Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 ISBN 978-0-11-149226-0*

Draft Order laid before Parliament under section 320(3) of the Housing and Regeneration Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

HOUSING, ENGLAND AND WALES

The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010

Made - - - -	*xxx*
Coming into force - -	*1st April 2010*

The Secretary of State, in exercise of the powers conferred by sections 320 and 321 of the Housing and Regeneration Act 2008(**1**), makes the following Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 320(3) of the Housing and Regeneration Act 2008.

Citation and commencement

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010.

(2) This Order comes into force on 1st April 2010.

Interpretation

2.—(1) In this Order—

"the 1996 Act" means the Housing Act 1996(**2**);

"the 2008 Act" means the Housing and Regeneration Act 2008;

"the 2008 Order" means the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008(**3**); and

"the commencement date" means the day on which this Order comes into force.

(2) References in this Order to words in an enactment which are being amended or repealed by the Order are references to the words in the text of the enactment (and therefore do not describe any non-textual modification of that enactment made by the 2008 Order or any other provision).

(**1**) 2008 c.17.
(**2**) 1996 c.52.
(**3**) S.I. 2008/2839.

(3) References in this Order to repeals include revocations.

Extent

3.—(1) Subject to paragraph (2), an amendment or repeal made by this Order has the same extent as the enactment to which it relates.

(2) The amendments and repeals in respect of the following enactments extend to England and Wales only—

(a) sections 2B, 69 and 69A and Part 3 of the Housing Associations Act 1985(**4**);

(b) paragraph 42 (and the italic heading before it) of Schedule 5 to the Housing and Planning Act 1986(**5**);

(c) section 57 of, and paragraphs 28, 29, 31(3) and 33 of Schedule 6 to, the Housing Act 1988(**6**);

(d) paragraphs 27(2) and (4), 28, 29, 31, 33, 35(3), 36, 37, 53(3), (4), and (5) and 66 of Schedule 16 to the Government of Wales Act 1998(**7**);

(e) paragraph 5(3) of Schedule 2 to the Public Audit (Wales) Act 2004(**8**);

(f) paragraphs 3 and 11 of Schedule 11 to the Housing Act 2004(**9**); and

(g) paragraph 23 of Schedule 8 and paragraph 1(2)(d) of Schedule 9 to the Local Government and Public Involvement in Health Act 2007(**10**).

Consequential amendments for Part 1 of the 2008 Act

4. The enactments specified in Schedule 1 to this Order have effect with the amendments specified.

Consequential amendments for Part 2 of the 2008 Act

5. The enactments specified in Schedule 2 to this Order have effect with the amendments specified.

Transitional and saving provisions

6. The amendments and repeals made by this Order have effect subject to the transitional and saving provisions in Schedule 3 to this Order

Repeals

7. The enactments specified in Schedule 4 to this Order are repealed to the extent specified.

(**4**) 1985 c.69. Section 2B was inserted by paragraph 15(2) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).
(**5**) 1986 c.63.
(**6**) 1988 c.50.
(**7**) 1998 c.38.
(**8**) 2004 c.23.
(**9**) 2004 c.34.
(**10**) 2007 c.28.

Signed by authority of the Secretary of State for Communities and Local Government

Name
Minister of State
Department for Communities and Local Government

SCHEDULE 1 Article 4

Amendment of enactments: Part 1

Housing Act 1985

1. The Housing Act 1985(**11**) is amended as follows.

2. In section 151B (mortgage for securing redemption of landlord's share: approved lending institutions) after subsection (5) insert—

"(5A) In subsection (5) "the Relevant Authority" does not include the Regulator of Social Housing but does include the Homes and Communities Agency.".

3. In section 156(4) (liability to repay discount on early disposal is a charge on the premises: approved lending institutions) after subsection (4) insert—

"(4ZA) In subsection (4) "the Relevant Authority" does not include the Regulator of Social Housing but does include the Homes and Communities Agency.".

4. In Schedule 5 (exceptions to right to buy) in paragraph 3 omit "or" after "social housing grants)".

Housing Associations Act 1985

5. Omit section 69A of the Housing Associations Act 1985(**12**) (land subject to housing management agreement).

Housing Act 1996

6. The Housing Act 1996(**13**) is amended as follows.

7. In section 24(2) (the disposal proceeds fund)—

(a) in paragraph (a) after sub-paragraph (ii) insert—

"or

(iii) in respect of which a grant was made under section 19 of the Housing and Regeneration Act 2008 in respect of discounts given by it on the disposal to the tenant;",

(b) after paragraph (b) insert—

"(ba) payments of grant received by it under section 19 of the Housing and Regeneration Act 2008 in respect of discounts given by it on disposals of dwellings to tenants;", and

(c) in paragraph (c) for "such grant" substitute "grant as mentioned in paragraph (b) or (ba)".

8. In section 51(3)(a) (schemes for investigation of complaints) after "grant under—" insert—

"section 19 of the Housing and Regeneration Act 2008 (financial assistance) where the grant was made on condition that the recipient provides social housing (and "provides social housing" has the same meaning as in Part 1 of that Act),".

9. In Schedule 1 (registered social landlords: regulation) in paragraphs 5(2) and 28(2) after "provisions are—" insert—

(**11**) 1985 c. 68.
(**12**) 1985 c. 69. Section 69A was inserted by paragraph 42 of Schedule 5 to the Housing and Planning Act 1986 (c. 63).
(**13**) 1996 c. 52.

"section 19 of the Housing and Regeneration Act 2008 (financial assistance) but only in the case of a grant made on condition that the charity provides social housing (and "provides social housing" has the same meaning as in Part 1 of that Act),".

SCHEDULE 2

Article 5

Amendment of enactments: Part 2

Industrial and Provident Societies Act 1965

1. In section 6 of the Industrial and Provident Societies Act 1965(**14**) (maximum shareholding in society) after subsection (1) insert—

"(1A) In the case of a society which is a private registered provider of social housing, the restriction in subsection (1) does not apply to shares acquired by a local authority under the power in section 2 of the Local Government Act 2000.".

Leasehold Reform Act 1967

2.—(1) Schedule 4A to the Leasehold Reform Act 1967(**15**) (shared ownership leases excluded from the Act) is amended as follows.

(2) In paragraph 2 (certain leases granted by certain public authorities)—

(a) in sub-paragraph (1) for ", to a registered social landlord" substitute ", to a relevant housing provider",

(b) in sub-paragraph (3)(b) for "or to a registered social landlord" substitute "or to a relevant housing provider", and

(c) for sub-paragraph (5) substitute—

"(5) In this paragraph "relevant housing provider" means–

(a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or

(b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996."

(3) In paragraph 4 (certain leases for the elderly)—

(a) in sub-paragraphs (1) and (2)(c) for "a registered social landlord", wherever appearing, substitute "a relevant housing provider", and

(b) in sub-paragraph (3) for the definition of "registered social landlord" substitute—

""relevant housing provider" means—

(a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or

(b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.".

(**14**) 1965 c.12.
(**15**) 1967 c.88. Schedule 4A was inserted by paragraph 6 of Schedule 4 to the Housing and Planning Act 1986 (c. 63).