

SCHEDULE 3

Article 6

Transitional and saving provisions

General

1.—(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.

(6) In this paragraph “English registered social landlord”, in relation to times, circumstances or purposes before the commencement date, means any person who, at the time in question—

- (a) is a registered social landlord within the meaning of Part 1 of the 1996 Act as it then has effect and does not fall within section 56(2) of that Act as it then has effect, or
- (b) has a corresponding registration under an earlier enactment.

Commencement Information

II Sch. 3 para. 1 in force at 1.4.2010, see [art. 1\(2\)](#)

Saving for certain effects of the 2008 Order

2.—(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 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

Changes to legislation: There are currently no known outstanding effects for the The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010, SCHEDULE 3. (See end of Document for details)

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.

(5) In this paragraph—

“the HCA” means the Homes and Communities Agency,

“the TSA” means the Regulator of Social Housing,

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

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

“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.

Commencement Information

I2 Sch. 3 para. 2 in force at 1.4.2010, see [art. 1\(2\)](#)

Savings in relation to Part 1 of the 1996 Act

3. Any amendment or repeal made by this Order of an enactment in Part 1 of the 1996 Act (other than section 10(1)(a)) does not apply to that enactment so far as it is saved by an order under section 322 of the 2008 Act.

Commencement Information

I3 Sch. 3 para. 3 in force at 1.4.2010, see [art. 1\(2\)](#)

New references to registered social landlords

4. 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.

Commencement Information

I4 Sch. 3 para. 4 in force at 1.4.2010, see [art. 1\(2\)](#)

(1) 1978 c.30.

Housing Associations Act 1985

5.—(1) Nothing in the amendments or repeals made by this Order to Part 3 of the Housing Associations Act 1985 confers a function on the Welsh Ministers which they did not have before the commencement date by virtue of—

- (a) the Government of Wales Act 1998⁽²⁾,
- (b) the National Assembly for Wales (Transfer of Functions) Order 1999⁽³⁾, and
- (c) Schedule 11 to the Government of Wales Act 2006⁽⁴⁾.

(2) Nothing in the amendments or repeals which relate to functions of the Welsh Ministers and are made by this Order to Part 3 of the Housing Associations Act 1985 affect the operation of any savings or transitional provisions which arise by virtue of the enactments mentioned in sub-paragraph (1) so far as they are capable of continuing to have effect on and after the commencement date.

Commencement Information

I5 Sch. 3 para. 5 in force at 1.4.2010, see [art. 1\(2\)](#)

6.—(1) Part 3 of the Housing Associations Act 1985 continues to apply on and after the commencement date in relation to—

- (a) any activities which, immediately before the commencement date, the TSA is in the process of carrying out (or is treated as being in the process of carrying out) in pursuance of its functions under section 75(1)(a) and (1A) or 77 of that Act,
- (b) any loans made (or treated as made) before that date by the HCA or the TSA under section 79 of that Act,
- (c) any amounts which are left outstanding or advanced by the HCA as mentioned in section 81(b) of that Act (or treated as so left or advanced) before that date,
- (d) any guarantees given (or treated as given) by the HCA or the TSA before that date under section 83 of that Act, and
- (e) any financial assistance given (or treated as given) by the TSA before that date under section 87 of that Act.

(2) In its application by virtue of sub-paragraph (1), Part 3 of the Housing Associations Act 1985 has effect—

- (a) without any amendments or repeals made by this Order,
- (b) as if the 2008 Order were not revoked, and
- (c) as if references to registered social landlords—
 - (i) in relation to times, circumstances or purposes before the commencement date, related only to English registered social landlords, and
 - (ii) in relation to times, circumstances or purposes on and after the commencement date, were references to non-profit registered providers of social housing.

(3) References in this paragraph to Part 3 of the Housing Associations Act 1985 include references to any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that Part and to anything done or omitted to be done under or otherwise in connection with that Part.

⁽²⁾ 1998 c.38.

⁽³⁾ S.I. 1999/672.

⁽⁴⁾ 2006 c.32.

Changes to legislation: There are currently no known outstanding effects for the The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010, SCHEDULE 3. (See end of Document for details)

(4) In this paragraph—

“English registered social landlord” has the same meaning as in paragraph 1, and

“the TSA” means the Regulator of Social Housing.

Commencement Information

I6 Sch. 3 para. 6 in force at 1.4.2010, see [art. 1\(2\)](#)

Commencement Information

I5 Sch. 3 para. 5 in force at 1.4.2010, see [art. 1\(2\)](#)

I6 Sch. 3 para. 6 in force at 1.4.2010, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010, SCHEDULE 3.