Welsh Ministers pursuant to an obligation under section 554(2A).”.

(4) After subsection (4) insert—

“(5) In this Act and in any provision made under this Act, or made by or under any other enactment, a reference to—

- (a) a person within section 80 or 80(1) of this Act, or
- (b) a person who satisfies the landlord condition under this section,

includes a reference to the Homes and Communities Agency or to the Welsh Ministers so far as acting in their capacity as landlord (or, in the case of disposals, former landlord) in

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respect of a tenancy which falls within subsections (2A) to (2E) above but, subject to this, does not include the Homes and Communities Agency or the Welsh Ministers.

(6) Subsection (5)—

- (a) applies whether the person is described as an authority, body or landlord or in any other way and whether the reference is otherwise expressed in a different way, and
- (b) is subject to any provision to the contrary.”.