

Status: Point in time view as at 01/01/2001.

Changes to legislation: Government of Wales Act 1998, Cross Heading: The Housing Associations Act 1985 (c.69) is up to date with all changes known to be in force on or before 12 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 16

HOUSING FOR WALES

Commencement Information

II Sch. 16 in force at 1.11.1998 by S.I. 1998/2244, art. 5

The Housing Associations Act 1985 (c.69)

- 23 The Housing Associations Act 1985 has effect subject to the following amendments.
- 24 (1) Section 9 (control of dispositions of grant-aided land by unregistered housing associations) is amended as follows.
- (2) In subsection (1A)(c), for “Housing for Wales” substitute “ the Secretary of State ”.
- (3) In subsection (6)—
- (a) omit “or Housing for Wales”, and
- (b) before “Scottish Homes” insert “ the Secretary of State or ”.
- 25 In section 10(1)(c) (requirement that Charity Commissioners consult before making certain orders), for “Housing for Wales” substitute “ the Secretary of State ”.
- 26 In section 33A (provision of services between the Housing Corporation, Housing for Wales and Scottish Homes), for “bodies, that is to say, the Housing Corporation, Housing for Wales” substitute “ , that is to say, the Housing Corporation, the Secretary of State ”.
- 27 (1) Section 69 (power to vary or terminate certain agreements with housing associations) is amended as follows.
- (2) In subsection (1)(a), after “Housing for Wales” insert “ and then to the Secretary of State ”.
- (3) In subsection (2)—
- (a) for “On the application of a party to an agreement to which this section applies, the Secretary of State” substitute “ If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he ”, and

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- (b) at the end (but not as part of paragraph (b)) insert— “ and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated. ”
- (4) In subsection (2A)—
- (a) after “Housing for Wales”, in the first place, insert “ and then to the Secretary of State ”, and
- (b) for “Housing for Wales”, in the second place, substitute “ the Secretary of State ”.
- 28 Subject to the following provisions, in each place in Part III (including headings and sidenotes) except in Schedule 6 and the phrase “Housing Corporation”—
- (a) for “Corporation” substitute “ Relevant Authority ”, and
- (b) for “Corporation’s” substitute “ Relevant Authority’s ”.
- 29 (1) Section 74 (interpretation) is amended as follows.
- (2) In subsection (1), for “, and Housing for Wales, each of which” substitute “and the Secretary of State.
- (1A) Each of them”.
- (3) In subsection (4)(a), for “Housing for Wales” substitute “ the Secretary of State ”.
- 30 In section 75(5) (application of section 71 of the ^{M1}Race Relations Act 1976), for “Corporation” substitute “ Housing Corporation ”.

Marginal Citations

M1 1976 c. 74.

- 31 In section 76(1), (2) and (4) (directions by the Secretary of State), for “Corporation” substitute “ Housing Corporation ”.
- 32 (1) Section 76A (realisation of value of Corporation’s loans portfolio) is amended as follows.
- (2) In subsections (1), (2) and (4), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- (3) In subsection (3) (and in the sidenote), for “Corporation’s” (in each place) substitute “ Housing Corporation’s ”.
- 33 In section 77(3) (joint provision of advisory service by Housing Corporation and Housing for Wales), for “Housing for Wales” substitute “ the Secretary of State ”.

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- 34 In section 78(1) (annual report), for “Corporation” substitute “Housing Corporation”.
- 35 (1) Section 79 (lending powers) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Relevant Authority may lend to a registered social landlord or an unregistered self-build society, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest, for the purpose of enabling the body to meet the whole or part of expenditure incurred or to be incurred by it in carrying out its objects.
- (2) The Relevant Authority may lend to an individual for the purpose of enabling him to acquire from—
- (a) the Relevant Authority, or
- (b) any body to which the Relevant Authority may lend under subsection (1),
- a legal estate or interest in a dwelling which he intends to occupy.”
- (3) In subsection (4), after “and” insert “ (in the case of a loan by the Housing Corporation) ”.
- 36 (1) Section 80 (security for loans to unregistered self-build societies) is amended as follows.
- (2) In subsection (1), omit “, with the written consent of the Secretary of State,”.
- (3) In subsection (3), omit “given with the like consent”.
- (4) After that subsection insert—
- “(3A) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”
- (5) In subsection (4), for the words from “consent” to “or to” substitute “ give directions under this section requiring a society to transfer its interest in land to him or any other person, and shall not consent to the Housing Corporation’s giving such directions requiring a society to transfer its interest in land to the Housing Corporation or ”.
- 37 (1) Section 83 (power to guarantee loans) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Relevant Authority may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by registered social landlords or unregistered self-build societies; and the Housing Corporation may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by other bodies in which it holds an interest.”
- (3) After that subsection insert—

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“(1A) The consent of the Secretary of State given with the approval of the Treasury is required for the giving of a guarantee by the Housing Corporation and the approval of the Treasury is required for the giving of a guarantee by the Secretary of State.”

- (4) In subsection (3A), for “Housing for Wales” (in each place) substitute “ the Secretary of State (or Housing for Wales) ”.
- 38 (1) Section 84 (agreements to indemnify certain lenders) is amended as follows.
- (2) In subsection (1), omit “, with the approval of the Secretary of State,”.
- (3) In subsection (4), for “Secretary of State” substitute “ Housing Corporation may not enter into an agreement without the approval of the Secretary of State who ”.
- (4) In subsection (5), after “approval” insert “ and before himself entering into an agreement in a form about which he has not previously consulted under this subsection ”.
- 39 In section 85(4) (meaning of “relevant advance”)—
- (a) for “Corporation” substitute “ Housing Corporation ”, and
- (b) at the end (but not as part of the list) insert— “ or an advance made to such a person by the Secretary of State if the conveyance, assignment or grant was made under section 90. ”
- 40 In section 87(2) (ways in which financial assistance under the section may be given), after “giving any form of financial assistance” insert “ under this section ”.
- 41 In section 88(1) (acquisition of land), for “may be authorised by the Secretary of State to” substitute “ the Housing Corporation may be authorised by the Secretary of State to, and the Secretary of State may, ”.
- 42 (1) Section 90 (disposal of land) is amended as follows.
- (2) In subsection (1), for the words “(ancillary development)” onwards substitute “ (ancillary development) to a registered social landlord or an unregistered self-build society; and the Housing Corporation may dispose of such land to any of its subsidiaries or to any other body in which it holds an interest. ”
- (3) In subsection (2), for the words following “new town corporation” substitute “, or
Scottish Homes;
and the Housing Corporation may dispose of any such land to any of its subsidiaries. ”
- (4) In subsection (3), after “acquired” insert “ by the Housing Corporation ”.
- (5) In subsection (4), after “disposed of” insert “ by the Housing Corporation ”.
- (6) In subsection (5)—

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- (a) in paragraph (a) (in both places) and in the words following paragraph (b), for “Corporation” substitute “ Housing Corporation ”, and
 - (b) in paragraph (b), after “disposed of” insert “ by the Housing Corporation ”.
- (7) In subsection (6), for “Corporation” substitute “ Housing Corporation ”.

- 43 In section 91 (protection of persons deriving title under transactions requiring consent), for “Corporation” (in each place) substitute “ Housing Corporation ”.

- 44 In section 92 (borrowing powers), for “Corporation” (in each place) substitute “ Housing Corporation ”.

- 45 (1) Section 93 (limit on borrowing) is amended as follows.
 - (2) In subsections (1), (4) and (5), for “Corporation” (in each place) substitute “ Housing Corporation ”.
 - (3) In subsection (2)—
 - (a) for “Corporation”, in each place other than the last, substitute “ Housing Corporation ”, and
 - (b) for “appropriate to the Corporation” substitute “ specified ”.
 - (4) In subsection (2A), omit—
 - (a) “in the case of the Housing Corporation,”, and
 - (b) paragraph (b) and the word “and” preceding it.

- 46 In section 94(1) and (4) (Treasury guarantees of borrowing), for “Corporation” substitute “ Housing Corporation ”.

- 47 In section 95 (grants by Secretary of State), in subsection (1) (and in the side-note) for “Corporation” (in each place) substitute “ Housing Corporation ”.

- 48 (1) Section 96 (general financial provisions) is amended as follows.
 - (2) In subsections (1), (2), (3) and (4), for “Corporation” (in each place) substitute “ Housing Corporation ”.
 - (3) In subsections (3) and (4), for “Corporation’s” substitute “ Housing Corporation’s ”.

- 49 In section 97(1), (2), (3) and (4) (accounts), for “Corporation” (in each place) substitute “ Housing Corporation ”.

- 50 In section 98(1) (acquisition of securities and promotion of body corporate), for “Corporation” substitute “ Housing Corporation ”.

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- 51 In section 99(1) and (2) (control of subsidiaries), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- 52 In paragraph 6(2)(b) of Part I of Schedule 5 (payments by Secretary of State where dwellings become vested in certain bodies), omit “or Housing for Wales”.
- 53 (1) Schedule 7 (powers exercisable where loan outstanding under section 2 of the ^{M2}Housing Act 1964) is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (1), omit “, with the consent in writing of the Secretary of State,”,
 - (b) in sub-paragraph (2), omit “given with the like consent”, and
 - (c) after that sub-paragraph insert—

“(3) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”
- (3) In paragraph 3—
- (a) for “Corporation” (in both places) substitute “ Housing Corporation ”, and
 - (b) at the end insert “ ; and the Secretary of State shall not give a housing association directions under paragraph 2 unless he at the same time makes, or has previously made, such a scheme. ”
- (4) Paragraph 4 shall be renumbered as sub-paragraph (1) of that paragraph and—
- (a) in that sub-paragraph, for “Corporation” (in both places) substitute “ Housing Corporation ”, and
 - (b) after that sub-paragraph insert—

“(2) The Secretary of State shall not give to such an association directions under paragraph 2 requiring the association to transfer any land to the Secretary of State, or to any other person, unless he is so satisfied.”
- (5) In paragraph 5—
- (a) in sub-paragraph (1), for “Corporation” (in both places) substitute “ Housing Corporation ”,
 - (b) after that sub-paragraph insert—

“(1A) If it so appears to the Secretary of State, he may make a scheme.”,
 - (c) in sub-paragraphs (3), (4) and (5), for “Corporation” substitute “ Housing Corporation ”, and
 - (d) after sub-paragraph (5) insert—

“(6) Where the Secretary of State makes the scheme, he shall have power to acquire for the purposes of the scheme the association’s interest in the land and to carry through the provisions of the scheme.”

Marginal Citations

M2 1964 c. 56.

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