

Status: Point in time view as at 06/04/2014.

Changes to legislation: Housing Act 1988, SCHEDULE 7 is up to date with all changes known to be in force on or before 07 July 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 7

Section 62(5).

HOUSING ACTION TRUSTS: CONSTITUTION

Members

- 1 A housing action trust (in this Schedule referred to as a “trust”) shall consist of a chairman and such number of other members (not less than five but not exceeding eleven) as the Secretary of State may from time to time appoint.
- 2 (1) In appointing members of a trust the Secretary of State shall have regard to the desirability of securing the services of persons who live in or have special knowledge of the locality in which the designated area is situated and before appointing any such person as a member he shall consult every local housing authority any part of whose district is included in the designated area.
- (2) Before appointing a person to be a member of a trust the Secretary of State shall satisfy himself that that person will have no financial or other interest likely to affect prejudicially the exercise of his functions as a member; and the Secretary of State may require a person whom he proposes to appoint to give him such information as he considers necessary for that purpose.
- (3) For the purposes of sub-paragraph (2) above, the fact that a person is or may become a tenant of a trust shall not be regarded as giving to that person an interest likely to affect prejudicially the exercise of his functions as a member.
- (4) The Secretary of State shall appoint one of the members to be chairman and, if he thinks fit, another to be deputy chairman of the trust.
- 3 Subject to the following provisions of this Schedule, each member of the trust as such and the chairman and deputy chairman as such shall hold and vacate office in accordance with his appointment.
- 4 If the chairman or deputy chairman ceases to be a member of the trust, he shall also cease to be chairman or deputy chairman, as the case may be.
- 5 Any member of the trust may, by notice in writing addressed to the Secretary of State, resign his membership; and the chairman or deputy chairman may, by like notice, resign his office as such.
- 6 If the Secretary of State is satisfied that a member of the trust (including the chairman or deputy chairman)—
- (a) has become bankrupt or made an arrangement with his creditors [^{F1}or has had a debt relief order (under Part 7A of the Insolvency Act 1986) made in respect of him], or
 - (b) has been absent from meetings of the trust for a period longer than three consecutive months without the permission of the trust, or
 - (c) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

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the Secretary of State may remove him from his office.

Textual Amendments

F1 Words in Sch. 7 para. 6(a) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, Sch. 2 para. 25 (with art. 5)

7 A member of the trust who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for reappointment.

Remuneration

8 The trust may pay to each member such remuneration and allowances as the Secretary of State may ^{F2} . . . determine.

Textual Amendments

F2 Words in Sch. 7 para. 8 repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, Sch. 18 Pt. IV para. 22(1)(e) (3), Sch. 19 Pt. XIII; S.I. 1996/2402, art. 3 (subject to transitional provisions in Sch.)

9 The trust may pay or make provision for paying, to or in respect of any member, such sums by way of pensions, allowances and gratuities as the Secretary of State may ^{F3} . . . determine and, ^{F3} . . . , the Secretary of State may undertake to meet any liabilities arising in respect of such pensions, allowances or gratuities after the dissolution of the trust.

Textual Amendments

F3 Words in Sch. 7 para. 9 repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, Sch. 18 Pt. IV para. 22(1)(e) (3), Sch. 19 Pt. XIII; S.I. 1996/2402, art. 3 (subject to transitional provisions in Sch.)

10 Where a person ceases to be a member of a trust and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the trust may make to him payment of such amount as the Secretary of State may ^{F4} . . . determine.

Textual Amendments

F4 Words in Sch. 7 para. 10 repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, Sch. 18 Pt. IV para. 22(1)(e) (3), Sch. 19 Pt. XIII; S.I. 1996/2402, art. 3 (subject to transitional provisions in Sch.)

Staff

11 (1) There shall be a chief officer of the trust who shall be appointed by the trust with the approval of the Secretary of State.

(2) The chief officer shall be responsible to the trust for the general exercise of the trust's functions.

(3) The trust may appoint such number of other employees as may be approved by the Secretary of State.

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- (4) References in paragraph 12 below to employees of the trust include references to the chief officer as well as other employees.
- 12 (1) Employees of the trust shall be appointed at such remuneration and on such other terms and conditions as the trust may determine.
- (2) The trust may pay such pensions, allowances or gratuities as it may determine to or in respect of any of its employees, make such payments as it may determine towards the provision of pensions, allowances or gratuities to or in respect of any of its employees or provide and maintain such schemes as it may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of its employees; and ^{F5} . . . the Secretary of State may undertake to meet any liabilities arising in respect of such pensions, allowances or gratuities after the dissolution of the trust.
- (3) The reference in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of any of the trust's employees includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the trust's employees who suffer loss of office or employment or loss or diminution of emoluments.
- (4) If an employee of the trust becomes a member and was by reference to his employment by the trust a participant in a pension scheme maintained by the trust for the benefit of any of its employees, the trust may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the trust whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 9 above.
- (5) A determination of the trust for the purposes of this paragraph is ineffective unless made with the approval of the Secretary of State ^{F5} . . .

Textual Amendments

- F5** Words in [Sch. 7 para. 12\(2\)\(5\)](#) repealed (1.10.1996) by [1996 c. 52, ss. 222, 227](#), [Sch. 18 Pt. IV para. 22\(1\)\(e\)\(3\)](#); [S.I. 1996/2402, art. 3](#) (subject to transitional provisions in [Sch.](#))

Meetings and proceedings

- 13 The quorum of the trust and the arrangements relating to its meetings shall, subject to any directions given by the Secretary of State, be such as the trust may determine.
- 14 The validity of any proceedings of the trust shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

Instruments, etc.

- 15 The fixing of the seal of the trust shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the trust to act for that purpose.
- 16 Any document purporting to be a document duly executed under the seal of the trust shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

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- 17 A document purporting to be signed on behalf of a trust shall be received in evidence and shall, unless the contrary is proved, be deemed to be so signed.

House of Commons disqualification

- 18 In Part III of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place the following entry— “ Any member, in receipt of remuneration, of a housing action trust (within the meaning of Part III of the Housing Act 1988). ”

Marginal Citations

M1 1975 c. 24.

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