

SCHEDULE 2

Transitional and saving provisions

General savings

1. The modifications made by this Order do not affect the validity of anything done (or having effect as if done) by or in relation to the CNT or the Housing Corporation before the commencement date.

Functions transferred from the CNT to the HCA or the Welsh Ministers

2.—(1) Anything which, on the commencement date, is in the process of being done by or in relation to the CNT may, so far as it relates to any function transferred by this Order from the CNT to the HCA or the Welsh Ministers, be continued by or in relation to the HCA or (as the case may be) the Welsh Ministers.

(2) Anything done (or having effect as if done) by or in relation to the CNT for the purposes of or in connection with any function transferred by this Order from the CNT to the HCA or the Welsh Ministers shall, if in force or effective on the commencement date, have effect as if done by or in relation to the HCA or (as the case may be) the Welsh Ministers so far as that is required for continuing its effect on and after the commencement date.

(3) Any enactment, instrument or other document passed or made before the commencement date shall have effect, so far as necessary for the purposes of or in consequence of sub-paragraph (1) or (2), as if any references (however expressed) to the CNT were references to the HCA or (as the case may be) the Welsh Ministers.

(4) The references in sub-paragraphs (1) and (2) to things done include references to things omitted to be done.

(5) The references in sub-paragraphs (1) to (3) to the HCA or the Welsh Ministers are to be read as including references to them acting in a particular capacity or in relation to particular matters.

3. The HCA shall be treated as included in the list of bodies in section 50(2) of the Housing Act 1985 in respect of any failure by the CNT to perform a duty imposed by section 48 of that Act which is treated by virtue of paragraph 2(2) above as if it were a failure by the HCA.

Functions of the CNT which cease to be exercisable

4.—(1) Sub-paragraph (2) applies where, by virtue of this Order, functions cease to be exercisable by the CNT and are not transferred to any other person.

(2) Any repeal made for this purpose by this Order of any reference (however expressed) to the CNT does not apply so far as the reference applies in relation to times, circumstances or purposes before the commencement date.

Functions of the Housing Corporation transferred to the HCA

5.—(1) Anything which, on the commencement date, is in the process of being done by or in relation to the Housing Corporation may, so far as it relates to any function transferred by article 7 of, or paragraph 21 of Schedule 1 to, this Order from the Housing Corporation to the HCA, be continued by or in relation to the HCA.

(2) Anything done (or having effect as if done) by or in relation to the Housing Corporation for the purposes of or in connection with any function transferred by article 7 of, or paragraph 21 of Schedule 1 to, this Order from the Housing Corporation to the HCA shall, if in force or effective on

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the commencement date, have effect as if done by or in relation to the HCA so far as that is required for continuing its effect on and after the commencement date.

(3) Any enactment, instrument or other document passed or made before the commencement date shall have effect, so far as necessary for the purposes of or in consequence of sub-paragraph (1) or (2), as if any references (however expressed) to the Housing Corporation were references to the HCA.

(4) The references in sub-paragraphs (1) and (2) to things done include references to things omitted to be done.

Other provisions

6.—(1) The amendments made by paragraphs 22 and 24 of Schedule 1 to this Order do not apply in relation to any loans which—

- (a) were made by the Housing Corporation by virtue of section 450B of the Housing Act 1985⁽¹⁾ before the commencement date; and
- (b) are outstanding or otherwise in force or effective on that date.

(2) Section 450B of that Act (and any regulations made under it) continue to apply in relation to such loans without the amendments made by paragraphs 22 and 24 of Schedule 1 to this Order but as if references (however expressed) to the Housing Corporation were references to the HCA.

(3) Paragraph 5 above applies to functions transferred by sub-paragraph (2) above as it applies to the functions transferred to the HCA as mentioned in sub-paragraphs (1) and (2) of paragraph 5.

7. Any repeal by this Order of an enactment which amends or partially repeals an enactment which is repealed by the Housing and Regeneration Act 2008 is subject to any transitional, transitory or saving provision made, by an order under section 322 of that Act, in relation to the enactment repealed by that Act.

(1) Sections 450B was inserted by section 5 of the Housing and Planning Act 1986 and was amended by Schedule 16 to the Government of Wales Act 1998. The Housing (Service Charge Loans) Regulations 1992 (No. 1708) were made under the power in section 450B and were amended by S.I. 2000/1963.