

Status: Point in time view as at 13/11/2009. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Housing and Regeneration Act 2008, SCHEDULE 8 is up to date with all changes known to be in force on or before 13 August 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 8

Section 56

AMENDMENTS OF ENACTMENTS: PART 1

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), at the end of paragraph 3, in Part 2 of the Table, insert at the appropriate place— “ The Homes and Communities Agency. ”

Commencement Information

I1 Sch. 8 para. 1 in force at 8.9.2008 by S.I. 2008/2358, art. 2(2)

Land Compensation Act 1961 (c. 33)

- 2 In section 23(3) of the Land Compensation Act 1961 (compensation where planning decision made after acquisition: exclusions) for paragraph (d) and the word “or” before it substitute “or
- (d) under Part 1 of the Housing and Regeneration Act 2008 (acquisition by the Homes and Communities Agency).”

Commencement Information

I2 Sch. 8 para. 2 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Public Health Act 1961 (c. 64)

- 3 In Schedule 4 to the Public Health Act 1961 (attachment of street lighting equipment to certain buildings), in the first column of the Table, for the words from “Commission” to “1959” substitute “ 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 ”.

Commencement Information

I3 Sch. 8 para. 3 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Parliamentary Commissioner Act 1967 (c. 13)

- 4 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation)—
- (a) insert, at the appropriate place, “ Homes and Communities Agency ”,

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- (b) insert, in the Notes after the paragraph relating to the Treasury—
Homes and Communities Agency

In the case of the Homes and Communities Agency no investigation is to be conducted in respect of any action in connection with functions in relation to town and country planning.”,

- (c) omit the entries for the Commission for the New Towns and the Urban Regeneration Agency, and
 (d) omit the Notes relating to the Commission for the New Towns and the Urban Regeneration Agency.

Commencement Information

- I4** Sch. 8 para. 4(c)(d) in force at 1.4.2009 by S.I. 2009/803, art. 3(2)(3)
I5 Sch. 8 para. 4(a)(b) in force at 8.9.2008 by S.I. 2008/2358, art. 2(2)

Leasehold Reform Act 1967 (c. 88)

- 5 The Leasehold Reform Act 1967 is amended as follows.

Commencement Information

- I6** Sch. 8 para. 5 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 6 In section 28(5)(b) (retention or resumption of land required for public purposes) for “Commission for the New Towns” substitute “ new towns residuary body ”.

Commencement Information

- I7** Sch. 8 para. 6 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 7 (1) Section 29 (reservation of future right to develop) is amended as follows.
 (2) In subsection (6)—
 (a) in paragraph (a) for “Commission for the New Towns” substitute “ new towns residuary body ”, and
 (b) for “that Commission” substitute “ that residuary body ”.
 (3) In subsection (7) for “Commission for the New Towns” substitute “ Welsh new towns residuary body ”.

Commencement Information

- I8** Sch. 8 para. 7 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 8 In section 30(7)(a) (reservation of right of pre-emption in new town or overspill area) for “Commission for the New Towns” substitute “ new towns residuary body ”.

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Commencement Information

I9 Sch. 8 para. 8 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

9 In section 33 (Crown land) after subsection (2) insert—

“(2A) For the purposes of this Part of this Act, an interest belonging to the Welsh new towns residuary body in a tenancy of land is to be treated as if it were not an interest belonging to the Crown.”

Commencement Information

I10 Sch. 8 para. 9 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

10 In section 37(1) (interpretation of Part 1) after paragraph (b) insert—

“(ba) “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, 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 (and references to the “Welsh new towns residuary body” shall be construed accordingly);”.

Commencement Information

I11 Sch. 8 para. 10 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

11 (1) Schedule 4 (re-acquisition for development) is amended as follows.

(2) In the heading for Part 2 for “NEW TOWNS COMMISSION” substitute “ WELSH NEW TOWNS RESIDUARY BODY ”.

(3) In paragraph 4—

- (a) for “Commission for the New Towns” substitute “ Welsh new towns residuary body ”,
- (b) for “the Commission, the Commission” substitute “ that body, the body ”, and
- (c) omit the words from “be authorised” to “Government to”.

Commencement Information

I12 Sch. 8 para. 11 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

12 In paragraph 2(2)(c) of Schedule 4A (exclusion of certain shared ownership leases) for “Commission for the New Towns” substitute “ new towns residuary body ”.

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Commencement Information

I13 Sch. 8 para. 12 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

National Loans Act 1968 (c. 13)

- 13 In Schedule 1 to the National Loans Act 1968 (Government lending and advances) in the entry relating to the New Towns Act 1981 (c. 64)—
- (a) in column 1 omit “(5)(6)”, and
 - (b) in column 2 omit “and the Commission for the New Towns”.

Commencement Information

I14 Sch. 8 para. 13 in force at 1.4.2009 by S.I. 2009/803, art. 3(2)(3)

Local Government Act 1972 (c. 70)

- 14 The Local Government Act 1972 is amended as follows.

Commencement Information

I15 Sch. 8 para. 14 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 15 (1) Section 100J (application of Part 5A of the Act to new authorities, Common Council, etc.) is amended as follows.
- (2) In subsection (1) after paragraph (f) insert—
 - “(g) the Homes and Communities Agency so far as it is exercising functions conferred on it in relation to a designated area by virtue of a designation order.”
 - (3) After subsection (2) insert—
 - “(2A) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, a reference in this Part to the offices of the council (however expressed)—
 - (a) is to be treated as a reference to such premises located within the designated area as the Homes and Communities Agency considers appropriate, and
 - (b) in the application of section 100A(6)(a) above to a case where the meeting is to be held at premises other than those mentioned in paragraph (a) above, includes a reference to those other premises.”
 - (4) After subsection (3) insert—
 - “(3ZA) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100E above shall have effect as if—
 - (a) in subsection (2), paragraph (c) was omitted, and
 - (b) in subsection (3), for paragraphs (a) to (c) there were substituted—

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- “(a) a committee established under paragraph 6(1) of Schedule 1 to the Housing and Regeneration Act 2008 for the purpose of exercising functions conferred on the Homes and Communities Agency in relation to a designated area by virtue of a designation order; or
- (b) a sub-committee of such a committee established under paragraph 6(2) of that Schedule to that Act for that purpose.”

(3ZB) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100G(1) above shall have effect as if paragraph (a) was omitted.”

(5) After subsection (4A) insert—

“(4B) In this section “designated area” and “designation order” have the same meanings as in Part 1 of the Housing and Regeneration Act 2008.”

Commencement Information

I16 Sch. 8 para. 15 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 16 In section 100K (interpretation and application of Part 5A) in the definition of “committee or sub-committee of a principal council” at the end insert “ (and see section 100J(3ZA)(b) above) ”.

Commencement Information

I17 Sch. 8 para. 16 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Land Compensation Act 1973 (c. 26)

- 17 (1) Section 39 of the Land Compensation Act 1973 (duty to rehouse residential occupiers) is amended as follows.
- (2) In subsection (4)(d) for “Commission for the New Towns” substitute “ new towns residuary body ”.
- (3) In subsection (8)—
- (a) in paragraph (a) for “Commission for the New Towns” substitute “ new towns residuary body ”, and
 - (b) in paragraph (c) for “Commission for the New Towns, the Commission” substitute “ new towns residuary body, that body ”.
- (4) In subsection (9)—
- (a) after “section” insert “—
(a) ”, and
 - (b) at the end insert—
“(b) “new towns residuary body” means—
(i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to

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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.”

Commencement Information

I18 Sch. 8 para. 17 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Local Government Act 1974 (c. 7)

- 18 (1) The Local Government Act 1974 is amended as follows.
- (2) In section 25(1) (authorities subject to investigation)—
- (a) omit paragraph (ba), and
 - (b) in paragraph (bf), for “Urban Regeneration” substitute “ Homes and Communities ”.
- (3) In section 26(7) (matters subject to investigation)—
- (a) omit paragraph (a), and
 - (b) in paragraph (ba)—
 - (i) for “Urban Regeneration” substitute “ Homes and Communities ”, and
 - (ii) for “Part III of the Leasehold Reform, Housing and Urban Development Act 1993” substitute “ Part 1 of the Housing and Regeneration Act 2008 ”.
- (4) In paragraph 8 of Schedule 5 (matters not subject to investigation) for “Urban Regeneration” substitute “ Homes and Communities ”.

Commencement Information

I19 Sch. 8 para. 18 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

House of Commons Disqualification Act 1975 (c. 24)

- 19 (1) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) is amended as follows.
- (2) Insert at the appropriate place— “ The Homes and Communities Agency. ”
- (3) Omit the entries relating to—
- (a) the Commission for the New Towns, and
 - (b) the Urban Regeneration Agency.

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- I20** Sch. 8 para. 19(1)(2) in force at 8.9.2008 by S.I. 2008/2358, art. 2(2)
I21 Sch. 8 para. 19(3)(a)(b) in force at 1.4.2009 by S.I. 2009/803, art. 3(2)(3)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 20 (1) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) is amended as follows.
- (2) Insert at the appropriate place— “ The Homes and Communities Agency. ”
- (3) Omit the entry relating to the Urban Regeneration Agency.

Commencement Information

- I22** Sch. 8 para. 20(1)(2) in force at 8.9.2008 by S.I. 2008/2358, art. 2(2)
I23 Sch. 8 para. 20(3) in force at 1.4.2009 by S.I. 2009/803, art. 3(2)(3)

Race Relations Act 1976 (c. 74)

- 21 (1) Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) is amended as follows.
- (2) In Part 1, after paragraph 52, insert—
“52A The Homes and Communities Agency.”
- (3) In Part 2, omit the entry relating to English Partnerships.

Commencement Information

- I24** Sch. 8 para. 21(1)(2) in force at 8.9.2008 by S.I. 2008/2358, art. 2(2)
I25 Sch. 8 para. 21(3) in force at 1.4.2009 by S.I. 2009/803, art. 3(2)(3)

Rent (Agriculture) Act 1976 (c. 80)

- 22 (1) Section 5 of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to certain bodies) is amended as follows.
- (2) In subsection (3)(c) for “Commission for the New Towns” substitute “ English new towns residuary body ”.
- (3) After subsection (3) insert—
“(3A) In subsection (3)(c) above “English new towns residuary body” means 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.”

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I26 Sch. 8 para. 22 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Rent Act 1977 (c. 42)

- 23 (1) Section 14 of the Rent Act 1977 (landlord's interest belonging to local authority, etc.) is amended as follows.
- (2) At the beginning insert “(1)”.
- (3) In paragraph (d) for “Commission for the New Towns” substitute “ English new towns residuary body ”.
- (4) At the end insert—
- “(2) In subsection (1)(d) “English new towns residuary body” means 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.”

Commencement Information

I27 Sch. 8 para. 23 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Protection from Eviction Act 1977 (c. 43)

- 24 (1) Section 3A of the Protection from Eviction Act 1977 (excluded tenancies and licences) is amended as follows.
- (2) In subsection (8)(c) for “Commission for the New Towns” substitute “ new towns residuary body ”.
- (3) After subsection (8) insert—
- “(8A) In subsection (8)(c) above “new towns residuary body” means—
- (a) 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
- (b) in relation to Wales, 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.”

Commencement Information

I28 Sch. 8 para. 24 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Local Government, Planning and Land Act 1980 (c. 65)

- 25 The Local Government, Planning and Land Act 1980 is amended as follows.

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I29 Sch. 8 para. 25 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

26 In section 4(4) (power to direct bodies to publish information) omit paragraph (b).

Commencement Information

I30 Sch. 8 para. 26 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

27 In section 93 (public bodies to whom Part 10 applies) after subsection (1) insert—
“(1A) Sections 95 to 96A also apply to the Homes and Communities Agency so far as it is 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 references to a body to which this Part of this Act applies in those sections are to be read accordingly).”

Commencement Information

I31 Sch. 8 para. 27 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

28 In section 99(4)(e) (directions to dispose of land: supplementary) omit “the Commission for the New Towns,”.

Commencement Information

I32 Sch. 8 para. 28 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

29 In section 165A(2) (transfer by order of property etc. of urban development corporations to the Secretary of State etc.)—
(a) in paragraph (a) for the words from “177” to “Agency” substitute “42 of the Housing and Regeneration Act 2008 (agency arrangements with urban development corporations)”, and
(b) in paragraph (b) for “subsection (2)” substitute “subsections (5) and (6)”.

Commencement Information

I33 Sch. 8 para. 29 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

30 In section 165B(2) (transfer by order of property etc. of urban development corporations to statutory bodies)—
(a) in paragraph (a) for the words from “177” to “Agency” substitute “42 of the Housing and Regeneration Act 2008 (agency arrangements with urban development corporations)”, and
(b) in paragraph (b) for “subsection (2)” substitute “subsections (5) and (6)”.

Commencement Information

I34 Sch. 8 para. 30 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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31 In Schedule 16 (bodies to whom Part 10 applies) omit paragraph 6.

Commencement Information

I35 Sch. 8 para. 31 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Highways Act 1980 (c. 66)

32 (1) Section 219 of the Highways Act 1980 (payments to be made by owners of new buildings in respect of street works) is amended as follows.

(2) In subsection (4)(i)(iii), for “Commission for the New Towns” substitute “new towns residuary body”.

(3) After subsection (4A) insert—

“(4B) In subsection (4)(i)(iii) “new towns residuary body” means—

- (a) 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
- (b) 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.”

Commencement Information

I36 Sch. 8 para. 32 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

33 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 is amended as follows.

(2) In section 15 (application of Act to orders under section 161(1) of the Leasehold Reform, Housing and Urban Development Act 1993) omit the words from “or under subsection (1)” to “similar provision”.

(3) In Schedule 2 (modifications of Act in certain cases)—

- (a) in paragraph 1 omit the words from “or under subsection (1)” to “contains similar provision”, and
- (b) in paragraph 3 for “the housing action trust or the Urban Regeneration Agency (as the case may be)” substitute “or the housing action trust (as the case may be)”.

Commencement Information

I37 Sch. 8 para. 33 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 34 (1) Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading) is amended as follows.
- (2) In sub-paragraph (5)(b) for “Commission for the New Towns” substitute “ new towns residuary body ”.
- (3) After sub-paragraph (5) insert—
- “(5A) In sub-paragraph (5)(b) above “new towns residuary body” means—
- (a) 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
- (b) 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.”

Commencement Information

I38 Sch. 8 para. 34 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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Housing Act 1985 (c. 68)

- 35 In Schedule 5 to the Housing Act 1985 (exceptions to the right to buy) in paragraph 3, at the end insert “, or section 19 of the Housing and Regeneration Act 2008 (financial assistance) which was a grant made on condition that the housing association provides social housing (and “provides social housing” has the same meaning as in Part 1 of that Act). ”

Landlord and Tenant Act 1985 (c. 70)

- 36 In section 38 (minor definitions) of the Landlord and Tenant Act 1985, in the definition of “new town corporation”, for paragraph (b) (and the word “or” immediately before it) substitute—
- “(b) 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, or
- (c) 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;”.

Commencement Information

I39 Sch. 8 para. 36 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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Landlord and Tenant Act 1987 (c. 31)

37 The Landlord and Tenant Act 1987 is amended as follows.

Commencement Information

I40 Sch. 8 para. 37 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

38 In section 21(3)(a) (tenant's right to apply to tribunal for appointment of manager)—

- (a) after “by” insert “—
 - (i) ”, and
- (b) after “resident landlord,” insert “or
 - (ii) the Welsh Ministers in their new towns residuary capacity.”.

Commencement Information

I41 Sch. 8 para. 38 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

39 In section 29(7)(a) (conditions for making acquisition orders)—

- (a) after “by” insert “—
 - (i) ”, and
- (b) after “resident landlord,” insert “or
 - (ii) the Welsh Ministers in their new towns residuary capacity.”.

Commencement Information

I42 Sch. 8 para. 39 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

40 In section 58(1) (exempt landlords and resident landlords)—

- (a) in paragraph (b) omit “the Commission for the New Towns or”, and
- (b) after paragraph (de) insert—
 - “(df) the Homes and Communities Agency;”.

Commencement Information

I43 Sch. 8 para. 40 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

41 In section 60 (general interpretation) after subsection (1) insert—

“(1A) In this Act a reference to the Welsh Ministers in their new towns residuary capacity 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.”

Commencement Information

I44 Sch. 8 para. 41 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Status: Point in time view as at 13/11/2009. This version of this schedule contains provisions that are not valid for this point in time.

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Income and Corporation Taxes Act 1988 (c. 1)

- 42 In section 376(4) of the Income and Corporation Taxes Act 1988 (qualifying borrowers and qualifying lenders) for paragraph (j) substitute—
“(j) the Homes and Communities Agency;”.

Commencement Information

I45 Sch. 8 para. 42 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Local Government Act 1988 (c. 9)

- 43 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: public authorities) for “The Commission for the New Towns.” substitute— “ 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. ”

Commencement Information

I46 Sch. 8 para. 43 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

VALID FROM 01/04/2010

Housing Act 1988 (c. 50)

- 44 The Housing Act 1988 is amended as follows.
- 45 In the italic heading before section 50 omit “: functions of Relevant Authority”.
- 46 Omit sections 50 (housing association grants) and 51 (revenue deficit grants).
- 47 (1) Section 52 (recovery etc. of grants) is amended as follows.
- (2) For “Relevant Authority”, wherever it appears, substitute “ appropriate authority ”.
- (3) In subsections (1) and (5)(b) for “housing association which is a registered social landlord” substitute “ relevant housing association ”.
- (4) After subsection (9) insert—
- “(9A) In this section and sections 53 and 54—
- “the appropriate authority”—
- (a) in relation to an English relevant housing association, means the Homes and Communities Agency, and
- (b) in relation to a Welsh relevant housing association, means the Welsh Ministers,
- “relevant housing association” means—
- (a) a housing association which is a registered provider of social housing (“an English relevant housing association”), and
- (b) a housing association which is a registered social landlord (“a Welsh relevant housing association”).

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(9B) In this section a reference to registration as a provider of social housing, so far as the context permits, is to be construed as including, in relation to times, circumstances and purposes before the commencement of section 111 of the Housing and Regeneration Act 2008, a reference to registration under—

- (a) Part 1 of the Housing Act 1996,
- (b) Part 1 of the 1985 Act, or
- (c) any corresponding earlier enactment.”

- 48 (1) Section 53 (determinations under Part 2) is amended as follows.
- (2) In subsection (2) for “Housing Corporation” substitute “Homes and Communities Agency”.
- (3) In subsection (3) for “Relevant Authority”, in both places where it appears, substitute “appropriate authority”.
- (4) In subsection (4) for “any provision of sections 50 to” substitute “section”.
- 49 In section 54(2)(a) (tax relief grants) for “a registered social landlord” substitute “a relevant housing association”.
- 50 In section 59(1A) (interpretation of Part 2 etc.) for “50” substitute “52”.

Local Government and Housing Act 1989 (c. 42)

- 51 In section 172(8) of the Local Government and Housing Act 1989 (transfers of new town housing stock) in the definition of “new town corporation” omit “the Commission for the New Towns or”.

Commencement Information

I47 Sch. 8 para. 51 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Town and Country Planning Act 1990 (c. 8)

- 52 (1) Section 8A of the Town and Country Planning Act 1990 (the Urban Regeneration Agency) is amended as follows.
- (2) In the heading for “Urban Regeneration” substitute “Homes and Communities”.
- (3) In subsection (1)—
- (a) for “section 170 of the Leasehold Reform, Housing and Urban Development Act 1993” substitute “section 13 of the Housing and Regeneration Act 2008”
 - (b) for “subsection (1) of section 171” substitute “section 14(2)”, and
 - (c) for “Urban Regeneration” substitute “Homes and Communities”.
- (4) Omit subsection (2).

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Commencement Information

I48 Sch. 8 para. 52 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 53 In Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (further provisions as to exercise of functions by different authorities), in paragraph 2, for “and housing action areas” substitute “, housing action areas and areas for which the Homes and Communities Agency is the local planning authority”.

Commencement Information

I49 Sch. 8 para. 53 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Planning (Hazardous Substances) Act 1990 (c. 10)

- 54 In section 3 of the Planning (Hazardous Substances) Act 1990 (hazardous substances authorities: special cases) for subsection (5A) substitute—

“(5A) The power to make a designation order under section 13 of the Housing and Regeneration Act 2008 which contains provision of the kind mentioned in section 14(3) of that Act does not extend to providing for the Homes and Communities Agency to be the hazardous substances authority (whether instead of, or concurrently with, a county council) in relation to land to which subsection (1) above applies.

(5B) Subject to this, section 1 and this section are subject to any provision made by such an order.”

Commencement Information

I50 Sch. 8 para. 54 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Water Industry Act 1991 (c. 56)

- 55 The Water Industry Act 1991 is amended as follows.

Commencement Information

I51 Sch. 8 para. 55 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 56 In section 41(2)(d)(i) (power to require the provision of a water main) for “Commission for the New Towns” substitute “new towns residuary body”.

Commencement Information

I52 Sch. 8 para. 56 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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- 57 In section 97(5) (performance of sewerage undertaker's functions by local authorities etc.)—
- (a) in the definition of “relevant area” for paragraph (b) substitute—
 - “(b) in relation to the English new towns residuary body, means any new town in England;
 - (ba) in relation to the Welsh new towns residuary body, means any new town in Wales;”, and
 - (b) in the definition of “relevant authority” in paragraph (b) for “Commission for the New Towns” substitute “new towns residuary body”.

Commencement Information

I53 Sch. 8 para. 57 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 58 In section 98 (power to require the provision of a public sewer etc.)—
- (a) in subsection (2)(d)(i) for “Commission for the New Towns” substitute “new towns residuary body”, and
 - (b) in subsection (2A)(d)(i) for “Commission for the New Towns” substitute “new towns residuary body”.

Commencement Information

I54 Sch. 8 para. 58 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 59 In section 219(1) (general interpretation) after the definition of “navigation authority” insert—
- ““new towns residuary body” means—
- (a) in relation to a new town in 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) or (b) of the Housing and Regeneration Act 2008 (and references to the “English new towns residuary body” are to be read accordingly); and
 - (b) in relation to a new town in 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) or (ii) of the New Towns Act 1981 (and references to the “Welsh new towns residuary body” are to be read accordingly);”.

Commencement Information

I55 Sch. 8 para. 59 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Water Resources Act 1991 (c. 57)

- 60 (1) Section 72 of the Water Resources Act 1991 (interpretation of Chapter 2 of Part 2) is amended as follows.
- (2) In subsection (2)(a)(iii) for “Commission for the New Towns” substitute “new towns residuary body”.

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(3) After subsection (2) insert—

“(2A) In subsection (2)(a)(iii) “new towns residuary body” means—

- (a) 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
- (b) 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.”

Commencement Information

I56 Sch. 8 para. 60 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Social Security Administration Act 1992 (c. 5)

61 In section 191 (interpretation: general), in the definition of “new town corporation”, for paragraph (a) (but not the “and” following it) substitute—

- “(a) in relation to England—
 - (i) a development corporation established under the New Towns Act 1981; or
 - (ii) 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;
- (ab) in relation to Wales—
 - (i) a development corporation established under the New Towns Act 1981; and
 - (ii) 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 that Act;”.

Commencement Information

I57 Sch. 8 para. 61 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Taxation of Chargeable Gains Act 1992 (c. 12)

62 In section 219(1) of the Taxation of Chargeable Gains Act 1992 (disposals by Housing Corporation etc.)—

- (a) in paragraph (a) before “disposes” insert “ or the Homes and Communities Agency ”,
- (b) in paragraph (d) at the end insert “ or the Homes and Communities Agency ”, and
- (c) in the words after paragraph (d)—
 - (i) before “, relevant housing” insert “, the Homes and Communities Agency ”, and

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- (ii) before “or, as the case” insert “ , the Homes and Communities Agency ”.

Commencement Information

I58 Sch. 8 para. 62 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 63 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.
- (2) Omit—
- (a) sections 158 to 173, 175, 177 and 183 to 185, and
- (b) Schedules 17 to 20,
(provisions about the Urban Regeneration Agency).
- (3) In section 188(6) (extent etc.) omit paragraph (b) and the “and” before it.

Commencement Information

I59 Sch. 8 para. 63 in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

I60 Sch. 8 para. 63 in force at 1.4.2009 in so far as not already in force by S.I. 2009/803, art. 3(2)(3)

Finance Act 1996 (c. 8)

- 64 (1) Section 43A of the Finance Act 1996 (landfill tax in relation to contaminated land) is amended as follows.
- (2) In subsection (5) omit paragraph (e).
- (3) In subsection (6) omit the definition of “English Partnerships”.

Commencement Information

I61 Sch. 8 para. 64 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

VALID FROM 01/04/2010

Housing Act 1996 (c. 52)

- 65 (1) Section 28 of the Housing Act 1996 (grants under sections 50 to 54 of the Housing Act 1988) is amended as follows.
- (2) Omit subsections (1), (2) and (6).
- (3) In the heading for “ss 50 to 54” substitute “ Part 2 ”.

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Regional Development Agencies Act 1998 (c. 45)

66 The Regional Development Agencies Act 1998 is amended as follows.

Commencement Information

I62 Sch. 8 para. 66 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

67 Omit section 36 (transfer of property etc. of Urban Regeneration Agency) and the italic heading before it.

Commencement Information

I63 Sch. 8 para. 67 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

68 Omit section 37 (powers in relation to the Urban Regeneration Agency).

Commencement Information

I64 Sch. 8 para. 68 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

69 In section 38(10) (corporation tax)—
(a) in the definition of “qualifying transfer” omit paragraph (b), and
(b) in the definition of “transfer scheme” for “any of sections 34 to 37” substitute “ section 34 or 35 ”.

Commencement Information

I65 Sch. 8 para. 69 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

70 In section 39(4)(b) (stamp duty) for “any of sections 34 to 37 and” substitute “ section 34 or 35 or ”.

Commencement Information

I66 Sch. 8 para. 70 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

71 Omit Schedule 9 (the Urban Regeneration Agency: transfer schemes).

Commencement Information

I67 Sch. 8 para. 71 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Greater London Authority Act 1999 (c. 29)

72 The Greater London Authority Act 1999 is amended as follows.

Commencement Information

I68 Sch. 8 para. 72 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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- 73 (1) Section 333A (the London housing strategy) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) for “Housing Corporation for the purpose of making housing grant” substitute “Homes and Communities Agency”, and
 - (b) in paragraph (b)—
 - (i) for “Housing Corporation”, in the first place where it appears, substitute “Homes and Communities Agency”,
 - (ii) for “making housing grant” substitute “giving housing financial assistance”, and
 - (iii) omit the words from “(and see also” to the end of the paragraph.
- (3) In subsection (4)—
- (a) in paragraph (a)—
 - (i) for “grant”, in both places where it appears, substitute “housing financial assistance”,
 - (ii) for “made” substitute “given”, and
 - (iii) for “payable” substitute “given”, and
 - (b) in paragraph (b) for “grant” substitute “housing financial assistance”.
- (4) In subsection (8)(a) for “Housing Corporation” substitute “Homes and Communities Agency”.
- (5) In subsection (10)—
- (a) for the definition of “housing grant” substitute—

““housing financial assistance” means financial assistance given under section 19 of the Housing and Regeneration Act 2008 in connection with the provision of housing accommodation;”,
 - (b) after the definition of “local housing authority” insert—

““provide”, in relation to houses or housing accommodation, includes—

 - (a) provide by way of acquisition, construction, conversion, improvement or repair; and
 - (b) provide indirectly;”, and
 - (c) omit the words from “and the reference” to the end.

Commencement Information

I69 Sch. 8 para. 73 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 74 In section 333D (duty to have regard to the London housing strategy)—
- (a) in the heading for “Housing Corporation” substitute “Homes and Communities Agency”, and
 - (b) in subsection (1) for the words from “under” to “Corporation” substitute “relating to Greater London and conferred by or under Part 1 of the Housing and Regeneration Act 2008 (other than any function conferred by virtue of section 13 or 14 of that Act), the Homes and Communities Agency”.

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Commencement Information

I70 Sch. 8 para. 74 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)(3)** (with arts. 6-13)

- 75 (1) Section 408 (transfers of property, rights or liabilities) is amended as follows.
- (2) In subsection (3) omit paragraphs (h) and (i).
- (3) Omit subsection (6).

Commencement Information

I71 Sch. 8 para. 75 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)(3)** (with arts. 6-13)

- 76 In section 409 (transfer schemes) omit subsection (5).

Commencement Information

I72 Sch. 8 para. 76 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)(3)** (with arts. 6-13)

Freedom of Information Act 2000 (c. 36)

- 77 (1) Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) is amended as follows.
- (2) Insert at the appropriate place— “ The Homes and Communities Agency. ”
- (3) Omit the entries relating to—
- (a) the Commission for the New Towns, and
- (b) the Urban Regeneration Agency.

Commencement Information

I73 Sch. 8 para. 77(1)(2) in force at 8.9.2008 by S.I. 2008/2358, **art. 2(2)**

I74 Sch. 8 para. 77(3) in force at 1.4.2009 by S.I. 2009/803, **art. 3(2)(3)**

Finance Act 2003 (c. 14)

- 78 The Finance Act 2003 is amended as follows.

Commencement Information

I75 Sch. 8 para. 78 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(w)(3)** (with arts. 6-13)

- 79 In section 71(4) (certain acquisitions by registered social landlord exempt from charge to stamp duty land tax) after paragraph (c) insert—
- “(ca) under section 19 of the Housing and Regeneration Act 2008 (financial assistance by the Homes and Communities Agency),”.

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Commencement Information

I76 Sch. 8 para. 79 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

- 80 (1) Schedule 9 (stamp duty land tax: right to buy, shared ownership leases etc.) is amended as follows.
- (2) In paragraph 1(3)—
- (a) after “*and development corporations*” insert “ *etc.* ”, and
 - (b) for “*Commission for the New Towns*” substitute “ *Homes and Communities Agency* ”.
- (3) In paragraph 5(2) for paragraph (e) substitute—
- “(e) the Homes and Communities Agency;”.

Commencement Information

I77 Sch. 8 para. 80 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Planning and Compulsory Purchase Act 2004 (c. 5)

- 81 In section 37 of the Planning and Compulsory Purchase Act 2004 (interpretation of Part 2), after subsection (5), insert—
- “(5A) Subsection (4) must also be construed subject to any designation order under section 13 of the Housing and Regeneration Act 2008 (power to make designation orders) providing that the Homes and Communities Agency is to be the local planning authority—
- (a) for an area specified in the order, and
 - (b) for all purposes of this Part or any such purposes so specified.
- (5B) Where such an order makes such provision, the Homes and Communities Agency is the local planning authority for the area and the purposes concerned in place of any authority who would otherwise be the local planning authority for that area and those purposes.”

Commencement Information

I78 Sch. 8 para. 81 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

Finance Act 2004 (c. 12)

- 82 In section 59(1)(f) of the Finance Act 2004 (contractors) for “*Commission for the New Towns*” substitute “ *Homes and Communities Agency* ”.

Commencement Information

I79 Sch. 8 para. 82 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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Local Government and Public Involvement in Health Act 2007 (c. 28)

- 83 In section 104(4) of the Local Government and Public Involvement in Health Act 2007 (partner authorities), after paragraph (e), insert—
“(ea) the Homes and Communities Agency;”.

Commencement Information

I80 Sch. 8 para. 83 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)

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