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

2008 No. [000]

HOUSING, ENGLAND AND WALES
HOUSING, NORTHERN IRELAND

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

Made - - - - XXX

Coming into force in accordance with article 1

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:

Citation and commencement

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

(2) Subject to paragraph (3), this Order comes into force on the day section 5 of the Housing and Regeneration Act 2008 comes into force ("the commencement date").

(3) The following provisions of this Order come into force on the day section 158 of the Leasehold Reform, Housing and Urban Development Act 1993(**2**) is repealed (which is provided for in paragraph 63 of Schedule 8 to, and in Schedule 16 to, the Housing and Regeneration Act 2008)—

(a) paragraph 44 of Schedule 1 and the related entry in Schedule 3, and

(b) the consequential repeal in the Planning and Compulsory Purchase Act 2004(**3**) set out in Schedule 3.

Interpretation

2. In this Order—

"the CNT" means the Commission for the New Towns,

"the HCA" means the Homes and Communities Agency.

(**1**) 2008 c. 17.
(**2**) 1993 c. 28.
(**3**) 2004 c. 5.

Extent

3.—(1) Subject to paragraph (2), this Order extends to England and Wales only.

(2) In so far as it relates to section 16 of the Consumer Credit Act 1974(**4**), this Order extends to England and Wales and to Northern Ireland.

Consequential amendments: Part 1 of the Housing and Regeneration Act 2008

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

Transitional and saving provisions

5. The amendments, modifications and repeals made by this Order have effect subject to the transitional and saving provisions in Schedule 2 to this Order.

Repeals

6. The enactments specified in Schedule 3 to this Order are repealed to the extent specified.

Consequential modification of modified right to buy provisions

7.—(1) References to the "Housing Corporation" —

(a) in the modified enactments, and

(b) in the enactments to which the modified amendments relate,

shall be treated as references to the "Homes and Communities Agency".

(2) In this article—

"modified amendments" means the amendments which, by virtue of paragraph 4 of Schedule 1 to the Leasehold Reform, Housing and Urban Development Act 1993 (Commencement and Transitional Provisions No. 1) Order 1993 (**5**), did not have effect in relation to the operation of Part V of the Housing Act 1985 as applied by the Local Government Reorganisation (Preservation of Right to Buy) Order 1986(**6**); and

"modified enactments" means—

(a) the Housing (Preservation of Right to Buy) Regulations 1993(**7**), and

(b) the Housing (Right to Acquire) Regulations 1997(**8**).

(**4**) 1974 c. 39.
(**5**) S.I. 1993/2134.
(**6**) S.I. 1986/2092.
(**7**) S.I. 1993/2241, amended by S.I. 1999/1213.
(**8**) S.I. 1997/619.

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

Name
Minister of State
Department for Communities and Local Government

Date

SCHEDULE 1

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

Consumer Credit Act 1974

1.—(1) Section 16 of the Consumer Credit Act 1974(**9**) (exempt agreements) is amended as follows.

(2) In subsection (6B)(a) after "and Wales," insert "the Homes and Communities Agency, the Welsh new towns residuary body,".

(3) After subsection (6B) insert—

"(6BA) In subsection (6B)(a) "the Welsh new towns residuary body" means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981. "(**10**).

Housing Act 1985

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

3. In section 4(1) (other descriptions of authority)—

(a) in paragraph (b) for "Commission for the New Towns" substitute "new towns residuary body", and

(b) after paragraph (f) insert—

"(g) "new towns residuary body" means—

(i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008; and

(ii) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a) (i) to (iii) of the New Towns Act 1981.".

4. In section 6A (meaning of "the Relevant Authority") after subsection (4) insert—

"(4A) This section is subject to any provision made elsewhere in this Act.".

5.—(1) Section 30 (application of provisions to new town corporations, etc.) is amended as follows.

(**9**) 1974 c. 39. Section 16(6A) and (6B) was inserted by section 22 of the Housing and Planning Act 1986 (c. 63). Section 16(6B) was amended by Schedule 17 to the Housing Act 1988 (c. 50) and Schedule 18 to the Government of Wales Act 1998 (c. 38).

(**10**) 1981 c. 64. Section 36(1) was amended by paragraph 5 of Schedule 5 to the Housing and Regeneration Act 2008.

(**11**) 1985 c. 68. Section 4 was amended by section 62(7) of the Housing Act 1988 (c. 50) and paragraph 41(3) of Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 6A was inserted by Schedule 17 to the Housing Act 1988 (c. 50). Section 45 was amended by paragraph 8(2) and (3) of Schedule 16 to the Government of Wales Act 1998 (c. 38). Section 50(2) was amended by paragraph 8 of Schedule 15 and Schedule 18 to the Government of Wales Act 1998. Section 51(6) was amended by paragraph 9 of Schedule 15 to the Government of Wales Act 1998. Section 80(1) was amended by section 83(2) and Schedule 18 to the Housing Act 1988 and paragraph 5 of Schedule 16 and Schedule 18 to the Government of Wales Act 1998. Section 427A was inserted by paragraph 32 of Schedule 5 to the Housing and Planning Act 1986 (c. 63). Sections 421 to 425 and 427 and 427A were amended by paragraph 77 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42). Sections 450A and 450B were inserted by section 5 of the Housing and Planning Act 1986. Section 450B was amended by Schedule 16 to the Government of Wales Act 1998. Section 458 was amended by paragraph 37 of Schedule 5 to the Housing and Planning Act 1986 and Schedule 16 to the Government of Wales Act 1998. Section 554(2A) was inserted by paragraph 61 of Schedule 17 to the Housing Act 1988. Further amendments were made to the Housing Act 1985 which do not affect the provisions being amended by this Order.

(2) In subsection (1) for "new town" substitute "development".

(3) After subsection (1) insert—

"(1A) Section 25 also applies in relation to the new towns residuary body as it applies in relation to a local housing authority.".

(4) In the heading, for "new town" substitute "development".

6.—(1) Section 45 (disposals to which sections 46 to 51 apply, etc.) is amended as follows.

(2) In subsection (2) in the definition of "public sector authority"—

(a) for "new town" substitute "development", and

(b) after "an urban development corporation," insert—

"the Homes and Communities Agency,

the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a) (i) to (iii) of the New Towns Act 1981,.".

(3) In subsection (2A) for the words from "Secretary of State" to "him (" substitute "Welsh Ministers if the freehold has been conveyed by them (or by the Assembly constituted by the Government for Wales Act 1998, the Secretary of State".

7. In section 50(2) (offences)—

(a) omit "or",

(b) for "new town" substitute "development", and

(c) after "corporation," insert—

"or

the Welsh Ministers".

8. In section 51(6) (meaning of qualified accountant) for "new town" substitute "development".

9. In section 57 (index of defined expressions: Part 2) in the Table for the entry for "new town corporation" substitute—

"new towns residuary body	section 4(1)(g)".

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.