
STATUTORY INSTRUMENTS

1991 No. 1281

NEW TOWNS

ENGLAND AND WALES

The New Towns (Transfer of Housing
Stock) (Amendment) Regulations 1991

<i>Made</i>	- - - -	<i>28th May 1991</i>
<i>Laid before Parliament</i>		<i>6th June 1991</i>
<i>Coming into force</i>	- -	<i>27th June 1991</i>

The Secretary of State for the Environment, in exercise of the powers conferred upon him by sections 172 and 190(1) of the Local Government and Housing Act 1989⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the New Towns (Transfer of Housing Stock) (Amendment) Regulations 1991 and shall come into force on 27th June 1991.

Amendment of the New Towns (Transfer of Housing Stock) Regulations 1990

2. The New Towns (Transfer of Housing Stock) Regulations 1990⁽²⁾ shall be amended—
(a) by inserting the following regulation after regulation 7—

“Purposes for which transferred land held

7A. —Where a new town corporation transfer any housing stock under these Regulations to a district council, that housing stock shall be treated as having been acquired by the council under Part II of the Housing Act 1985⁽³⁾, except in so far as the instrument by which the transfer is effected provides that it is acquired for some other statutory purpose for which the council may acquire land.”;

(b) by inserting the following paragraph after regulation 13(6)—

(1) 1989 c. 42.
(2) S.I. 1990/1700, amended by S.I. 1990/2366.
(3) 1985 c. 68.

“(7) Where the corporation are of the opinion that a statementsubmitted to them under paragraph (2)(c) is misleading or inaccurate inany particular they may, instead of requiring a new statement to beprepared, approve the statement save for that particular, and direct theteller to send to each tenant being consulted the submitted statementtogether with an additional statement, prepared by the corporation,which they consider corrects the inaccurate or misleading particular.”;

(c) in regulation 17(3), by inserting the following after sub-paragraph (c)—

“; and

(d) that the rent in respect of a subsisting tenancy mentioned insub-paragraph (a) of any dwelling occupied as such at the date oftransfer—

(i) for the period ending immediately before the first anniversary ofthe relevant date after the transfer will not exceed that charged by thecorporation at the date of transfer; and

(ii) thereafter would increase (if at all) on each anniversary of therelevant date by an amount not exceeding the aggregate of 4% and theamount (if any) by which the valuers estimate that the retail pricesindex for the month in which the anniversary occurs will be greater thanthat for the month in which the previous anniversary of the relevantdate occurred, expressed as a percentage of the estimated retail pricesindex for the last-mentioned month.”;

(d) by inserting after regulation 17(3) the following paragraphs—

“(4) For the purposes of the valuation assumption in paragraph (3)(d)any estimation of the duration of a subsisting tenancy of a dwellingshall be made on the basis that the tenancy is treated as in effectduring any period when a subsequent tenancy of the dwelling is in effectwhich was granted to a person who was a tenant of another dwelling,which was occupied as such, at the date of transfer.

(5) In paragraph (3)(d)“the relevant date” means the date on which the corporation last increased the rentunder the tenancy prior to the date of transfer.”.

28th May 1991

Michael Heseltine
Secretary of State for the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the New Towns (Transfer of Housing Stock) Regulations 1990 (which make provision requiring the transfer of new town housing stock). They provide that where a new town corporation transfers housing stock to the district council in whose area it is situated, the stock is to be treated as having been acquired by the council under Part II of the Housing Act 1985, save in certain specified circumstances. They also make further provision about the statement by the prospective landlord which is required to be approved by the transferring corporation and to be sent to all tenants. The corporation may now approve a statement which they consider to be misleading or inaccurate in some particular; but require an additional corrective statement prepared by them to be sent with it. The Regulations also specify additional assumptions upon which any valuation of the housing stock is to be made in relation to the rents of tenancies, of certain dwellings, subsisting at the date of transfer of the stock.