

Status: Point in time view as at 01/10/1997.

Changes to legislation: Housing Act 1988, Part I is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

ORDERS VESTING LAND IN HOUSING ACTION TRUSTS

PART I

PROVISIONS SUPPLEMENTING SECTION 76(1)—(3)

- 1 In this Part of this Schedule “the principal section” means section 76 of this Act.
- 2 (1) In the principal section and paragraph 3 below, “statutory undertakers” and “statutory undertaking” shall be construed in accordance with paragraph 4 below.
- (2) In the principal section and the following provisions of this Part of this Schedule, “wholly-owned subsidiary” has the meaning given by section 736 of the Companies Act 1985.
- 3 (1) In subsection (3) of the principal section the reference to the Secretary of State and the appropriate Minister—
- (a) in relation to statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of [^{F1}the Town and Country Planning Act 1990], shall be construed as if contained in that Part; and
 - (b) in relation to any other statutory undertakers shall be construed in accordance with an order made by the Secretary of State.
- (2) If, for the purposes of subsection (3) of the principal section, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.

Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(5\)\(a\)](#)

- 4 In the principal section and, except where the context otherwise requires, in paragraph 3 above “statutory undertakers” means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, hydraulic power or water;
 - (b) British Shipbuilders,^{F2} the British Steel Corporation, the Civil Aviation Authority,^{F2} . . . ,^{F3} . . . , the Post Office and any other authority, body or undertakers which, by virtue of any enactment, are to be treated as statutory

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undertakers for any of the purposes of [^{F4}the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990];

- (c) any other authority, body or undertakers specified in an order made by the Secretary of State; and
- (d) any wholly-owned subsidiary of any person, authority, body or undertakers mentioned in sub-paragraphs (a) and (b) above or specified in an order made under sub-paragraph (c) above;

and “statutory undertaking” shall be construed accordingly.

Textual Amendments

- F2** Words in Sch. 9 Pt. I para. 4(b) repealed (31.10.1994) by 1994 c. 21, ss. 7, 67, Sch. 9 para. 76, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F3** Words in Sch. 9 Pt. I para. 4(b) repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt. I**; S.I. 1991/2721, **art. 2**
- F4** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 para. 79(5)(b)**

- 5 An order under any provision of this Part of this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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