



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 5

DISPOSAL OF PROPERTY

Consents under other legislation

190 Consent to disposals under other legislation

The Secretary of State's functions under the following provisions are transferred to the regulator in so far as they relate to disposals by registered providers—

- (a) section 171D of the Housing Act 1985 (c. 68) (consent to certain disposals of housing subject to the preserved right to buy),
- (b) sections 81 and 133 of the Housing Act 1988 (c. 50) (consent to certain disposals of housing obtained from housing action trusts or local authorities), and
- (c) section 173 of the Local Government and Housing Act 1989 (c. 42) (consent to certain disposals of housing obtained from new town corporations).

191 Section 190: consequential amendments

(1) In section 171D of the Housing Act 1985 (consent to certain disposals of housing obtained subject to the preserved right to buy)—

- (a) in subsection (2) (consent) for “Secretary of State” substitute “appropriate authority”, and
- (b) after that subsection insert—

“(2A) “The appropriate authority” means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,
 - (b) in relation to any other disposal of land in England, the Secretary of State, and
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers.”
- (2) In section 81 of the Housing Act 1988 (consent to certain disposals of housing obtained from housing action trusts)—
 - (a) in subsection (3) (consent) for “Secretary of State” substitute “appropriate authority”,
 - (b) after that subsection insert—
 - “(3A) In this section “the appropriate authority” means—
 - (a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,
 - (b) in relation to any other disposal of land in England, the Secretary of State, and
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers.”,
 - (c) in subsection (5) (consultation of tenants) for “Secretary of State” substitute “appropriate authority”,
 - (d) in subsection (5)(a) for “himself” substitute “itself”, and
 - (e) omit subsection (6) (consultation of Housing Corporation).
- (3) In section 133 of that Act (consent to certain disposals of housing obtained from local authorities)—
 - (a) in subsection (1) (consent) for “Secretary of State” substitute “appropriate authority”,
 - (b) after that subsection insert—
 - “(1ZA) In this section “the appropriate authority” means—
 - (a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,
 - (b) in relation to any other disposal of land in England, the Secretary of State, and
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers.”,
 - (c) after subsection (1A) insert—
 - “(1B) This section does not apply to a disposal of land by a registered provider of social housing unless the land is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”,
 - (d) in subsection (3)(c) (modification of certain provisions applied for the purposes of section 133) after “this section,” insert “any reference to the appropriate national body shall be construed as a reference to the appropriate authority and”,
 - (e) in subsection (5) (consultation of tenants) for “Secretary of State” substitute “appropriate authority”,
 - (f) in subsection (5)(a) for “himself” substitute “itself”, and
 - (g) omit subsection (6) (consultation of Housing Corporation).

Status: This is the original version (as it was originally enacted).

- (4) In section 173 of the Local Government and Housing Act 1989 (c. 42) (consent to certain disposals of housing obtained from new town corporations)—
- (a) in subsection (1)(a) (consent) for “Secretary of State” substitute “appropriate authority”,
 - (b) after subsection (1) insert—
 - “(1A) In this section “the appropriate authority” means—
 - (a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,
 - (b) in relation to any other disposal of land in England, the Secretary of State, and
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers.”,
 - (c) in subsection (5) (consultation of tenants) for “Secretary of State” substitute “appropriate authority”,
 - (d) in subsection (5)(a) for “himself” substitute “itself”, and
 - (e) omit subsection (6) (consultation of Housing Corporation).