

SCHEDULES

SCHEDULE 4

REDUCING SOCIAL HOUSING REGULATION

PART 1

REMOVAL OF DISPOSAL CONSENT REQUIREMENTS

Housing Act 1985 (c. 68)

- 1 (1) Section 171D of the Housing Act 1985 (consent to certain disposals of housing obtained subject to the preserved right to buy) is amended as follows.
 - (2) After subsection (2) insert—

“(2ZA) Subsection (2) does not apply to a disposal of land by a private registered provider of social housing.”
 - (3) In subsection (2A)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.

Housing Act 1988 (c. 50)

- 2 The Housing Act 1988 is amended as follows.
- 3 (1) Section 81 (consent to certain disposals of housing obtained from housing action trusts) is amended as follows.
 - (2) In subsection (1), for “section 79(2)(za) or (a)” substitute “section 79(2)(a)”.
 - (3) In subsection (3A)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.
 - (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.
- 4 (1) Section 133 (consent to certain disposals of housing obtained from local authorities) is amended as follows.
 - (2) In subsection (1ZA)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.
 - (3) For subsection (1B) substitute—

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“(1B) This section does not apply if the original disposal was made to a private registered provider of social housing.”

- (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

Local Government and Housing Act 1989 (c. 42)

- 5 (1) Section 173 of the Local Government and Housing Act 1989 (consent to certain disposals of housing obtained from new town corporations) is amended as follows.

- (2) After subsection (1) insert—

“(1ZA) Subsection (1) does not apply to a disposal of land by a private registered provider of social housing.”

- (3) In subsection (1A)—

- (a) omit paragraph (a);
 (b) in paragraph (b), for “any other” substitute “a”.

- (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

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

- 6 In Schedule 10 to the Leasehold Reform, Housing and Urban Development Act 1993 (acquisition of Interests from Local Authorities etc), in paragraph 1(2)(b), for “sections 148 and 172” substitute “section 148”.

Housing and Regeneration Act 2008

- 7 The Housing and Regeneration Act 2008 is amended as follows.

- 8 In section 60 (structural overview), in subsection (4), in the final column of the entry relating to Chapter 5 of Part 2 of the Act—

- (a) for paragraph (b) (Regulator’s consent) substitute—
 “(b) Notification of regulator”;
 (b) omit paragraphs (c), (d) and (g).

- 9 After section 74 insert—

“74A Leaving the social housing stock: transfer by private providers

- (1) A dwelling ceases to be social housing if a private registered provider of social housing owns the freehold or a leasehold interest and transfers it to a person who is not a registered provider of social housing.
- (2) Subsection (1) does not apply if and for so long as the private registered provider has a right to have the interest transferred back to it.
- (3) Subsection (1) does not apply where low cost home ownership accommodation is transferred to—
- (a) the “buyer” under equity percentage arrangements (see section 70(5)), or

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- (b) the trustees under a shared ownership trust (see section 70(6)).
- (4) See section 73 for circumstances when low cost home ownership accommodation ceases to be social housing.”
- 10 (1) Section 75 (leaving the social housing stock) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsections (2) and (3), for “”Subsections 1 and (1A) do” substitute “Subsection (1A) does”.
- (4) In the heading, after “stock:” insert “local authority”.
- 11 In section 119 (de-registration: voluntary), in subsection (5), omit paragraph (a) and the “and” at the end of that paragraph.
- 12 In section 149 (moratorium: exempted disposals)—
- (a) omit subsection (6);
- (b) in subsection (7), for “6” substitute “5”;
- (c) in subsection (8), for “7” substitute “6”.
- 13 In section 171 (power to dispose), in subsection (3), omit “(which include provisions requiring the regulator’s consent for certain disposals)”.
- 14 For the italic heading above section 172 substitute—
- “Notification of regulator”.*
- 15 Omit sections 172 to 175 (disposal consents).
- 16 For section 176 substitute—

“176 Notification of disposal

- (1) If a private registered provider disposes of a dwelling that is social housing it must notify the regulator.
- (2) If a non-profit registered provider disposes of land other than a dwelling it must notify the regulator.
- (3) Subsection (1) continues to apply to any land of a private registered provider even if it has ceased to be a dwelling.
- (4) The regulator may give directions about—
- (a) the period within which notifications under subsection (1) or (2) must be given;
- (b) the content of those notifications.
- (5) The regulator may give directions dispensing with the notification requirement in subsection (1) or (2).
- (6) A direction under this section may be—
- (a) general, or
- (b) specific (whether as to particular registered providers, as to particular property, as to particular forms of disposal or in any other way).

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- (7) A direction dispensing with a notification requirement—
- (a) may be expressed by reference to a policy for disposals submitted by a registered provider;
 - (b) may include conditions.

(8) The regulator must make arrangements for bringing a direction under this section to the attention of every registered provider to which it applies.”

- 17 Omit section 179 and the italic heading before it (application of provisions of the Housing Act 1996 that have a connection with disposal consents.)
- 18 In section 186 (former registered providers), for “to 175” substitute “and 176 (apart from section 176(2))”.
- 19 Omit section 187 (change of use, etc).
- 20 Omit section 190 (consent to disposals under other legislation).
- 21 In section 278A (power to nominate for consultation purposes), for paragraph (b) substitute—
- “(b) section 176;”.