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## SCHEDULES

### SCHEDULE 16

Section 140.

#### HOUSING FOR WALES

##### Commencement Information

**II** Sch. 16 in force at 1.11.1998 by S.I. 1998/2244, art. 5

*The Friendly and Industrial and Provident Societies Act 1968 (c.55)*

- 1 In section 4A(3)(b) of the Friendly and Industrial and Provident Societies Act 1968 (societies to which power to disapply section 4 does not apply), for “Housing for Wales” substitute “the Secretary of State”.

*The Protection from Eviction Act 1977 (c.43)*

- 2 In section 3A(8) of the Protection from Eviction Act 1977 (excluded licences)—
- (a) in paragraph (g), omit “or Housing for Wales”, and
  - (b) after that paragraph insert—
    - “(ga) the Secretary of State under section 89 of the <sup>M1</sup>Housing Associations Act 1985;”.

##### Marginal Citations

**M1** 1985 c. 69.

*The Criminal Law Act 1977 (c.45)*

- 3 (1) Section 12A of the Criminal Law Act 1977 (protected intending occupiers) is amended as follows.
- (2) In subsection (7), omit “(c) Housing for Wales;”.
- (3) After that subsection insert—

“(7A) Subsection (6) also applies to the Secretary of State if the tenancy or licence is granted by him under Part III of the <sup>M2</sup>Housing Associations Act 1985.”

##### Marginal Citations

**M2** 1985 c. 69.

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*The Housing Act 1985 (c.68)*

- 4 The Housing Act 1985 has effect subject to the following amendments.
- 5 Subject to the following provisions, in each place (except in the phrases “Housing Corporation”, “the Income and Corporation Taxes Act 1988” and “British Coal Corporation”), for “Corporation” substitute “ Relevant Authority ”.
- 6 In section 5(4)(b) (meaning of “registered social landlord”), for “Housing for Wales” substitute “ the Secretary of State ”.
- 7 In section 6A(1) and (2) (interpretation), for “Housing for Wales” substitute “ the Secretary of State ”.
- 8 (1) Section 45 (definition of “public sector authority”) is amended as follows.
- (2) In subsection (2), for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
- (3) After that subsection insert—
- “(2A) In subsection (1)(a) “public sector authority” also includes the Secretary of State if the freehold has been conveyed by him (or Housing for Wales) under section 90 of the <sup>M3</sup>Housing Associations Act 1985.”

**Marginal Citations**

M3 1985 c. 69.

- 9 In section 57 (index of defined expressions), omit the entry relating to “the Corporation”.
- 10 In section 92(2A)(a) (assignments by way of exchange), omit “Housing for Wales,”.
- 11 In section 117 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
- (b) after the entry relating to “registered social landlord” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 12 In section 157(4) (restriction on disposal of dwelling-houses in National Parks etc.), after “association” insert “ within section 6A(3) or (4) ”.
- 13 In section 171(2) (power to extend right to buy etc.), for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
- 14 In section 188 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
- (b) after the entry relating to “regular armed forces of the Crown” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 15 (1) Section 429A (housing management: financial assistance) is amended as follows.
- (2) In subsection (2A), omit paragraph (b).

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(3) After that subsection insert—

“(2B) The reference in subsection (2)(a) to a body within subsection (2A) includes the Secretary of State if he has the interest as the result of the exercise by him (or Housing for Wales) of functions under Part III of the <sup>M4</sup>Housing Associations Act 1985.”

**Marginal Citations**

**M4** 1985 c. 69.

16 In section 450A (loans for service charges in right to buy cases), after subsection (1) insert—

“(1A) But, except for cases where he is the landlord as the result of the exercise by him (or Housing for Wales) of functions under Part III of the <sup>M5</sup>Housing Associations Act 1985, the regulations may not contain provision for cases where the Secretary of State is the landlord.”

**Marginal Citations**

**M5** 1985 c. 69.

17 (1) Section 450B (loans for service charges) shall be amended as follows.

(2) After subsection (1) insert—

“(1A) But, except for cases where he is the landlord as the result of the exercise by him (or Housing for Wales) of functions under Part III of the <sup>M6</sup>Housing Associations Act 1985, the regulations may not contain provision for cases where the Secretary of State is the landlord.”

(3) After subsection (3) insert—

“(3A) For the purposes of this section a long lease granted or assigned by the Secretary of State shall only be taken to have been granted or assigned by a housing authority if the Secretary of State granted or assigned it in exercise of his powers under section 90 of the <sup>M7</sup>Housing Associations Act 1985.”

**Marginal Citations**

**M6** 1985 c. 69.

**M7** 1985 c. 69.

18 (1) Section 458 (definitions) is amended as follows.

(2) That section is renumbered as subsection (1) of that section and in that subsection, in the definition of “housing authority”, after “includes” insert “ (subject to subsection (2)) ”.

(3) After that subsection insert—

“(2) In section 444 “housing authority” does not include the Secretary of State unless the interest in the house is or was acquired on a disposal by him

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under section 90 of the <sup>M8</sup>Housing Associations Act 1985; and in section 452 “housing authority” does not include the Secretary of State unless the disposal was under that section 90.”

**Marginal Citations**

**M8** 1985 c. 69.

- 19 In section 459 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
  - (b) after the entry relating to “registered social landlord” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 20 In section 577 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
  - (b) after the entry relating to “reinstatement grant” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 21 (1) Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) is amended as follows.
- (2) In Ground 10A in Part II, for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
  - (3) In paragraph 6 of Part V, for “registered social landlord, the Corporation, and not the Secretary of State,” substitute “ social landlord registered in the register maintained by the Housing Corporation under section 1 of the <sup>M9</sup>Housing Act 1996 or a housing association registered in the register maintained by Scottish Homes under section 3 of the <sup>M10</sup>Housing Associations Act 1985, the Housing Corporation, or Scottish Homes, (and not the Secretary of State) ”.

**Marginal Citations**

**M9** 1996 c. 52.

**M10** 1985 c. 69.

- 22 In paragraph 7(1) of Schedule 4 (landlords for the purposes of right to buy etc.), for “Corporation” substitute “ Housing Corporation or Housing for Wales ”.

*The Housing Associations Act 1985 (c.69)*

- 23 The Housing Associations Act 1985 has effect subject to the following amendments.
- 24 (1) Section 9 (control of dispositions of grant-aided land by unregistered housing associations) is amended as follows.
- (2) In subsection (1A)(c), for “Housing for Wales” substitute “ the Secretary of State ”.

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- (3) In subsection (6)—
- (a) omit “or Housing for Wales”, and
  - (b) before “Scottish Homes” insert “ the Secretary of State or ”.
- 25 In section 10(1)(c) (requirement that Charity Commissioners consult before making certain orders), for “Housing for Wales” substitute “ the Secretary of State ”.
- 26 In section 33A (provision of services between the Housing Corporation, Housing for Wales and Scottish Homes), for “bodies, that is to say, the Housing Corporation, Housing for Wales” substitute “ , that is to say, the Housing Corporation, the Secretary of State ”.
- 27 (1) Section 69 (power to vary or terminate certain agreements with housing associations) is amended as follows.
- (2) In subsection (1)(a), after “Housing for Wales” insert “ and then to the Secretary of State ”.
- (3) In subsection (2)—
- (a) for “On the application of a party to an agreement to which this section applies, the Secretary of State” substitute “ If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he ”, and
  - (b) at the end (but not as part of paragraph (b)) insert— “ and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated. ”
- (4) In subsection (2A)—
- (a) after “Housing for Wales”, in the first place, insert “ and then to the Secretary of State ”, and
  - (b) for “Housing for Wales”, in the second place, substitute “ the Secretary of State ”.
- 28 Subject to the following provisions, in each place in Part III (including headings and sidenotes) except in Schedule 6 and the phrase “Housing Corporation”—
- (a) for “Corporation” substitute “ Relevant Authority ”, and
  - (b) for “Corporation’s” substitute “ Relevant Authority’s ”.
- 29 (1) Section 74 (interpretation) is amended as follows.
- (2) In subsection (1), for “, and Housing for Wales, each of which” substitute “and the Secretary of State.
- (1A) Each of them”.
- (3) In subsection (4)(a), for “Housing for Wales” substitute “ the Secretary of State ”.

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### Textual Amendments

**F1** Sch. 16 para. 30 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1) (subject to art. 2(2))

- 31 In section 76(1), (2) and (4) (directions by the Secretary of State), for “Corporation” substitute “ Housing Corporation ”.
- 32 (1) Section 76A (realisation of value of Corporation’s loans portfolio) is amended as follows.
- (2) In subsections (1), (2) and (4), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- (3) In subsection (3) (and in the sidenote), for “Corporation’s” (in each place) substitute “ Housing Corporation’s ”.
- 33 In section 77(3) (joint provision of advisory service by Housing Corporation and Housing for Wales), for “Housing for Wales” substitute “ the Secretary of State ”.
- 34 In section 78(1) (annual report), for “Corporation” substitute “ Housing Corporation ”.
- 35 (1) Section 79 (lending powers) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “ (1) The Relevant Authority may lend to a registered social landlord or an unregistered self-build society, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest, for the purpose of enabling the body to meet the whole or part of expenditure incurred or to be incurred by it in carrying out its objects.
- (2) The Relevant Authority may lend to an individual for the purpose of enabling him to acquire from—
- (a) the Relevant Authority, or
- (b) any body to which the Relevant Authority may lend under subsection (1),
- a legal estate or interest in a dwelling which he intends to occupy.”
- (3) In subsection (4), after “and” insert “ (in the case of a loan by the Housing Corporation) ”.
- 36 (1) Section 80 (security for loans to unregistered self-build societies) is amended as follows.
- (2) In subsection (1), omit “, with the written consent of the Secretary of State,”.

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- (3) In subsection (3), omit “given with the like consent”.
- (4) After that subsection insert—
- “(3A) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”
- (5) In subsection (4), for the words from “consent” to “or to” substitute “ give directions under this section requiring a society to transfer its interest in land to him or any other person, and shall not consent to the Housing Corporation’s giving such directions requiring a society to transfer its interest in land to the Housing Corporation or ”.
- 37 (1) Section 83 (power to guarantee loans) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Relevant Authority 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; and the Housing Corporation may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by other bodies in which it holds an interest.”
- (3) After that subsection insert—
- “(1A) The consent of the Secretary of State given with the approval of the Treasury is required for the giving of a guarantee by the Housing Corporation and the approval of the Treasury is required for the giving of a guarantee by the Secretary of State.”
- (4) In subsection (3A), for “Housing for Wales” (in each place) substitute “ the Secretary of State (or Housing for Wales) ”.
- 38 (1) Section 84 (agreements to indemnify certain lenders) is amended as follows.
- (2) In subsection (1), omit “, with the approval of the Secretary of State,”.
- (3) In subsection (4), for “Secretary of State” substitute “ Housing Corporation may not enter into an agreement without the approval of the Secretary of State who ”.
- (4) In subsection (5), after “approval” insert “ and before himself entering into an agreement in a form about which he has not previously consulted under this subsection ”.
- 39 In section 85(4) (meaning of “relevant advance”)—
- (a) for “Corporation” substitute “ Housing Corporation ”, and
- (b) at the end (but not as part of the list) insert— “ or an advance made to such a person by the Secretary of State if the conveyance, assignment or grant was made under section 90. ”
- 40 In section 87(2) (ways in which financial assistance under the section may be given), after “giving any form of financial assistance” insert “ under this section ”.

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- 41 In section 88(1) (acquisition of land), for “may be authorised by the Secretary of State to” substitute “ the Housing Corporation may be authorised by the Secretary of State to, and the Secretary of State may, ”.
- 42 (1) Section 90 (disposal of land) is amended as follows.
- (2) In subsection (1), for the words “(ancillary development)” onwards substitute “ (ancillary development) to a registered social landlord or an unregistered self-build society; and the Housing Corporation may dispose of such land to any of its subsidiaries or to any other body in which it holds an interest. ”
- (3) In subsection (2), for the words following “new town corporation” substitute “, or  
Scottish Homes;  
and the Housing Corporation may dispose of any such land to any of its subsidiaries. ”
- (4) In subsection (3), after “acquired” insert “ by the Housing Corporation ”.
- (5) In subsection (4), after “disposed of” insert “ by the Housing Corporation ”.
- (6) In subsection (5)—
- (a) in paragraph (a) (in both places) and in the words following paragraph (b), for “Corporation” substitute “ Housing Corporation ”, and
- (b) in paragraph (b), after “disposed of” insert “ by the Housing Corporation ”.
- (7) In subsection (6), for “Corporation” substitute “ Housing Corporation ”.
- 43 In section 91 (protection of persons deriving title under transactions requiring consent), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- 44 In section 92 (borrowing powers), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- 45 (1) Section 93 (limit on borrowing) is amended as follows.
- (2) In subsections (1), (4) and (5), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- (3) In subsection (2)—
- (a) for “Corporation”, in each place other than the last, substitute “ Housing Corporation ”, and
- (b) for “appropriate to the Corporation” substitute “ specified ”.
- (4) In subsection (2A), omit—
- (a) “in the case of the Housing Corporation,”, and
- (b) paragraph (b) and the word “and” preceding it.



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- 46 In section 94(1) and (4) (Treasury guarantees of borrowing), for “Corporation” substitute “Housing Corporation”.
- 47 In section 95 (grants by Secretary of State), in subsection (1) (and in the side-note) for “Corporation” (in each place) substitute “Housing Corporation”.
- 48 (1) Section 96 (general financial provisions) is amended as follows.  
(2) In subsections (1), (2), (3) and (4), for “Corporation” (in each place) substitute “Housing Corporation”.  
(3) In subsections (3) and (4), for “Corporation’s” substitute “Housing Corporation’s”.
- 49 In section 97(1), (2), (3) and (4) (accounts), for “Corporation” (in each place) substitute “Housing Corporation”.
- 50 In section 98(1) (acquisition of securities and promotion of body corporate), for “Corporation” substitute “Housing Corporation”.
- 51 In section 99(1) and (2) (control of subsidiaries), for “Corporation” (in each place) substitute “Housing Corporation”.
- 52 In paragraph 6(2)(b) of Part I of Schedule 5 (payments by Secretary of State where dwellings become vested in certain bodies), omit “or Housing for Wales”.
- 53 (1) Schedule 7 (powers exercisable where loan outstanding under section 2 of the <sup>M11</sup>Housing Act 1964) is amended as follows.  
(2) In paragraph 2—  
(a) in sub-paragraph (1), omit “, with the consent in writing of the Secretary of State,”,  
(b) in sub-paragraph (2), omit “given with the like consent”, and  
(c) after that sub-paragraph insert—  
“(3) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”  
(3) In paragraph 3—  
(a) for “Corporation” (in both places) substitute “Housing Corporation”, and  
(b) at the end insert “; and the Secretary of State shall not give a housing association directions under paragraph 2 unless he at the same time makes, or has previously made, such a scheme.”  
(4) Paragraph 4 shall be renumbered as sub-paragraph (1) of that paragraph and—  
(a) in that sub-paragraph, for “Corporation” (in both places) substitute “Housing Corporation”, and  
(b) after that sub-paragraph insert—

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“(2) The Secretary of State shall not give to such an association directions under paragraph 2 requiring the association to transfer any land to the Secretary of State, or to any other person, unless he is so satisfied.”

(5) In paragraph 5—

- (a) in sub-paragraph (1), for “Corporation” (in both places) substitute “Housing Corporation”,
- (b) after that sub-paragraph insert—

“(1A) If it so appears to the Secretary of State, he may make a scheme.”,

- (c) in sub-paragraphs (3), (4) and (5), for “Corporation” substitute “Housing Corporation”, and
- (d) after sub-paragraph (5) insert—

“(6) Where the Secretary of State makes the scheme, he shall have power to acquire for the purposes of the scheme the association’s interest in the land and to carry through the provisions of the scheme.”

**Marginal Citations**  
M11 1964 c. 56.

*The Income and Corporation Taxes Act 1988 (c.1)*

54 The Income and Corporation Taxes Act 1988 has effect subject to the following amendments.

55 In section 376(4) (qualifying lenders), for paragraph (ka) substitute—

“(ka) the Secretary of State if the loan is made by him under section 79 of the <sup>M12</sup>Housing Associations Act 1985;”.

**Marginal Citations**  
M12 1985 c. 69.

56 In section 488(7A) (co-operative housing associations), omit paragraph (b) and the word “and” preceding it.

57 In section 489(5A) (self-build societies), omit paragraph (b) and the word “and” preceding it.

58 F2 .....

**Textual Amendments**  
F2 Sch. 16 para. 58 repealed (22.7.2004) by Finance Act 2004 (c. 12), ss. 326, Sch. 42 Pt. 2(7)

*The Housing Act 1988 (c.50)*

59 The Housing Act 1988 has effect subject to the following amendments.

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- 60 In section 35(5) (protected and statutory tenancies not prevented from being housing association tenancies or secure tenancies where landlord interest becomes held by certain bodies), for “, the Housing Corporation or Housing for Wales” substitute “ or the Housing Corporation ”.
- 61 (1) Subject to the following provisions, in each place in Part II (including headings) except in the phrases “Housing Corporation” and “the Income and Corporation Taxes Act 1988”, for “Corporation” substitute “ Relevant Authority ”.
- (2) Sub-paragraph (1) and paragraphs 64 to 66 extend only to England and Wales.
- 62 Omit section 46 (Housing for Wales).
- 63 Omit section 47 (transfer to Housing for Wales of regulation etc. of housing associations based in Wales).
- 64 (1) Section 50 (housing association grants applied for before the commencement of section 28(1) of the <sup>M13</sup>Housing Act 1996) is amended as follows.
- (2) For subsection (5) (approval required for appointment of local housing authority as agent) substitute—
- “(5) In subsection (4) above “the appropriate approval” means—
- (a) if the appointment is made by the Housing Corporation, the approval of the Secretary of State given with the consent of the Treasury, and
- (b) if the appointment is made by the Secretary of State, the consent of the Treasury.”
- (3) In subsection (8) (agreements between the Housing Corporation and Housing for Wales)—
- (a) for “Housing for Wales” substitute “ the Secretary of State ”, and
- (b) for “two Corporations” substitute “ Housing Corporation and the Secretary of State ”.

**Marginal Citations**

M13 1996 c. 52.

- 65 In section 53(2) (general determinations by the Corporation only to be made with approval of Secretary of State), for “Corporation” substitute “ Housing Corporation ”.
- 66 In section 57 (delegation of functions by Secretary of State)—
- (a) for “Corporation” substitute “ Housing Corporation ”,
- (b) after “functions” insert “ , so far as they relate to English registered social landlords, ”, and
- (c) at the end insert—

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“In this section “English registered social landlords” means social landlords registered in the register maintained by the Housing Corporation under section 1 of the <sup>M14</sup>Housing Act 1996.”

#### Marginal Citations

M14 1996 c. 52.

- 67 In section 59(2) (introduction of Schedule 6)—
- (a) in paragraph (b), omit “the establishment by this Part of this Act of Housing for Wales and”, and
  - (b) in paragraph (c), for “other” substitute “ the ”.
- 68 In section 81 (consent of Secretary of State to certain subsequent disposals of houses disposed of by housing action trusts)—
- (a) in subsection (6), for “Corporation” (in both places) substitute “ Housing Corporation ”, and
  - (b) in subsection (7), for “in accordance with subsection (6) above” substitute “ under this section ”.
- 69 (1) Section 82 (legal assistance to tenants) is amended as follows.
- (2) In subsections (2), (3) and (4) (and in the side-note), for “Corporation” (in each place) substitute “ Relevant Authority ”.
- (3) In subsection (5)—
- (a) for “Corporation”, in the first and second places, substitute “ Relevant Authority ”, and
  - (b) for “which Corporation that is” substitute “ whether that is the Housing Corporation or the Secretary of State ”.
- 70 Omit section 92(2) (meaning of “the Corporation” in Part III).
- 71 In section 133 (consent of Secretary of State to certain subsequent disposals of houses disposed of by local authorities)—
- (a) in subsection (6), omit “or Housing for Wales”, and
  - (b) in subsection (7), for “in accordance with subsection (6) above” substitute “ under this section ”.
- 72 In section 140(1) (amendments), omit the words “and in that Schedule” onwards.
- 73 Omit Schedule 5 (constitution etc. of Housing for Wales).

#### *The Local Government and Housing Act 1989 (c.42)*

- 74 The Local Government and Housing Act 1989 has effect subject to the following amendments.
- 75 In section 172(2)(b) (transfer of new town housing stock), omit “or Housing for Wales”.
- 76 (1) Section 173 (consent required for subsequent disposals) is amended as follows.

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- (2) In subsection (6), omit “or Housing for Wales”.
- (3) In subsection (7), for “in accordance with subsection (6) above” substitute “ under this section ”.

*The Taxation of Chargeable Gains Act 1992 (c.12)*

- 77 The Taxation of Chargeable Gains Act 1992 has effect subject to the following amendments.
- 78 In section 218(3) (disposals between Housing for Wales and certain housing associations), for “ “Housing for Wales” ” substitute “ “the Secretary of State” ”.
- 79 In section 219(2) (disposals by Housing for Wales etc. and certain housing associations), for “ “Housing for Wales” ” substitute “ “the Secretary of State” ”.
- 80 In the heading preceding section 218 and in the sidenotes of that section and section 219, for “Housing for Wales” substitute “ the Secretary of State ”.

*The Housing Act 1996 (c.52)*

- 81 Part I of the Housing Act 1996 has effect subject to the following amendments.
- 82 (1) Subject to the following provisions, in each place (including headings and sidenotes) except in the phrase “Housing Corporation”—
  - (a) for “Corporation” substitute “ Relevant Authority ”, and
  - (b) for “Corporation’s” substitute “ Relevant Authority’s ”.
- (2) Sub-paragraph (1) does not apply to Schedule 3.
- 83 (1) Section 1 (register of social landlords) is amended as follows.
  - (2) In subsection (1), omit “at the head office of the Corporation”.
  - (3) After that subsection insert—
    - “(1A) In this Part “the Relevant Authority” means the Housing Corporation or the Secretary of State, as provided by section 56.
    - (1B) The register maintained by the Housing Corporation shall be maintained at its head office.”
  - (4) Omit subsection (2).
- 84 (1) Section 9 (Corporation’s consent required for disposal of land by registered social landlord) is amended as follows.
  - (2) In subsection (1), omit “, given by order under the seal of the Corporation,”.
  - (3) After that subsection insert—
    - “(1A) The consent—
      - (a) if given by the Housing Corporation, shall be given by order under its seal, and
      - (b) if given by the Secretary of State, shall be given by order in writing.”

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- 85 (1) Section 18 (social housing grants) is amended as follows.
- (2) For subsection (5) substitute—
- “(5) The appointment—
- (a) if made by the Housing Corporation, shall be on such terms as the Housing Corporation may, with the approval of the Secretary of State given with the consent of the Treasury, specify, and
- (b) if made by the Secretary of State, shall be on such terms as the Secretary of State may, with the consent of the Treasury, specify;
- and, in either case, the authority shall act in accordance with those terms.”
- (3) In subsection (8)—
- (a) for “Housing for Wales” substitute “ the Secretary of State ”, and
- (b) for “two Corporations” substitute “ Housing Corporation and the Secretary of State ”.
- 86 For section 30(5) (notices requiring giving of information or production of documents) substitute—
- “(5) A notice under this section—
- (a) if given by the Housing Corporation, shall be given under its seal, and
- (b) if given by the Secretary of State, shall be given in writing.”
- 87 For section 36(3) and (4) (issue of guidance about management of housing accommodation) substitute—
- “(3) Before issuing any guidance under this section the Relevant Authority shall consult such bodies appearing to the Relevant Authority to be representative of registered social landlords as the Relevant Authority considers appropriate; and where the Relevant Authority issues guidance under this section it shall be issued in such manner as the Relevant Authority considers appropriate for bringing it to the notice of the landlords concerned.
- (4) The Housing Corporation shall not issue guidance under this section unless—
- (a) it has been submitted in draft to the Secretary of State for his approval, and
- (b) the Secretary of State has given his approval to the draft.”
- 88 (1) Section 46 (appointment of manager to implement agreed proposals) is amended as follows.
- (2) In subsections (1) and (6), omit “under its seal”.
- (3) After subsection (6) insert—
- “(7) An order under this section—
- (a) if made by the Housing Corporation, shall be made under its seal, and
- (b) if made by the Secretary of State, shall be made in writing.”

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- 89 In section 49(3) (forms of assistance which require consent of Secretary of State), for “following forms of assistance require” substitute “ giving by the Housing Corporation of the following forms of assistance requires ”.
- 90 In section 51(2) (the bodies that are social landlords for the purposes of having complaints against them investigated by a housing ombudsman)—
- (a) in paragraph (a), after “registered social landlord” insert “ or a body which was at any time a registered social landlord ”, and
  - (b) in paragraph (d), for “Corporation” substitute “ Housing Corporation, or with Housing for Wales, ”.
- 91 In section 52(1) (provisions about powers of Secretary of State to make orders), for “this Part” substitute “ section 2, 17, 39, 51 or 55 or Schedule 2 ”.
- 92 In section 53(1), (4) and (5) (provisions about determinations), for “Corporation” substitute “ Housing Corporation ”.
- 93 In section 54 (determinations requiring the Secretary of State’s approval), for “Corporation” substitute “ Housing Corporation ”.
- 94 In section 56(1), (2) and (4) (definitions), for “Housing for Wales” substitute “ the Secretary of State ”.
- 95 In section 64 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
  - (b) after the entry relating to “registrar of companies” insert—
- 
- |                         |              |
|-------------------------|--------------|
| “the Relevant Authority | section 56”. |
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- 96 (1) Schedule 1 (regulation of registered social landlords) is amended as follows.
- (2) In paragraphs 9 and 11—
- (a) in sub-paragraph (3), omit “given by order under the seal of the Corporation”, and
  - (b) after that sub-paragraph insert—
- “(3A) Consent under sub-paragraph (3)—
- (a) if given by the Housing Corporation, shall be given by order under its seal, and
  - (b) if given by the Secretary of State, shall be given by order in writing.”
- (3) In paragraphs 12(6) and 13(7), for “are to consent given by order under the seal of the Corporation” substitute “are—
- (a) if it is given by the Housing Corporation, to consent given by order under its seal, and

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- (b) if it is given by the Secretary of State, to consent given by order in writing.”
- (4) For paragraph 15(5) substitute—
- “(5) In any other case—
- (a) the Relevant Authority may dispose of property transferred to it by virtue of this paragraph to a registered social landlord, and
- (b) the Housing Corporation may dispose of property transferred to it by virtue of this paragraph to any of its subsidiaries.”
- (5) In paragraph 20(3)—
- (a) after “appointed”, in the first place, insert “ by the Housing Corporation to conduct an inquiry ”,
- (b) for “Corporation” substitute “ Housing Corporation ”, and
- (c) before “appointed”, in the second place, insert “ so ”.
- (6) In paragraph 27(1)—
- (a) omit “, with the consent of the Secretary of State,”, and
- (b) at the end insert—
- “The consent of the Secretary of State is required for the giving of directions by the Housing Corporation.”
- (7) In paragraph 27(4), for “The consent” substitute “ If the transfer is directed by the Housing Corporation, the consent ”.
- (8) In paragraph 28(2), in the entry relating to section 79 of the <sup>M15</sup>Housing Associations Act 1985, for “Housing Corporation” substitute “ Relevant Authority ”.

#### Marginal Citations

M15 1985 c. 69.

- 97 (1) Schedule 2 (social rented sector: housing complaints) is amended as follows.
- (2) In paragraph 6(2), for “Corporation” (in both places) substitute “ Housing Corporation ”.
- (3) In paragraph 11(4), for “Corporation” (in both places) substitute “ Housing Corporation ”.

#### *The Audit Commission Act 1998 (c.18)*

- 98 The Audit Commission Act 1998 has effect subject to the following amendments.
- 99 (1) Section 40 (power of Secretary of State to direct carrying out of programme agreed between the Corporation and the Audit Commission) is amended as follows.
- (2) In subsection (1), for “Corporation” substitute “ Relevant Authority ”.
- (3) In subsection (2), for “Corporation” substitute “ Housing Corporation ”.
- (4) <sup>F3</sup> .....



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(5) In subsections (4) and (6), for “Corporation” (in each place) substitute “ Relevant Authority ”.

#### Textual Amendments

**F3** Sch. 16 para. 99(4) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 72, 73, Sch. 4; S.I. 2005/558, art. 2 {Sch. 1} (subject to Sch. 2)

- 100 In section 41(1) and (4) (provisions supplementary to section 40), for “Corporation” substitute “ Relevant Authority ”.
- 101 In section 42 (functions of Audit Commission in relation to accounts of registered social landlords), for “Corporation” (in each place) substitute “ Relevant Authority ”.
- 102 In section 43 (interpretation), for “Corporation” substitute “ Relevant Authority ”.

**Status:**

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