

## SCHEDULE 2

Article 5

### Amendment of enactments: Part 2

#### **Industrial and Provident Societies Act 1965**

1. In section 6 of the Industrial and Provident Societies Act 1965(1) (maximum shareholding in society) after subsection (1) insert—

“(1A) In the case of a society which is a private registered provider of social housing, the restriction in subsection (1) does not apply to shares acquired by a local authority under the power in section 2 of the Local Government Act 2000.”.

#### **Leasehold Reform Act 1967**

2.—(1) Schedule 4A to the Leasehold Reform Act 1967(2) (shared ownership leases excluded from the Act) is amended as follows.

(2) In paragraph 2 (certain leases granted by certain public authorities)—

- (a) in sub-paragraph (1) for “, to a registered social landlord” substitute “, to a relevant housing provider”,
- (b) in sub-paragraph (3)(b) for “or to a registered social landlord” substitute “or to a relevant housing provider”, and
- (c) for sub-paragraph (5) substitute—

“(5) In this paragraph “relevant housing provider” means—

- (a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or
- (b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.”

(3) In paragraph 4 (certain leases for the elderly)—

- (a) in sub-paragraphs (1) and (2)(c) for “a registered social landlord”, wherever appearing, substitute “a relevant housing provider”, and
- (b) in sub-paragraph (3) for the definition of “registered social landlord” substitute—

““relevant housing provider” means—

- (a) in relation to a lease of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a private registered provider of social housing, or
- (b) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.”.

#### **Land Compensation Act 1973**

3. The Land Compensation Act 1973(3) is amended as follows.

4. In section 29(1)(d) (right to home loss payment where person displaced from dwelling) after “displacement is” insert “either a private registered provider of social housing or”.

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(1) 1965 c.12.

(2) 1967 c.88. Schedule 4A was inserted by paragraph 6 of Schedule 4 to the Housing and Planning Act 1986 (c. 63).

(3) 1973 c.26. Section 32(7B) was inserted by section 9 of the Housing and Planning Act 1986 (c. 63).

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

5. In section 32(7B) (supplementary provisions about home loss payments) for “Housing Corporation” substitute “Regulator of Social Housing”.

6. In section 37(1)(d) (disturbance payments for persons without compensatable interests) after “displacement is” insert “either a private registered provider of social housing or”.

#### **Consumer Credit Act 1974**

7. In section 16(6B)(a) of the Consumer Credit Act 1974(4) (exempt agreements) for “the Housing Corporation and” substitute “the Regulator of Social Housing and”.

#### **Rent (Agriculture) Act 1976**

8.—(1) Section 5 of the Rent (Agriculture) Act 1976(5) (no statutory tenancy where landlord’s interest belongs to certain bodies) is amended as follows.

(2) In subsection (3)(d) for “Housing Corporation” substitute “Regulator of Social Housing”.

(3) In subsection (4) before paragraph (a) insert—

“(za) is a private registered provider of social housing.”.

#### **Rent Act 1977**

9. The Rent Act 1977(6) is amended as follows.

10.—(1) Section 15 (landlord’s interest belonging to housing association, etc) is amended as follows.

(2) In subsection (2)(a) for “Housing Corporation” substitute “Regulator of Social Housing”.

(3) In subsection (3) before paragraph (a) insert—

“(za) it is a private registered provider of social housing.”.

11. In section 86(2)(a) (tenancies to which Part VI applies) for “Housing Corporation” substitute “Regulator of Social Housing”.

12. In section 93(1) (increase of rent without notice to quit) for “Housing Corporation” substitute “Regulator of Social Housing”.

#### **Protection from Eviction Act 1977**

13. In section 3A(8) of the Protection from Eviction Act 1977(7) (excluded tenancies and licences)—

(a) in paragraph (g) for “Housing Corporation” substitute “Regulator of Social Housing”, and

(b) in paragraph (h) after “charity” insert “, a private registered provider of social housing”.

#### **Criminal Law Act 1977**

14. In section 12A(7) of the Criminal Law Act 1977(8) (protected intending occupiers: supplementary provisions)—

(a) in paragraph (b) for “Housing Corporation” substitute “Regulator of Social Housing”, and

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(4) [1974 c.39](#). Section 16(6B) was inserted by section 22 of the Housing and Planning Act [1986 \(c. 63\)](#).

(5) [1976 c.80](#).

(6) [1977 c.42](#).

(7) [1977 c.43](#). Section 3A was inserted by section 31 of the Housing Act [1988 \(c. 50\)](#).

(8) [1977 c.45](#). Section 12A was inserted by section 74 of the Criminal Justice and Public Order Act [1994 \(c. 33\)](#).

(b) after that paragraph insert—

“(ba) a non-profit registered provider of social housing;

(bb) a profit-making registered provider of social housing, but only in relation to premises which are social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008;”.

## **Housing Act 1985**

15. The Housing Act 1985(9) is amended as follows.

16. In section 5 (definition of “registered social landlord”) for subsection (4) substitute—

“(4) In this Act “registered social landlord” means a housing association registered in the register maintained under section 1 of the Housing Act 1996, subject as follows.”.

17. In section 6A(1) and (4) (the Relevant Authority) for “Housing Corporation” substitute “Regulator of Social Housing”.

18. In section 45 (disposals in relation to which sections 46 to 51 apply, etc)—

(a) in subsection (2), in the definition of “public sector authority”—

(i) for “Housing Corporation” substitute “Regulator of Social Housing”, and

(ii) after “Scottish Homes,” insert—

“a non-profit registered provider of social housing,” and

(b) after subsection (2A) insert—

“(2B) In subsection (1)(a) “public sector authority” also includes a profit-making registered provider of social housing in respect of any house which, before the conveyance, was social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”.

19.—(1) Section 80 (the landlord condition for secure tenancies) is amended as follows.

(2) In subsection (1)—

(a) for “Housing Corporation” substitute “Regulator of Social Housing”, and

(b) for “housing association” substitute “housing association to which this section applies by virtue of subsection (2)”.

(3) In subsection (2)—

(a) in paragraph (a) for “registered social landlord other than” substitute—

“a housing association which—

(i) is a private registered provider of social housing or a registered social landlord, but

(ii) is not”, and

(b) in paragraph (b) for “not a registered social landlord” substitute “neither a private registered provider of social housing nor a registered social landlord”.

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(9) 1985 c.68. Section 6A was inserted by paragraph 107 of Schedule 17 to the Housing Act 1988 (c. 50) and paragraph 5 of Schedule 16 to the Government of Wales Act 1998 (c. 38). Section 82A was inserted by section 14 of the Anti-social Behaviour Act 2003 (c. 38). Section 92(2A) was inserted by section 163 of the Local Government and Housing Act 1989 (c. 42). Section 106A was inserted by section 6 of the Housing and Planning Act 1986 (c. 63). Section 429A was inserted by section 16 of the Housing and Planning Act 1986 (c. 63) and subsection (2A) was inserted by paragraph 54 of Schedule 17 to the Housing Act 1988 (c.50). Sections 450A and B were inserted by section 5 of the Housing and Planning Act 1986 (c. 63). Section 554(2A) was inserted by paragraph 61 of Schedule 17 to the Housing Act 1988 (c. 50). Ground 10A in Part 2 of Schedule 2 was inserted by section 9 of the Housing and Planning Act 1986 (c. 63).

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

(4) In subsection (3)—

- (a) after “housing association ceases to be” insert “a private registered provider of social housing or”, and
- (b) for “a registered social landlord”, in the second place where it appears, substitute “such a body”.

(5) The amendments made by sub-paragraphs (2) and (3) have effect only so far as the words amended continue to have effect by virtue of section 35(5) of, and paragraph 4 of Schedule 18 to, the Housing Act 1988(10).

**20.**—(1) Section 82A (demotion because of anti-social behaviour) is amended as follows.

(2) After subsection (1)(b) insert—

“(ba) a private registered provider of social housing;”.

(3) In subsection (8)(b) after “tenancy is” insert “a private registered provider of social housing or”.

**21.** In section 92(2A)(a) (assignments by way of exchange) for “either the Housing Corporation,” substitute “the Regulator of Social Housing, a private registered provider of social housing,”.

**22.** In section 105(6) (consultation on matters of housing management) after “which is” insert “a private registered provider of social housing or”.

**23.** In section 106(3) (information about housing allocation) after “which is” insert “a private registered provider of social housing or”.

**24.** In section 106A(3)(b) (consultation before disposal to private sector landlord) after “disposal to” insert “a private registered provider of social housing or”.

**25.** In section 114(1) (meaning of landlord authority) after the entry for local housing authorities insert—

“a private registered provider of social housing other than a co-operative housing association,”.

**26.** In section 115(2)(a) (meaning of long tenancy) after “at the time of the grant is” insert “a private registered provider of social housing or”.

**27.** In section 171(2) (power to extend right to buy)—

- (a) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) after “Scottish Homes,” insert—

“a non-profit registered provider of social housing”.

**28.** In section 185(2)(b) (meaning of “secure tenancy” and “secure tenant”) after “or was a” insert “private registered provider of social housing or”.

**29.** In section 240(5) (steps to be taken after declaration of housing action area) after “participation of” insert “private registered providers of social housing or (as the case may be)”.

**30.** In section 429A(2A) (housing management: financial assistance etc)—

- (a) omit paragraph (a),
- (b) in paragraph (d) for “registered social landlord” substitute “private registered provider of social housing, or a registered social landlord,” and
- (c) in paragraph (e) for “not a registered social landlord” substitute “neither a private registered provider of social housing nor a registered social landlord”.

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(10) 1988 c.50.

**31.** In section 450A(6) (right to a loan to pay service charge after exercise of the right to buy) for the definition of “housing authority” and the “and” following it substitute—

““housing authority”—

- (a) does not include a private registered provider of social housing, or a registered social landlord, which is a co-operative housing association;
- (b) includes a co-operative housing association which is neither a private registered provider of social housing nor a registered social landlord; and”.

**32.** In section 450B(4) (power to make loans in other cases) for the definition of “housing authority” and the “and” following it substitute—

““housing authority”—

- (a) does not include a private registered provider of social housing, or a registered social landlord, which is a co-operative housing association;
- (b) includes a co-operative housing association which is neither a private registered provider of social housing nor a registered social landlord; and”.

**33.—**(1) Section 458 (minor definitions) is amended as follows.

(2) In subsection (1) in the definition of “housing authority”—

- (a) for “subject to subsection (2)” substitute “subject to subsections (1A) and (2) and sections 450A(6), 450B(4) and 450D(10)”, and
- (b) after “Relevant Authority” insert “, a private registered provider of social housing”.

(3) After subsection (1) insert—

“(1A) A profit-making registered provider of social housing is a housing authority for the purposes of this Part only in relation to social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”.

**34.** In section 548(1) (repurchase by authority other than local housing authority) before entry 1 in the table insert—

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“A1. A non-profit registered provider of social housing (other than a co-operative housing association) or a predecessor housing association of that provider.”

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**35.** In section 554(2A) (grant of tenancy to former owner-occupier) after “or a”, where it first appears, insert “private registered provider of social housing or”.

**36.** In section 573(1) (meaning of “public sector authority”: Part XVI) after the entry for the Relevant Authority insert—

“a non-profit registered provider of social housing other than a co-operative housing association (or a predecessor housing association of such a provider),”.

**37.—**(1) Schedule 2 (grounds for possession of dwelling houses let under secure tenancies) is amended as follows.

(2) In Ground 10A in Part 2 for “Housing Corporation” substitute “Regulator of Social Housing”.

(3) In paragraph 6 of Part 5—

- (a) for “social landlord registered in the register maintained by the Housing Corporation under section 1 of the Housing Act 1996” substitute “private registered provider of social housing”, and

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- (b) for “the Housing Corporation”, in the second place where it appears, substitute “the Regulator of Social Housing”.

**38.**—(1) Schedule 4 (qualifying period for right to buy and discount) is amended as follows.

(2) In paragraph 7(1)—

- (a) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) before the entry for registered social landlords insert—

“a non-profit registered provider of social housing which is not a co-operative housing association,”.

(3) In paragraph 10 after “under”, in the first place where it appears, insert “Part 2 of the Housing and Regeneration Act 2008,”.

### **Housing Associations Act 1985**

**39.** The Housing Associations Act 1985(11) is amended as follows.

**40.** In section 2B (meaning of “registered housing association” etc) for the definition of “unregistered” substitute—

““unregistered”, in relation to a housing association, means—

- (a) not registered as a provider of social housing under Part 2 of the Housing and Regeneration Act 2008,
- (b) not registered as a social landlord under Part 1 of the Housing Act 1996, and
- (c) not registered as a social landlord under Part 3 of the Housing (Scotland) Act 2001 (asp 10).”.

**41.** In section 35(2) (housing trusts: power to transfer housing to local housing authority) before paragraph (a) insert—

“(za) it does not apply to private registered providers of social housing (on whom power to dispose of land is conferred by section 171 of the Housing and Regeneration Act 2008);”.

**42.** In section 58(4) (powers of local authorities to promote and assist housing associations: exception for registered social landlords) after “does not apply where the housing association is” insert—

“—

- (a) a private registered provider of social housing, or
- (b)

**43.** In section 61(3) (power of local housing authority to supply furniture to housing association tenants) after “does not apply where the housing association is” insert—

“—

- (a) a private registered provider of social housing, or
- (b)

**44.**—(1) Section 69 (power to vary or terminate certain agreements with housing associations) is amended as follows.

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(11) 1985 c.69. Section 2B was inserted by paragraph 15 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325). Section 83(3A) was inserted by paragraph 34 of Schedule 6 to the Housing Act 1988 (c. 50).

(2) In subsection (1)(a) for the words from “(including” to the end substitute “under which rights and obligations have been transferred to the Regulator of Social Housing;”.

(3) Omit subsection (2A).

(4) Before subsection (3) insert—

“(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.”.

**45.** For the heading to Part 3 substitute “Social Housing in Wales”.

**46.** In the italic heading before section 74 for “Constitution” substitute “Functions of the Welsh Ministers”.

**47.** In section 74—

(a) for subsections (1) and (1A) substitute—

“(1) This Part has effect with respect to the Welsh Ministers.”.

(b) omit subsection (3),

(c) for subsection (4) substitute—

“(4) The functions in this Part exercisable by the Welsh Ministers may only be exercised in relation to Wales.”, and

(d) in the heading for “Housing Corporation” substitute “Welsh Ministers”.

**48.—**(1) Section 75 (general functions of the Relevant Authority) is amended as follows.

(2) In subsection (1)—

(a) for “Relevant Authority”, where it first appears, substitute “Welsh Ministers”,

(b) for “has” substitute “have”, and

(c) in paragraph (e) for “Relevant Authority considers” substitute “Welsh Ministers consider”.

(3) Omit subsections (1A) and (1B).

(4) In subsections (2) to (4) for “Relevant Authority”, wherever appearing, substitute “Welsh Ministers”.

(5) In subsection (2) for “its” substitute “their”.

(6) In subsection (4) for “its” substitute “their”.

(7) Omit subsection (6).

(8) For the heading substitute “General functions”.

**49.** Omit section 76 (directions to Housing Corporation).

**50.—**(1) Section 77 (advisory service) is amended as follows.

(2) In subsections (1) and (2) for “Relevant Authority” substitute “Welsh Ministers”.

(3) For subsection (3) substitute—

“(3) The powers conferred on the Welsh Ministers by subsections (1) and (2) may be exercised by the Welsh Ministers acting jointly with the Regulator of Social Housing.”.

**51.—**(1) Section 79 (lending powers) is amended as follows.

(2) In subsection (1)—

(a) for “Relevant Authority” substitute “Welsh Ministers”, and

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- (b) omit “, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest.”.
  - (3) In subsection (2)—
    - (a) for “Relevant Authority”, where it first appears, substitute “Welsh Ministers”,
    - (b) in paragraph (a) for “Relevant Authority” substitute “Welsh Ministers”, and
    - (c) for paragraph (b) substitute—
      - “(b) a registered social landlord or an unregistered self-build society.”.
  - (4) In subsection (3) for “Relevant Authority” substitute “Welsh Ministers”.
  - (5) For subsection (4) substitute—
    - “(4) Subject to that, the terms of a loan under this section shall be such as the Welsh Ministers determine either generally or in a particular case.”.
- 52.**—(1) Section 80 (security for loans to unregistered self-build societies) is amended as follows.
- (2) In subsection (1)—
    - (a) for “Relevant Authority” substitute “Welsh Ministers”,
    - (b) in paragraph (a) for “makes” substitute “make”,
    - (c) in paragraph (b)—
      - (i) omit “or heritable security”, and
      - (ii) for “has” substitute “have”, and
    - (d) for “it may” substitute “they may”.
  - (3) In subsection (2) for “Relevant Authority continues” substitute “Welsh Ministers continue”.
  - (4) Omit subsection (3A).
  - (5) In subsection (4) for the words from the beginning to “unless he is satisfied” substitute “The Welsh Ministers shall not give directions under this section requiring a society to transfer its interest in land to them or any other person unless they are satisfied”.
- 53.** In section 81(b) (further advances in case of disposal on shared ownership lease)—
  - (a) for “Relevant Authority has” substitute “Welsh Ministers have”, and
  - (b) for “its” substitute “their”.
- 54.**—(1) Section 83 (power to guarantee loans) is amended as follows.
- (2) For subsections (1) to (3) substitute—
    - “(1) The Welsh Ministers 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.
    - (2) A guarantee may be subject to terms and conditions.”.
  - (3) In subsection (3A)—
    - (a) in paragraph (a) for the words from “which” to “has” substitute “which the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) have”,
    - (b) in paragraph (b)—
      - (i) for the words from the first “by” to “in” substitute “by the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) in”, and
      - (ii) for the words from “to” to the end of the paragraph substitute “to the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales)”, and



- (c) for the words “as the” to the end substitute “as the Welsh Ministers may specify by order”.
- (4) For subsection (4) substitute—
  - “(4) An order under subsection (3A)—
    - (a) shall be made by statutory instrument, and
    - (b) shall not be made unless, a draft of the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

**55.**—(1) Section 87 (financial assistance with respect to formation etc of certain housing associations) is amended as follows.

- (2) In subsection (1) for “Relevant Authority” substitute “Welsh Ministers”.
- (3) In subsection (2) for “Relevant Authority considers appropriate, except that the Relevant Authority” substitute “Welsh Ministers consider appropriate, except that they”.
- (4) In subsection (3) for “Relevant Authority” substitute “Welsh Ministers”.
- (5) In subsection (4)—
  - (a) for “Relevant Authority” substitute “Welsh Ministers”, and
  - (b) for “it” substitute “they”.
- (6) In subsection (5) for “housing association” substitute “relevant housing association”.

**56.**—(1) Schedule 5 (housing association finance: superseded subsidies, contributions and grants) is amended as follows.

- (2) In paragraph 6(2) of Part 1 (residual subsidies in England and Wales: powers exercisable where lease granted to or vested in the Housing Corporation) omit paragraph (b) and the “or” before it.
- (3) In paragraph 2(2) of Part 6 (new building subsidy and improvement subsidy: powers exercisable where lease granted to or vested in the Housing Corporation) omit paragraph (b) and the “or” before it.

**57.**—(1) Schedule 7 (powers exercisable where loan outstanding under section 2 of the Housing Act 1964) is amended as follows.

- (2) For paragraph 1 substitute—
  - “1. This Schedule applies where—
    - (a) the Housing Corporation made a loan to a housing association under section 2 of the Housing Act 1964 before the repeal of that section by the Housing (Consequential Provisions) Act 1985,
    - (b) the Housing Corporation’s rights and obligations in respect of the loan have been transferred to the Regulator of Social Housing, and
    - (c) the loan has not been repaid.”.
  - (3) In paragraph 2(1), for “Relevant Authority”, in both places where it appears, substitute “Regulator of Social Housing”.
  - (4) In paragraph 2(3) for “Housing Corporation” substitute “Regulator of Social Housing”.
  - (5) In paragraph 3—
    - (a) for “Housing Corporation”, in both places where it appears, substitute “Regulator of Social Housing”, and
    - (b) omit the words from “; and the Secretary of State shall not” to the end.
  - (6) In paragraph 4—

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- (a) for “Housing Corporation”, in both places where it appears, substitute “Regulator of Social Housing”, and
- (b) omit sub-paragraph (2).
- (7) In paragraph 5—
  - (a) in sub-paragraph (1), for “Housing Corporation”, in both places where it appears, substitute “Regulator of Social Housing”,
  - (b) omit sub-paragraph (1A),
  - (c) in sub-paragraph (2), for “Corporation” substitute “Regulator of Social Housing”,
  - (d) in sub-paragraphs (3), (4) and (5), for “Housing Corporation” substitute “Regulator of Social Housing”, and
  - (e) omit sub-paragraph (6).

### **Landlord and Tenant Act 1985**

**58.** The Landlord and Tenant Act 1985(12) is amended as follows.

**59.** In section 14(4) (repairing obligations in leases: exceptions) after “the Development Board for Rural Wales” insert—

“a non-profit registered provider of social housing”.

**60.** In section 26(3)(a) (exceptions to service charge controls etc) after “at the time of the grant is” insert “a private registered provider of social housing or”.

### **Insolvency Act 1986**

**61.**—(1) Section 72G of the Insolvency Act 1986(13) (floating charge holder not to appoint administrative receiver: exception for registered social landlords) is amended as follows.

(2) After “company which is” insert—

“—

- (a) a private registered provider of social housing, or
- (b)
- (3) In the heading for “registered social landlord” substitute “social landlords”.

### **Landlord and Tenant Act 1987**

**62.**—(1) Section 58 of the Landlord and Tenant Act 1987(14) (landlords exempt from certain provisions of the Act) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (e) for “Housing Corporation” substitute “Regulator of Social Housing”, and
- (b) for paragraph (g) (but not the “or” following it) substitute—
  - “(g) a non-profit private registered provider of social housing;
  - (ga) a registered social landlord;
  - (gb) a fully mutual housing association which is neither a private registered provider of social housing nor a registered social landlord;”.

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(12) 1985 c.70.

(13) 1986 c.45. Section 72G was inserted by section 250 of the Enterprise Act 2002 (c. 40).

(14) 1987 c.31. Section 58(1A) was inserted by paragraph 17 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(3) After subsection (1) insert—

“(1ZA) In this Act “exempt landlord”, in relation to social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), includes a landlord which is a profit-making private registered provider of social housing.”

(4) For subsection (1A) substitute—

“(1A) In subsection (1)(ga) “registered social landlord” has the same meaning as in the Housing Act 1985 (see section 5(4) and (5) of that Act).

(1B) In subsection (1)(gb) “fully mutual housing association” has the same meaning as in the Housing Associations Act 1985 (see section 1(1) and (2) of that Act).”

### **Housing Act 1988**

**63.** The Housing Act 1988(**15**) is amended as follows.

**64.** In section 6A(1) (demotion of assured tenancy because of anti-social behaviour) after “if” insert—

“—

- (a) the landlord is a non-profit registered provider of social housing,
- (b) the landlord is a profit-making registered provider of social housing and the dwelling-house let on the tenancy is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
- (c)

**65.** In section 20B(1) (demoted assured shorthold tenancies) after “the landlord is” insert “a private registered provider of social housing or”.

**66.**—(1) Section 35 (removal of special regimes for tenancies of housing associations) is amended as follows.

(2) In subsection (3) after “commencement of this Act,” insert “a private registered provider of social housing or”.

(3) In subsection (5) for “or the Housing Corporation” substitute “or the Regulator of Social Housing”.

**67.** In section 38(4A) (transfer of existing tenancies from public to private sector) after “passes to” insert “a private registered provider of social housing or”.

**68.** Omit section 57 (delegation of certain functions by Secretary of State).

**69.** In section 59(1A) (interpretation) omit “and 57”.

**70.** In section 79(2) (disposal of land by housing action trusts) before paragraph (a) insert—

“(za) to a non-profit registered provider of social housing.”

**71.**—(1) Section 81 (consent required for certain disposals of housing obtained from housing action trusts) is amended as follows.

(2) In subsection (1) for “section 79(2)(a)” substitute “section 79(2)(za) or (a)”.

(3) In subsection (7) after “required under” insert “section 148 or 172 of the Housing and Regeneration Act 2008.”

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(15) 1988 c.50. Section 6A was inserted by section 14 of the Anti-social Behaviour Act 2003 (c. 38). Section 20B was inserted by section 15 of the Anti-social Behaviour Act 2003. Section 38(4A) was inserted by paragraph 106 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42).

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(4) In subsection (8)(ab) after “acquire it under” insert “section 180 of the Housing and Regeneration Act 2008 or”.

**72.**—(1) Section 82 (power of Relevant Authority to provide legal assistance to tenants after disposal) is amended as follows.

(2) For “Relevant Authority”, wherever appearing, substitute “appropriate authority”.

(3) For subsection (5) substitute—

“(5) In this section “the appropriate authority” means—

- (a) in a case where the disposal mentioned in subsection (1) was to a private registered provider of social housing, the Regulator of Social Housing, and
- (b) in a case where the disposal mentioned in that subsection was to a registered social landlord, the Welsh Ministers.”.

(4) In the heading for “Power of Relevant Authority to provide” substitute “Provision of”.

**73.** Section 133(7) (consent for certain disposals of housing obtained from local authorities) after “required under” insert “section 148 or 172 of the Housing and Regeneration Act 2008,”.

**74.**—(1) Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) is amended as follows.

(2) In Ground 6—

- (a) after “landlord is a” insert “non-profit registered provider of social housing,” and
- (b) after “trust”, where it first appears, insert “or (where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008) a profit-making registered provider of social housing, ”.

(3) In paragraph (b) of Ground 14A—

- (a) after “landlord who is seeking possession is” insert “a non-profit registered provider of social housing,” and
- (b) after “trust” insert “or, where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing,”.

### **Local Government and Housing Act 1989**

**75.** The Local Government and Housing Act 1989(16) is amended as follows.

**76.** In section 172(2)(b) (transfer of new town housing stock) for “Housing Corporation” substitute “Regulator of Social Housing”.

**77.** In section 173(7) (consent required for subsequent disposals) after “required under” insert “section 148 or 172 of the Housing and Regeneration Act 2008,”.

### **Charities Act 1993**

**78.** In Schedule 2 to the Charities Act 1993(17) (exempt charities) before paragraph (y) insert—

- “(xa) any registered society within the meaning of the Industrial and Provident Societies Act 1965 which is also a non-profit registered provider of social housing,”.

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(16) 1989 c.42.

(17) 1993 c.10.

### **Leasehold Reform, Housing and Urban Development Act 1993**

**79.** In Schedule 10 to the Leasehold Reform, Housing and Urban Development Act 1993(18) (acquisition of interests from local authorities etc) in paragraph 1(2) (current provisions whose effect is excluded) for paragraph (b) substitute—

- “(b) sections 148 and 172 of the Housing and Regeneration Act 2008 (disposals by registered providers of social housing);
- (ba) sections 9 and 42 of the Housing Act 1996 (disposals by registered social landlords);
- (bb) section 9 of the Housing Associations Act 1985 (disposals by unregistered housing associations);”.

### **Criminal Justice and Public Order Act 1994**

**80.** In section 62A(6) of the Criminal Justice and Public Order Act 1994(19) (power to remove trespassers: alternative site available) after paragraph (a) of the definition of “relevant site manager” insert—

- “(aa) a private registered provider of social housing;”.

### **Housing Act 1996**

**81.** The Housing Act 1996(20) is amended as follows.

**82.** In section 9(1A) (consent required for disposal of land by registered social landlord)—

- (a) for the words from the beginning to “given by” in paragraph (b) substitute “Consent given by”, and
- (b) in that paragraph before “, shall be given” insert “under this section”.

**83.** In section 10(1)(a) (disposals not requiring consent) after “paragraph 12(1)(h),” insert “or any of paragraphs 12ZA to 12B,”.

**84.** In section 16 (right to acquire) omit subsections (5) to (7).

**85.**—(1) Section 18 (social housing grants) is amended as follows.

(2) In subsection (5)—

- (a) for the words from the beginning to “made by” in paragraph (b) substitute “An appointment made by”,
- (b) in that paragraph before “, shall be on” insert “under this section”, and
- (c) for the words from “, with the consent” in paragraph (b) to the end of the subsection substitute “specify; and the authority shall act in accordance with those terms.”.

(3) Omit subsection (8).

**86.** In section 24(2)(a)(i) (disposal proceeds fund) after “section 16” insert “above or section 180 of the Housing and Regeneration Act 2008”.

**87.** In section 27A (social housing grants) omit subsections (5) and (7).

**88.** In section 29 (commutation of payments of special residual subsidy) omit subsection (4).

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(18) 1993 c.28.

(19) 1994 c.33. Section 62A was inserted by section 60 of the Anti-social Behaviour Act 2003 (c. 38).

(20) 1996 c.52. Section 9(1A) was inserted by paragraph 84 of Schedule 16 to the Government of Wales Act 1998 (c. 38). Section 27A was inserted by section 220 of the Housing Act 2004. Section 143C was inserted by paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38). Section 153E was inserted by section 13 of the Anti-social Behaviour Act 2003. Section 218A was inserted by section 12 of the Anti-social Behaviour Act 2003. Paragraphs 9(3A) and 11(3A) of Schedule 1 were inserted by paragraph 96 of Schedule 16 to the Government of Wales Act 1998.

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

**89.** In section 30(5) (general power to obtain information) omit paragraph (a) and the “and” following it.

**90.**—(1) Section 36 (issue of guidance) is amended as follows.

(2) Omit subsection (4).

(3) In subsection (5) for “subsections (3) and (4) apply” substitute “subsection (3) applies”.

**91.** In section 46(7) (appointment of manager to implement agreed proposals)—

(a) for the words from the beginning to “made by” in paragraph (b) substitute “An order made by”, and

(b) in that paragraph before “, shall be made” insert “under this section”.

**92.** In section 49 (assistance by relevant authority) omit subsection (3).

**93.** In section 53(1), (4) and (5) (general provision as to determinations) omit “the Housing Corporation or”.

**94.** Omit section 54 (Housing Corporation determinations requiring approval).

**95.** In section 64 (index of defined expressions) omit the entry for “the Relevant Authority”.

**96.**—(1) Section 124 (introductory tenancies) is amended as follows.

(2) In subsection (2) for paragraph (b) substitute—

“(b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.”.

(3) After subsection (2) insert—

“(2A) In subsection (2)(b) “relevant assured tenancy” means—

(a) an assured tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or

(b) an assured tenancy under which the landlord is a registered social landlord;

and for these purposes “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.”.

**97.**—(1) Section 125 (duration of introductory tenancy) is amended as follows.

(2) In subsection (3) for “or held an assured shorthold tenancy from a registered social landlord” substitute “or a relevant assured shorthold tenancy”.

(3) After subsection (3) insert—

“(3A) In subsection (3) “relevant assured shorthold tenancy” means—

(a) an assured shorthold tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or

(b) an assured shorthold tenancy under which the landlord is a registered social landlord;

and for these purposes “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.”.

**98.**—(1) Section 143C (demoted tenancy: change of landlord) is amended as follows.

(2) In subsection (3) after “landlord is” insert “a private registered provider of social housing,”.

(3) For subsection (4) substitute—

“(4) If the new landlord—

- (a) is neither a private registered provider of social housing nor a registered social landlord, and
  - (b) satisfies the landlord condition,
- the tenancy becomes a secure tenancy.”.

**99.**—(1) Section 153E (injunctions against anti-social behaviour: supplementary) is amended as follows.

(2) In subsection (7) after paragraph (b) insert—

“(ba) a non-profit registered provider of social housing;”.

(3) In subsection (8) for “which is not a registered social landlord” substitute “which does not fall within subsection (7)(ba) or (c)”.

**100.** In section 159(2)(c) (allocation of housing accommodation) after “held by” insert “a private registered provider of social housing or”.

**101.** In section 167(7)(a) (allocation scheme: consultation) after “to every” insert “private registered provider of social housing and”.

**102.** In section 170 (co-operation between registered social landlords and local housing authorities)—

- (a) after “so request, a” insert “private registered provider of social housing or”, and
- (b) in the heading for “registered” substitute “certain”.

**103.** In section 213(2)(a) (co-operation between relevant housing authorities and bodies) after “new town corporation,” insert “a private registered provider of social housing”.

**104.**—(1) Section 218A (anti-social behaviour: landlords’ policies and procedures) is amended as follows.

(2) In subsection (1) after paragraph (b) insert—

“(ba) a non-profit registered provider of social housing;”.

(3) In subsection (7)—

(a) after paragraph (a) insert—

“(aa) by the Regulator of Social Housing in the case of a non-profit registered provider of social housing;”, and

(b) in paragraph (b) for “Relevant Authority” substitute “Welsh Ministers”.

(4) Omit subsection (9).

**105.**—(1) Section 219 (directions as to service charges by certain landlords) is amended as follows.

(2) In subsection (4)—

(a) omit the “or” following paragraph (a), and

(b) after that paragraph insert—

“(aa) a private registered provider of social housing, or”.

(3) After subsection (4) insert—

“(4A) A direction may be given to a social landlord which is a profit-making private registered provider of social housing only in relation to charges relating to its social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008).”.

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

- 106.**—(1) Schedule 1 (registered social landlord: regulation) is amended as follows.
- (2) In paragraph 9(3A)—
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
  - (b) in that paragraph before “, shall be given” insert “under sub-paragraph (3)”.
- (3) In paragraph 11(3A)—
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
  - (b) in that paragraph before “, shall be given” insert “under sub-paragraph (3)”.
- (4) In paragraph 12(6)—
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
  - (b) in that paragraph for “, to consent” substitute “under this paragraph shall be”.
- (5) In paragraph 13(7) —
- (a) for the words from the beginning to the first “given by” in paragraph (b) substitute “Consent given by”, and
  - (b) in that paragraph for “, to consent” substitute “under this paragraph shall be”.
- (6) In paragraph 15 for sub-paragraph (5) substitute—
- “(5) In any other case the Welsh Ministers may dispose of property transferred to them by virtue of this paragraph to a registered social landlord.”.
- (7) In paragraph 20 omit sub-paragraph (3).
- (8) For paragraph 25(1) substitute—
- “(1) A person is disqualified from acting as an officer of a registered social landlord if the person has been removed under—
- (a) paragraph 24(2)(a) (removal for misconduct or mismanagement), or
  - (b) section 260 of the Housing and Regeneration Act 2008, section 30(1)(a) of the Housing Associations Act 1985 or section 20(1)(a) of the Housing Act 1974 (other similar provisions).”.
- (9) In paragraph 27—
- (a) in sub-paragraph (1) omit the second sentence, and
  - (b) in sub-paragraph (4) omit the second sentence.
- 107.** In paragraph 2(2) of Schedule 18 (payments to encourage local housing authority tenants to move to other accommodation) after paragraph (a) (but before the “or” following it) insert—
- “(aa) a private registered provider of social housing;”.

### **Housing Grants, Construction and Regeneration Act 1996**

**108.** In section 95(6) of the Housing Grants, Construction and Regeneration Act 1996<sup>(21)</sup> (parsonages, charities, etc) after “does not include” insert “a private registered provider of social housing or”.

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(21) 1996 c.53.



### **Crime and Disorder Act 1998**

**109.** The Crime and Disorder Act 1998(22) is amended as follows.

**110.**—(1) Section 1 (anti-social behaviour orders) is amended as follows.

(2) In subsection (1A) after paragraph (c) insert—

“(ca) any non-profit registered provider of social housing which provides or manages any houses or hostel in a local government area;”.

(3) In subsection (1B)(d) after “paragraph” insert “(ca),”.

**111.** In section 115(2) (disclosure of information) after paragraph (d) insert—

“(dza) a non-profit registered provider of social housing;”.

### **Government of Wales Act 1998**

**112.** The Government of Wales Act 1998(23) is amended as follows.

**113.**—(1) Section 145C (studies relating to registered social landlords) is amended as follows.

(2) In subsections (1) and (4) omit “in Wales”.

(3) For subsection (9) substitute—

“(9) “Registered social landlord” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.”.

**114.**—(1) Section 145D (advice and assistance for registered social landlords) is amended as follows.

(2) In subsection (1) omit “in Wales”.

(3) For subsection (4) substitute—

“(4) “Registered social landlord” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.”.

**115.**—(1) Section 146A (transfer etc of functions of Welsh Ministers) is amended as follows.

(2) In subsection (1) omit “in Wales”.

(3) In subsection (2)—

(a) for the definition of “registered social landlord in Wales” substitute—

““registered social landlord” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;” and

(b) in the definition of “supervisory functions” omit “in Wales”.

### **Greater London Authority Act 1999**

**116.**—(1) Section 333A of the Greater London Authority Act 1999(24) (London housing strategy) is amended as follows.

(2) In subsection (8)—

(a) after paragraph (a) insert—

(22) 1998 c.37. Sections 1(1A) and (1B) were inserted by section 61 of the Police Reform Act 2002 (c. 30).

(23) 1998 c.38. Section 145C was inserted by section 5 of the Public Audit (Wales) Act 2004 (c. 23). Section 145D was inserted by section 166 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 146A was inserted by section 1 of the Public Audit (Wales) Act 2004.

(24) 1999 c.29. Section 333A was inserted by section 28 of the Greater London Authority Act 2007 (c. 24).

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

- “(ab) the Regulator of Social Housing;”, and
- (b) in paragraph (b) for “registered social landlord” substitute “private registered providers of social housing”.
- (3) In subsection (10) omit the definition of “registered social landlord”.

### **Welfare Reform and Pensions Act 1999**

**117.**—(1) Section 79 of Welfare Reform and Pensions Act 1999<sup>(25)</sup> (measures to reduce under-occupation by housing benefit claimants) is amended as follows.

- (2) In subsection (10) for paragraph (b) (but not the “or” following it) substitute—
  - “(b) an unregistered housing association within the meaning of the Housing Associations Act 1985,
  - (ba) a private registered provider of social housing,
  - (bb) a registered social landlord within the meaning of Part 1 of the Housing Act 1996.”
- (3) After subsection (10) insert—
  - “(10A) But if the payments are to be made to a profit-making private registered provider of social housing the dwelling is in the public or social rented sector for the purposes of this section only if the dwelling is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”.

### **Immigration and Asylum Act 1999**

**118.**—(1) Section 100 of the Immigration and Asylum Act 1999<sup>(26)</sup> (local authority and other assistance for Secretary of State) is amended as follows.

- (2) In subsection (1) after paragraph (a) insert—
  - “(aa) a private registered provider of social housing.”.
- (3) In subsection (3) after “does not require” insert “a private registered provider of social housing or”.

### **Enterprise Act 2002**

**119.** In section 255(3) of the Enterprise Act 2002<sup>(27)</sup> (application of law about company arrangement or administration to non-company) after “which is” insert—

- “—
- (a) a private registered provider of social housing, or
- (b)

### **Anti-social Behaviour Act 2003**

**120.** The Anti-social Behaviour Act 2003<sup>(28)</sup> is amended as follows.

**121.**—(1) Section 25B (parenting contracts in respect of anti-social behaviour: registered social landlords) is amended as follows.

<sup>(25)</sup> 1999 c.30.

<sup>(26)</sup> 1999 c.33.

<sup>(27)</sup> 2002 c.40.

<sup>(28)</sup> 2003 c.38. Section 25B was inserted by section 23 of the Police and Justice Act 2006 (c. 48). Sections 26B and 26C were inserted by section 24 of the Police and Justice Act 2006. Section 27(4A) was inserted by paragraph 55 of Schedule 14 to the Police and Justice Act 2006.

(2) In subsections (1), (2) and (5), for “registered social landlord”, wherever appearing, substitute “relevant housing provider”.

(3) After subsection (1) insert—

“(1A) “Relevant housing provider” means—

- (a) a non-profit registered provider of social housing, or
- (b) a registered social landlord.”

(4) In subsection (7) for paragraph (a) substitute—

“(a) non-profit registered providers of social housing shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;”.

(5) In the heading for “registered social landlords” substitute “relevant housing providers”.

**122.**—(1) Section 26B (parenting orders in respect of anti-social behaviour: registered social landlords) is amended as follows.

(2) For “registered social landlord”, wherever appearing, substitute “relevant housing provider”.

(3) In the heading for “registered social landlords” substitute “relevant housing providers”.

**123.** In section 26C(1) (applications under section 26A or 26B in county court proceedings) for “registered social landlord” substitute “relevant housing provider”.

**124.**—(1) Section 27 (parenting orders: supplemental) is amended as follows.

(2) In subsection (4)—

(a) for paragraph (c) (but not the “and” following it) substitute—

“(c) private registered providers of social housing,”, and

(b) in paragraph (d) for “registered social landlords on that register” substitute “private registered providers of social housing”.

(3) In subsection (4A)—

(a) for paragraph (b) (but not the “and” following it) substitute—

“(b) registered social landlords,”, and

(b) in paragraph (c) for “registered social landlords on that register” substitute “registered social landlords”.

**125.**—(1) Section 29(1) (interpretation) is amended as follows.

(2) For the definition of “housing management functions” substitute—

““housing management functions”, in relation to a relevant housing provider, include—

(a) functions conferred by or under any enactment;

(b) the powers and duties of the relevant housing provider as the holder of an estate or interest in housing accommodation,”.

(3) At the appropriate place insert—

““relevant housing provider” has the meaning given by section 25B(1A),”.

### **Criminal Justice Act 2003**

**126.** In section 325(6)(e) of the Criminal Justice Act 2003(**29**) (arrangements for assessing etc risks posed by certain offenders) after “every” insert “private registered provider of social housing or”.

### **Children Act 2004**

**127.** The Children Act 2004(**30**) is amended as follows.

**128.** In section 12(8) (information databases) after paragraph (c) insert—

“(ca) a private registered provider of social housing;”.

**129.** In section 29(8)(d) (information databases: Wales) after “registered social landlord” insert “or private registered provider of social housing”.

### **Housing Act 2004**

**130.** The Housing Act 2004(**31**) is amended as follows.

**131.** In section 79(3) (licensing of houses to which Part 3 applies: exempt tenancies) after “if” insert—

“—

- (a) it is granted by a non-profit registered provider of social housing,
- (b) it is granted by a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or
- (c)

**132.** In section 80(6) (designation of selective licensing areas: second set of general conditions) after “does not include” insert “a non-profit registered provider of social housing or”.

**133.—**(1) Schedule 14 (buildings which are not houses in multiple occupation for the purposes of the Act other than Part 1) is amended as follows.

(2) In paragraph 2(1) after paragraph (a) insert—

“(aa) a non-profit registered provider of social housing.”.

(3) After paragraph 2 insert—

“**2A.** A building—

- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
- (b) where the person managing or having control of it is a profit-making registered provider of social housing.”.

### **National Health Service Act 2006**

**134.** In section 256(2) of the National Health Service Act 2006(**32**) (power of Primary Care Trusts to make payments towards expenditure on community services)—

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(29) 2003 c.44.

(30) 2004 c.31.

(31) 2004 c.34.

(32) 2006 c.41.

- (a) before paragraph (a) insert—
  - “(za) a private registered provider of social housing,” and
- (b) for paragraph (e) substitute—
  - “(e) the Regulator of Social Housing.”.

#### **National Health Service (Wales) Act 2006**

**135.** In section 194(2) of the National Health Service (Wales) Act 2006<sup>(33)</sup> (power of Local Health Boards to make payments towards expenditure on community services)—

- (a) after paragraph (a) insert—
  - “(ab) a private registered provider of social housing,” and
- (b) in paragraph (e) for “Housing Corporation” substitute “Regulator of Social Housing”.

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<sup>(33)</sup> 2006 c.42.