

SCHEDULE 2

Article 5

Transitional and saving provision

Interpretation

1. In this Schedule—

“devolved legislation” means an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation;

“the HCA” means the Homes and Communities Agency;

“Northern Ireland legislation” has the same meaning as in section 24 of the Interpretation Act 1978⁽¹⁾;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 and also includes an instrument made under an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation, and

“the TSA” means the Regulator of Social Housing.

General

2.—(1) No amendment or repeal made by this Order affects the validity of anything done (or having effect as if done) by or in relation to an English registered social landlord before the commencement date.

(2) A reference (express or implied) in any amendment made by this Order to a provision of Part 1 or 2 of the 2008 Act is, so far as the context permits, to be read as including, in relation to times, circumstances or purposes before the commencement date, a reference to any corresponding former provision of Part 1 of the 1996 Act or any corresponding earlier enactment.

(3) In particular, a reference (express or implied) in any amendment made by this Order to registration as a provider of social housing (without further differentiation), registration as a private provider of social housing (without further differentiation) or registration as a non-profit provider of social housing (with or without further differentiation) is, so far as the context permits, to be read as including, in relation to times, circumstances or purposes before the commencement date, a reference to registration as an English registered social landlord.

(4) Anything done (or having effect as if done) by or in relation to a person as an English registered social landlord is, if in force or effective immediately before the commencement date, to have effect for the purposes of any amendment made by this Order as if done by or in relation to that person as a non-profit registered provider of social housing so far as that is required for continuing its effect on and after the commencement date.

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

Saving for certain effects of the 2008 Order

3.—(1) Article 6(2) of the 2008 Order continues to apply on and after the commencement date in relation to any instrument or other document (other than an Act, devolved legislation or subordinate legislation) so far as required for the purposes of any substitution made by this Order of the HCA or the TSA for the Housing Corporation.

(2) Anything which, immediately before the commencement date, is being continued by or in relation to the HCA or the TSA by virtue of article 6(3) of the 2008 Order may, so far as it relates

(1) 1978 c.30.

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to any function under an enactment in which the HCA or the TSA is substituted for the Housing Corporation by this Order, continue to be so continued on and after the commencement date.

(3) Anything which has effect as if done by or in relation to the HCA or the TSA by virtue of article 6(4) of the 2008 Order is, if in force or effective immediately before the commencement date and so far as the enactment continues to apply to the HCA or the TSA by virtue of this Order, to continue to have effect as if done by or in relation to the HCA or the TSA so far as that is required for continuing its effect on and after the commencement date.

(4) The references in sub-paragraph (3) to things done include references to things omitted to be done.

Saving in relation to priority of mortgage provisions

4. Any repeal made by this Order of the Social Landlords (Additional Purposes or Objects) (Amendment) (England) Order 2005(2) does not apply to that enactment so far as it is saved by an order under section 322 of the 2008 Act.

New references to registered social landlords

5. Any saving or transitional provision, or any provision about the continuity of the law, which was made by or under the 1996 Act and is in force or effective immediately before the commencement date in relation to a reference (express or implied) to a registered social landlord is to continue to apply, on and after that date, in relation to any corresponding reference to a registered social landlord in an amendment made by this Order so far as the provision concerned remains capable of having effect in relation to that reference.

General consequential modification of documents

6.—(1) A reference (express or implied) in any instrument or other document (other than an Act, devolved legislation or subordinate legislation) made before the commencement date to a relevant provision of Part 1 of the 1996 Act is, in relation to times, circumstances or purposes on or after the commencement date and so far as required for the purposes of this Order or any order under section 321 or 325 of the 2008 Act, to be read as being, or as the case may require including, a reference to the corresponding provision of Part 1 or 2 of the 2008 Act.

(2) In particular, a reference (express or implied) in any instrument or other document (other than an Act, devolved legislation or subordinate legislation) made before the commencement date to registration as an English registered social landlord is, in relation to times, circumstances or purposes on or after the commencement date and so far as required for the purposes of this Order or any order under section 321 or 325 of the 2008 Act, to be read as being a reference to registration as a non-profit provider of social housing.

(3) In this paragraph “relevant provision” means any provision so far as relating to an English registered social landlord which is repealed and re-enacted, with or without modifications, by or under any provision of Part 1 or 2 of the 2008 Act,

Consequential modifications: preserved right to buy

7.—(1) Any enactment made under section 171C of the Housing Act 1985(3) which is in force immediately before the commencement date shall continue to have effect on and after that date with the modifications set out in sub-paragraph (2) (and any other necessary related modifications).

(2) The modifications referred to in sub-paragraph (1) are that—

(2) [S.I. 2005/2863](#).

(3) [1985 c.68](#). Section 171C was inserted by section 8 of the Housing and Planning Act [1986 \(c.63\)](#).

- (a) references to a registered social landlord shall be treated as references to a private registered provider of social housing, and
- (b) references to the Corporation shall be treated as references to the Welsh Ministers, the HCA or the TSA, as the context requires.

Preserved right to buy: outstanding applications

8. The preserved right to buy provisions continue to apply on and after the commencement date in relation to any case where—

- (a) a claim was made before the commencement date to exercise a preserved right to buy in relation to an interest in land in England held by an English registered social landlord, but
- (b) the claim was not determined, or any purchase was not completed, before that date.

(2) In their application by virtue of sub-paragraph (1), the preserved right to buy provisions have effect—

- (a) without any amendments or repeals of them made by this Order or made by an order under section 114 or 321 of the 2008 Act,
- (b) as if the 2008 Order were not revoked by this Order, and
- (c) as if references to registered social landlords were or (as the case may be) included, in relation to times, circumstances or purposes on and after the commencement date, references to private registered providers of social housing.

(3) In this paragraph “the preserved right to buy provisions” means sections 171A to H of the Housing Act 1985⁽⁴⁾ and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that section.

(4) 1985 c.68. Sections 171D to H were inserted by section 8 of the Housing and Planning Act 1986 (c.63).