



# Housing and Regeneration Act 2008

## CHAPTER 17

### HOUSING AND REGENERATION ACT 2008

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### *Membership*

- 1 (1) The HCA is to consist of such number of...

### *Terms of appointment of members*

- 2 (1) Subject as follows, a member of the HCA holds...

### *Remuneration etc: members*

- 3 (1) The HCA may pay to its members such remuneration...

### *Staff*

- 4 (1) The HCA must appoint a person to be chief...

### *Financial provision*

- 5 (1) The Secretary of State may make payments to the...

### *Committees*

- 6 (1) The HCA may establish one or more committees.

### *Procedure and members' interests*

- 7 (1) The HCA may, subject to any directions given by...  
8 The validity of proceedings of the HCA, or of any...  
9 (1) A member of the HCA who is directly or...

### *Delegation*

- 10 (1) The HCA may delegate any of its functions to...

### *Reports, accounts etc.*

- 11 (1) For each financial year, the HCA must—  
12 (1) The HCA must keep proper accounts and proper records...  
13 (1) The HCA must provide the Secretary of State with...

### *Supplementary and transitional provisions*

- 14 (1) The application of the seal of the HCA must...  
15 The HCA is not to be regarded—  
16  
17 The Secretary of State (instead of the HCA) may—  
18 The provisions in this Schedule about the HCA's committees and...

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#### *Application of Acquisition of Land Act 1981 (c. 67)*

- 1 (1) The Acquisition of Land Act 1981 applies to the...  
2 (1) Schedule 3 to the Act of 1981 applies to...

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*Extinguishment of private rights of way etc.*

- 3 (1) Sub-paragraph (2) applies where the HCA completes the compulsory...
- 4 The HCA may give a direction before the completion of...
- 5 Paragraph 3(2) is subject to any agreement which may be...
- 6 (1) Paragraph 3(2) does not apply to—
- 7 (1) Any person who suffers loss by the extinguishment of...

*New rights: Compulsory Purchase Act 1965 (c. 56)*

- 8 (1) The Compulsory Purchase Act 1965 applies, with the necessary...

*New rights: specific adaptations of 1965 Act*

- 9 (1) Part 1 of the Act of 1965 applies to...
- 10 Section 7 (measure of compensation) of the Act of 1965...
- 11 Section 8 of the Act of 1965 (which relates to...
- 12 (1) The provisions of the Act of 1965 mentioned in...
- 13 (1) Section 11 of the Act of 1965 (powers of...
- 14 Section 20 of the Act of 1965 (compensation for short-term...
- 15 Section 22 of the Act of 1965 (protection of acquiring...

*New rights: compensation*

- 16 (1) The enactments relating to compensation for the compulsory purchase...
- Part 2 — ACQUISITION BY AGREEMENT
- 17 (1) The provisions of Part 1 of the Compulsory Purchase...

SCHEDULE 3 — Main powers in relation to land of the HCA  
Part 1 — POWERS TO OVERRIDE EASEMENTS ETC.

*Powers to override easements etc. in undertaking works or using land*

- 1 (1) The HCA or any other person may undertake any...

*Compensation for overridden easements etc.*

- 2 (1) Compensation is payable under section 7 or 10 of...
- Part 2 — POWERS TO EXTINGUISH PUBLIC RIGHTS OF WAY

*Powers of Secretary of State to extinguish public rights of way by order*

- 3 The Secretary of State may by order extinguish any public...

*Notification of proposal to make order*

- 4 (1) This paragraph applies if the Secretary of State is...

*Duty to consider objections*

- 5 (1) The Secretary of State must proceed under paragraph 6...
- 6 (1) The Secretary of State must, before making a final...

*Duty to give opportunity to appear*

- 7 (1) The Secretary of State must, before making a final...

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*Power to treat objection as irrelevant*

- 8 The Secretary of State may treat the objection as irrelevant...

*Power to curtail decision-making process*

- 9 The Secretary of State may make a final decision without...

*Power to hold public local inquiry*

- 10 (1) The Secretary of State must cause a public local...

*Orders relating to electronic communications  
apparatus: removal or abandonment of apparatus*

- 11 Paragraphs 12 and 13 apply if— (a) an order under...  
12 (1) The power of the operator of the network to...  
13 (1) The operator of the network may abandon the electronic...  
14 (1) The operator of the network may recover from the...  
15 Electronic communications apparatus, or any part of it, abandoned by...

*Orders relating to electronic communications apparatus: notice requirements*

- 16 (1) The Secretary of State must serve notice on the...

*Supplementary: Part 2*

- 17 The power of the Secretary of State to make orders...  
18 In this Part of this Schedule, in relation to an...

**Part 3 — POWERS IN RELATION TO BURIAL GROUNDS AND CONSECRATED  
LAND ETC.**

*Burial grounds*

- 19 (1) This paragraph applies in relation to any land of...

*Consecrated land other than burial grounds*

- 20 (1) This paragraph applies in relation to any land of...

*Other land connected to religious worship*

- 21 (1) This paragraph applies in relation to any land of...

*Regulations: general*

- 22 (1) Regulations under this Part of this Schedule must secure...

*Regulations about human remains and monuments*

- 23 (1) Regulations under this Part of this Schedule about the...

*Disapplication of faculties*

- 24 (1) No faculty is required for— (a) the removal and...

*Disapplication of section 25 of the Burial Act 1857*

- 25 Section 25 of the Burial Act 1857 (c. 81) (which...

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*Interpretation: Part 3*

26 (1) In this Part of this Schedule— “burial ground” includes...

SCHEDULE 4 — Powers in relation to, and for, statutory undertakers  
Part 1 — EXTINGUISHMENT OR REMOVAL POWERS FOR THE HCA

*Notice for extinguishment of rights of undertakers or for removal of their apparatus*

1 (1) Sub-paragraph (2) applies if— (a) a protected right subsists...

*Counter-notices*

2 (1) Sub-paragraph (2) applies if the HCA serves a notice...

*Effect of unopposed notice*

3 (1) This paragraph applies if— (a) a notice is served...

*Opposed notices and Ministerial orders*

4 (1) This paragraph applies if— (a) a notice is served...

5 (1) Before making an order under paragraph 4(3), the Secretary...

6 (1) This paragraph applies if an order is made under...

*Compensation*

7 (1) Statutory undertakers are entitled to compensation from the HCA...

*Electronic communications*

8 (1) The reference in paragraph 1(1)(a) to a protected right...

Part 2 — POWERS FOR UNDERTAKERS TO CARRY OUT WORKS

*Notices to carry out works*

9 (1) Sub-paragraph (2) applies if— (a) apparatus vested in, or...

*Counter-notices*

10 (1) Sub-paragraph (2) applies if statutory undertakers serve a notice...

*Effect of unopposed notice*

11 (1) This paragraph applies if— (a) a notice is served...

*Opposed notices and Ministerial orders*

12 (1) This paragraph applies if— (a) a notice is served...

*Power to arrange for the works to be done by the HCA*

13 (1) Sub-paragraph (2) applies if statutory undertakers have the right...

*Compensation*

14 (1) Statutory undertakers are entitled to compensation from the HCA...



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*Electronic communications*

- 15 (1) The reference in paragraph 9(1)(a) to apparatus vested in,...
- Part 3 — EXTENSION OR MODIFICATION OF FUNCTIONS OF UNDERTAKERS

*Ministerial order following representations by statutory undertakers*

- 16 (1) The Secretary of State and the appropriate Minister may...

*Ministerial order following representations by the HCA*

- 17 (1) The Secretary of State and the appropriate Minister may...

*Examples of contents of orders*

- 18 (1) An order under paragraph 16 or 17 may, in...

*Notification of proposal to make order*

- 19 (1) Statutory undertakers must, as soon as possible after making...
- 20 (1) The HCA must, as soon as possible after making...

*Duty to consider objections*

- 21 (1) The Secretary of State and the appropriate Minister must...
- 22 (1) The Secretary of State and the appropriate Minister must,...

*Duty to give opportunity to appear*

- 23 (1) The Secretary of State and the appropriate Minister must,...

*Power to treat objection as irrelevant*

- 24 The Secretary of State and the appropriate Minister may treat...

*Power to curtail decision-making process*

- 25 The Secretary of State and the appropriate Minister may make...

*Power to hold public local inquiry*

- 26 (1) The Secretary of State and the appropriate Minister must...

*Special parliamentary procedure for orders*

- 27 Orders under paragraph 16 or 17 are subject to special...
- Part 4 — RELIEVING UNDERTAKERS OF OBLIGATIONS

*Orders to relieve obligations*

- 28 (1) The appropriate Minister may by order provide for statutory...

*Notification of proposal to make order*

- 29 (1) Statutory undertakers must, as soon as possible after making...

*Duty to consider objections*

- 30 (1) The appropriate Minister must proceed under paragraph 31 if—...
- 31 (1) The appropriate Minister must, before making a final decision,...

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*Duty to give opportunity to appear*

- 32 (1) The appropriate Minister must, before making a final decision,...

*Power to treat objection as irrelevant*

- 33 The appropriate Minister may treat the objection as irrelevant for...

*Power to curtail decision-making process*

- 34 The appropriate Minister may make a final decision without further...

*Power to hold public local inquiry*

- 35 (1) The appropriate Minister may cause a public local inquiry...

*Notification procedure after the making of an order*

- 36 (1) The appropriate Minister must, immediately after making an order...

*Operative date of orders*

- 37 An order under paragraph 28 which is not subject to...

*Special parliamentary procedure for orders*

- 38 (1) An order under paragraph 28 is subject to special...

*Legal challenges to orders*

- 39 (1) Sub-paragraph (2) applies if a person aggrieved by an...  
Part 5 — SUPPLEMENTARY

*Orders and directions*

- 40 (1) The power of— (a) the Secretary of State and...

*Interpretation*

- 41 (1) In this Schedule— “the appropriate Minister” is to be...

SCHEDULE 5 — Amendments of the New Towns Act 1981

- 1 The New Towns Act 1981 (c. 64) is amended as...  
2 For the heading to Part 2 substitute “Transfers from and...  
3 For the italic heading before section 35 substitute “ Functions...  
4 Omit section 35 (establishment of Commission for the New Towns)....  
5 (1) Section 36 (functions of Commission) is amended as follows....  
6 Omit sections 37 (restrictions on functions of Commission) and 38...  
7 (1) Section 39 (power of development corporations to transfer undertakings)...  
8 (1) Section 41 (transfer of property to Commission and dissolution...  
9 After section 41 insert— Part 2: interpretation In this Part— “the appropriate national authority”— in relation to...  
10 (1) Section 58 (advances to development corporations and Commission) is...  
11 (1) Section 58A (grants to development corporations and Commission) is...

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- 12 (1) Section 59 (other borrowing powers of development corporations and...
- 13 (1) Section 60 (limit on borrowing by development corporations and...
- 14 (1) Section 61 (provisions supplemental to section 58) is amended...
- 15 (1) Section 62 (Treasury guarantees) is amended as follows.
- 16 Omit section 62B (power to suspend loan obligations of development...
- 17 (1) Section 63 (Secretary of State's general power) is amended...
- 18 (1) Section 65 (disposal of surplus funds) is amended as...
- 19 In section 66(1) (payments under sections 63 and 65 treated...
- 20 (1) Section 67 (accounts of Commission and development corporations) is...
- 21 (1) Section 68 (audit) is amended as follows.
- 22 (1) Section 69 (Secretary of State's accounts) is amended as...
- 23 (1) Section 70 (reports) is amended as follows.
- 24 (1) Section 71 (information) is amended as follows.
- 25 In section 72(1)(a) (application and exclusion of certain enactments: section...
- 26 In section 74(3) (local inquiries) for “sections 37, 40 and...
- 27 In section 77(3) (regulations and orders to be made by...
- 28 In section 80(1) (general interpretation provisions)— (a) omit the definition...
- 29 In section 82 (short title, extent and commencement)—
- 30 Omit Schedule 9 (additional provisions as to the Commission).
- 31 (1) Schedule 10 (additional provisions as to transfer to Commission...
- 32 (1) Schedule 11 (saving and transitional provisions) is amended as...

#### SCHEDULE 6 — Transfer schemes

##### *Creation and apportionment of property, rights and liabilities etc.*

- 1 A scheme may— (a) create for the transferor interests in,...
- 2 (1) A scheme may provide for the transfer of property,...
- 3 A certificate by the Secretary of State that anything specified...

##### *Employment contracts*

- 4 (1) This paragraph applies if rights and liabilities under a...
- 5 (1) Rights and liabilities under a contract of employment are...
- 6 If (apart from the change of employer) a substantial detrimental...

##### *Civil servants treated as employed under a contract of employment etc.*

- 7 (1) This Schedule applies with the following modifications in relation...

##### *Compensation*

- 8 A scheme may contain provision for the payment of compensation...

##### *Continuity*

- 9 A transfer by virtue of a scheme does not affect...
- 10 Anything which— (a) is done by the transferor for the...
- 11 There may be continued by or in relation to the...
- 12 (1) This paragraph applies to any document—

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*Supplementary etc. provision*

- 13 A scheme may include supplementary, incidental, transitional and consequential provision....

SCHEDULE 7 — Transfer schemes: tax

*Overview*

- 1 This Schedule makes provision about the fiscal effect of transfers...

*Key concepts*

- 2 (1) In this Schedule— (a) “transfer scheme” means a scheme...

*Other definitions*

- 3 (1) In this Schedule— (a) ICTA means the Income and...

*Corporation tax: continuity of trade*

- 4 (1) This paragraph applies if as the result of a...

*Corporation tax: capital allowances*

- 5 (1) This paragraph applies in respect of property transferred under...  
6 The following transfers shall be treated as giving rise to...

*Corporation tax: capital gains*

- 7 (1) This paragraph applies in respect of property transferred under...  
8 A transfer shall be disregarded for the purposes of section...  
9 At the end of section 35(3)(d) of TCGA (re-basing to...

*Corporation tax: intangible assets*

- 10 (1) This paragraph applies for the purposes of Schedule 29...

*Corporation tax: loan relationships*

- 11 (1) If as a result of a transfer the transferee...

*Stamp duty*

- 12 (1) Stamp duty shall not be chargeable on a transfer...

SCHEDULE 8 — Amendments of enactments: Part 1

*Public Records Act 1958 (c. 51)*

- 1 In Schedule 1 to the Public Records Act 1958 (definition...

*Land Compensation Act 1961 (c. 33)*

- 2 In section 23(3) of the Land Compensation Act 1961 (compensation...

*Public Health Act 1961 (c. 64)*

- 3 In Schedule 4 to the Public Health Act 1961 (attachment...

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*Parliamentary Commissioner Act 1967 (c. 13)*

- 4 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

*Leasehold Reform Act 1967 (c. 88)*

- 5 The Leasehold Reform Act 1967 is amended as follows.  
6 In section 28(5)(b) (retention or resumption of land required for...  
7 (1) Section 29 (reservation of future right to develop) is...  
8 In section 30(7)(a) (reservation of right of pre-emption in new...  
9 In section 33 (Crown land) after subsection (2) insert—  
10 In section 37(1) (interpretation of Part 1) after paragraph (b)...  
11 (1) Schedule 4 (re-acquisition for development) is amended as follows....  
12 In paragraph 2(2)(c) of Schedule 4A (exclusion of certain shared...

*National Loans Act 1968 (c. 13)*

- 13 In Schedule 1 to the National Loans Act 1968 (Government...

*Local Government Act 1972 (c. 70)*

- 14 The Local Government Act 1972 is amended as follows.  
15 (1) Section 100J (application of Part 5A of the Act...  
16 In section 100K (interpretation and application of Part 5A) in...

*Land Compensation Act 1973 (c. 26)*

- 17 (1) Section 39 of the Land Compensation Act 1973 (duty...

*Local Government Act 1974 (c. 7)*

- 18 (1) The Local Government Act 1974 is amended as follows....

*House of Commons Disqualification Act 1975 (c. 24)*

- 19 (1) Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 20 (1) Part 2 of Schedule 1 to the Northern Ireland...

*Race Relations Act 1976 (c. 74)*

- 21 (1) Schedule 1A to the Race Relations Act 1976 (bodies...

*Rent (Agriculture) Act 1976 (c. 80)*

- 22 (1) Section 5 of the Rent (Agriculture) Act 1976 (no...

*Rent Act 1977 (c. 42)*

- 23 (1) Section 14 of the Rent Act 1977 (landlord's interest...

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

- 24 (1) Section 3A of the Protection from Eviction Act 1977...

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*Local Government, Planning and Land Act 1980 (c. 65)*

- 25 The Local Government, Planning and Land Act 1980 is amended...
- 26 In section 4(4) (power to direct bodies to publish information)...
- 27 In section 93 (public bodies to whom Part 10 applies)...
- 28 In section 99(4)(e) (directions to dispose of land: supplementary) omit...
- 29 In section 165A(2) (transfer by order of property etc. of...
- 30 In section 165B(2) (transfer by order of property etc. of...
- 31 In Schedule 16 (bodies to whom Part 10 applies) omit...

*Highways Act 1980 (c. 66)*

- 32 (1) Section 219 of the Highways Act 1980 (payments to...

*Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)*

- 33 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 is amended...

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 34 (1) Paragraph 2 of Schedule 4 to the Local Government...

*Housing Act 1985 (c. 68)*

- 35 In Schedule 5 to the Housing Act 1985 (exceptions to...

*Landlord and Tenant Act 1985 (c. 70)*

- 36 In section 38 (minor definitions) of the Landlord and Tenant...

*Landlord and Tenant Act 1987 (c. 31)*

- 37 The Landlord and Tenant Act 1987 is amended as follows....
- 38 In section 21(3)(a) (tenant's right to apply to tribunal for...
- 39 In section 29(7)(a) (conditions for making acquisition orders)—
- 40 In section 58(1) (exempt landlords and resident landlords)—
- 41 In section 60 (general interpretation) after subsection (1) insert—

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

- 42 In section 376(4) of the Income and Corporation Taxes Act...

*Local Government Act 1988 (c. 9)*

- 43 In Schedule 2 to the Local Government Act 1988 (public...

*Housing Act 1988 (c. 50)*

- 44 The Housing Act 1988 is amended as follows.
- 45 In the italic heading before section 50 omit “: functions...
- 46 Omit sections 50 (housing association grants) and 51 (revenue deficit...
- 47 (1) Section 52 (recovery etc. of grants) is amended as...
- 48 (1) Section 53 (determinations under Part 2) is amended as...
- 49 In section 54(2)(a) (tax relief grants) for “a registered social...
- 50 In section 59(1A) (interpretation of Part 2 etc.) for “50”...

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

51 In section 172(8) of the Local Government and Housing Act...

*Town and Country Planning Act 1990 (c. 8)*

52 (1) Section 8A of the Town and Country Planning Act...

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

53 In Schedule 4 to the Planning (Listed Buildings and Conservation...

*Planning (Hazardous Substances) Act 1990 (c. 10)*

54 In section 3 of the Planning (Hazardous Substances) Act 1990...

*Water Industry Act 1991 (c. 56)*

55 The Water Industry Act 1991 is amended as follows.

56 In section 41(2)(d)(i) (power to require the provision of a...

57 In section 97(5) (performance of sewerage undertaker's functions by local...

58 In section 98 (power to require the provision of a...

59 In section 219(1) (general interpretation) after the definition of "navigation...

*Water Resources Act 1991 (c. 57)*

60 (1) Section 72 of the Water Resources Act 1991 (interpretation...

*Social Security Administration Act 1992 (c. 5)*

61 In section 191 (interpretation: general), in the definition of "new...

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

62 In section 219(1) of the Taxation of Chargeable Gains Act...

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

63 (1) The Leasehold Reform, Housing and Urban Development Act 1993...

*Finance Act 1996 (c. 8)*

64 (1) Section 43A of the Finance Act 1996 (landfill tax...

*Housing Act 1996 (c. 52)*

65 (1) Section 28 of the Housing Act 1996 (grants under...

*Regional Development Agencies Act 1998 (c. 45)*

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*Greater London Authority Act 1999 (c. 29)*

- 72 The Greater London Authority Act 1999 is amended as follows....  
 73 (1) Section 333A (the London housing strategy) is amended as...  
 74 In section 333D (duty to have regard to the London...  
 75 (1) Section 408 (transfers of property, rights or liabilities) is...  
 76 In section 409 (transfer schemes) omit subsection (5).

*Freedom of Information Act 2000 (c. 36)*

- 77 (1) Part 6 of Schedule 1 to the Freedom of...

*Finance Act 2003 (c. 14)*

- 78 The Finance Act 2003 is amended as follows.  
 79 In section 71(4) (certain acquisitions by registered social landlord exempt...  
 80 (1) Schedule 9 (stamp duty land tax: right to buy,...

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 81 In section 37 of the Planning and Compulsory Purchase Act...

*Finance Act 2004 (c. 12)*

- 82 In section 59(1)(f) of the Finance Act 2004 (contractors) for...

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

- 83 In section 104(4) of the Local Government and Public Involvement...

SCHEDULE 9 — Amendments of enactments: Part 2

*Public Records Act 1958 (c. 51)*

- 1 In Part 2 of the Table at the end of...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 2 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

*House of Commons Disqualification Act 1975 (c. 24)*

- 3 (1) Part 2 of Schedule 1 to the House of...

*Race Relations Act 1976 (c. 74)*

- 4 In paragraph 52 of Part 1 of Schedule 1A to...

*Interpretation Act 1978 (c. 30)*

- 5 In Schedule 1 to the Interpretation Act 1978 (defined expressions)...

*Local Government, Planning and Land Act 1980 (c. 65)*

- 6 In Schedule 16 to the Local Government, Planning and Land...



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*Inheritance Tax Act 1984 (c. 51)*

7 In section 24A(2) of the Inheritance Tax Act 1984 (gifts...

*Housing Associations Act 1985 (c. 69)*

8 The Housing Associations Act 1985 is amended as follows.

9 (1) Section 9 (control by Corporation of disposals of land...

10 (1) Section 10 (dispositions excepted from section 9) is amended...

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

11 The Income and Corporation Taxes Act 1988 is amended as...

12 In section 376(4) (qualifying borrowers and qualifying lenders) for paragraph...

13 In section 488(7A) (co-operative housing associations)— (a) at the beginning...

14 In section 489(5A) (self-build societies) for “Housing Corporation” substitute “...

15 In section 506B(9) (transactions with substantial donors: exceptions)—

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

16 The Taxation of Chargeable Gains Act 1992 is amended as...

17 (1) Section 218 (disposals of land between the Housing Corporation,...

18 (1) Section 219 (disposals by Housing Corporation, the Secretary of...

19 (1) Section 259 (gifts to housing associations) is amended as...

*Audit Commission Act 1998 (c. 18)*

20 The Audit Commission Act 1998 is amended as follows.

21 For section 40 substitute— Studies relating to registered providers of...

22 Omit sections 41 to 41B (functions in relation to registered...

23 (1) Section 41C (advice and assistance for registered social landlords)...

24 Omit section 43 (meaning of “registered social landlord”).

25 In section 49(2A) (disclosure of information) for the words from...

26 In Schedule 1 (the Audit Commission) omit—

27 In paragraph 3 of Schedule 2A (interaction with other authorities)...

*Freedom of Information Act 2000 (c. 36)*

28 (1) Part 6 of Schedule 1 to the Freedom of...

*Finance Act 2003 (c. 14)*

29 The Finance Act 2003 is amended as follows.

30 (1) Section 71 (certain acquisitions by registered social landlord exempt...

31 (1) Paragraph 2 of Schedule 3 (stamp duty land tax:...

32 (1) Schedule 9 (stamp duty land tax: right to buy,...

*Finance Act 2004 (c. 12)*

33 In section 59(1)(h) of the Finance Act 2004 (contractors) for...

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*Income Tax Act 2007 (c. 3)*

34 In section 555 of the Income Tax Act 2007 (transactions...

SCHEDULE 10 — Penalty charge notices

*Contents of notice*

- 1 A penalty charge notice given to a person under section...
- 2 The penalty charge specified in the notice shall be of...
- 3 (1) The period specified under paragraph 1(c) must not be...

*Review and withdrawal of notice*

- 4 (1) Sub-paragraph (2) applies if, within the period specified under...
- 5 The enforcement authority may give the recipient of a penalty...

*Appeals*

- 6 (1) The recipient of a penalty charge notice may appeal...

*Recovery of penalty charge*

- 7 (1) The amount of the penalty charge is recoverable from...
- 8 In proceedings for the recovery of the penalty charge, a...

*Repayments*

- 9 The enforcement authority must repay any amount previously paid as...

*Supplementary*

- 10 (1) A penalty charge notice and any other notice mentioned...
- 11 (1) The appropriate national authority may by regulations make provision...

SCHEDULE 11 — Possession orders relating to certain tenancies  
Part 1 — AMENDMENTS TO THE HOUSING ACTS OF 1985, 1988 AND 1996

*Housing Act 1985 (c. 68)*

- 1 The Housing Act 1985 is amended as follows.
- 2 (1) Section 82 (security of tenure: date on which secure...
- 3 (1) Section 85 (extended discretion of court in certain proceedings...
- 4 In Schedule 3 (grounds for withholding consent to assignment by...

*Housing Act 1988 (c. 50)*

- 5 The Housing Act 1988 is amended as follows.
- 6 (1) Section 5 (security of tenure) is amended as follows....
- 7 In section 7(7) (possession orders in cases of fixed term...
- 8 (1) Section 9 (extended discretion of court in possession claims)...
- 9 (1) Section 21 (recovery of possession on expiry or termination...

*Housing Act 1996 (c. 52)*

- 10 The Housing Act 1996 is amended as follows.

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- 11 (1) Section 127 (introductory tenancies: proceedings for possession) is amended...
- 12 (1) Section 130 (introductory tenancies: effect of beginning proceedings for...
- 13 (1) Section 143D (demoted tenancies: proceedings for possession) is amended...

*Transitional provisions*

- 14 (1) Subject as follows, this Part of this Schedule does...  
Part 2 — REPLACEMENT OF CERTAIN TERMINATED TENANCIES

*Circumstances in which replacement tenancies arise*

- 15 In this Part of this Schedule “an original tenancy” means...
- 16 (1) A new tenancy of the dwelling-house which was let...

*Nature of replacement tenancies*

- 17 The new tenancy is to be— (a) a secure tenancy...
- 18 (1) The new tenancy is, subject as follows, to have...
- 19 (1) Any provision which is made by or under an...

*Status of possession order and other court orders*

- 20 (1) The possession order in pursuance of which the original...

*Continuity of tenancies*

- 21 (1) The new tenancy and the original tenancy are to...

*Compliance with consultation requirements*

- 22 (1) The fact that— (a) the views of the ex-tenant...

*Joint tenancies*

- 23 (1) In the application of this Part of this Schedule...

*Successor landlords*

- 24 (1) The appropriate national authority may by order provide for...

*Supplementary*

- 25 In determining for the purposes of this Part of this...
- 26 (1) In this Part of this Schedule— “appropriate national authority”...

SCHEDULE 12 — Service charges: provision of information and designated accounts

*Landlord and Tenant Act 1985 (c. 70)*

- 1 The Landlord and Tenant Act 1985 is amended as follows....
- 2 For section 21 (as substituted by section 152 of the...
- 3 (1) Section 21A (withholding of service charges) is amended as...
- 4 (1) Section 22 (as substituted by section 154 of the...
- 5 In section 23(1) (as substituted by paragraph 1 of Schedule...

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- 6 In section 23A(4) (effect of change of landlord)—
- 7 In section 26(1) (exception: tenants of certain public authorities) for...
- 8 In section 27 (exception: rent registered and not entered as...
- 9 Omit section 28 (meaning of “qualified accountant”).
- 10 In section 39 (index of defined expressions) omit the entry...

*Landlord and Tenant Act 1987 (c. 31)*

- 11 The Landlord and Tenant Act 1987 is amended as follows....
- 12 (1) Section 42A (service charge contributions to be held in...
- 13 (1) Section 53 (regulations and orders) is amended as follows....

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

- 14 The Leasehold Reform, Housing and Urban Development Act 1993 is...
- 15 (1) Section 78 (management audits) is amended as follows.
- 16 In section 79(2)(a) (rights exercisable in connection with management audits)—...

SCHEDULE 13 — Demolition notices

*Final demolition notices*

- 1 Schedule 5 to the Housing Act 1985 (c. 68) (exceptions...
- 2 (1) Paragraph 13 (final demolition notices) is amended as follows....
- 3 (1) Paragraph 15 (extension or revocation etc. of final demolition...
- 4 After paragraph 15 insert— (1) This paragraph applies if— (a) a final demolition notice...
- 5 In paragraph 16(1) (notices under paragraphs 13 and 15) for...

*Initial demolition notices*

- 6 Schedule 5A to the Housing Act 1985 (c. 68) (initial...
- 7 In paragraph 1(4)(b) (initial demolition notices: maximum specified period to...
- 8 In paragraph 2(1) (period of validity of initial demolition notices)...
- 9 In paragraph 3(1) (revocation of initial demolition notices: application of...
- 10 After paragraph 3 insert— Transfer of initial demolition notices (1) This paragraph applies if— (a) an initial demolition notice...
- 11 (1) Paragraph 4 (restrictions on service of further notices) is...
- 12 In paragraph 5 (notices under Schedule 5A) for “or 15”...
- 13 In paragraph 6(1) (interpretation) after “Schedule” insert “ (other than...

*Transitional provision*

- 14 This Schedule does not apply to notices served before the...

SCHEDULE 14 — Disposals of dwelling-houses by local authorities

*Housing Act 1985 (c. 68)*

- 1 (1) The Housing Act 1985 is amended as follows.

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*Housing Act 1988 (c. 50)*

- 2 In section 133(3) of the Housing Act 1988 (consent required...

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

- 3 (1) The Leasehold Reform, Housing and Urban Development Act 1993...

*Housing Act 1996 (c. 52)*

- 4 (1) The Housing Act 1996 is amended as follows.

SCHEDULE 15 — Ineligible persons from abroad: statutory disregards  
Part 1 — ENGLAND AND WALES

*Housing Act 1996 (c. 52)*

- 1 The Housing Act 1996 is amended as follows.  
2 (1) Section 167 (allocation in accordance with allocation scheme) is...  
3 (1) Section 184 (inquiry into cases of homelessness or threatened...  
4 (1) Section 185 (persons from abroad not eligible for certain...  
5 (1) Section 193 (duty to persons with priority need who...  
6 (1) Section 195 (duties in the case of threatened homelessness)...  
7 (1) Section 202 (right to request review of decision) is...  
8 In section 218 (index of defined expressions: Part 7) insert...

Part 2 — SCOTLAND AND NORTHERN IRELAND

*Housing (Scotland) Act 1987 (c. 26)*

- 9 The Housing (Scotland) Act 1987 is amended as follows.  
10 (1) Section 20 (persons having priority on housing list and...  
11 (1) Section 30 (notification of decision and reasons) is amended...  
12 (1) Section 31 (duties to persons found to be homeless)...  
13 (1) Section 32 (duties to persons found to be threatened...  
14 (1) Section 34 (duties to persons whose applications are referred)...  
15 In section 35A(2) (right to request review of decision) after...  
16 In section 43 (minor definitions) at the appropriate places insert—...

*Housing (Northern Ireland) Order 1988 (S.I. 1988/1990 (N.I. 23))*

- 17 Part 2 of the Housing (Northern Ireland) Order 1988 is...  
18 (1) Article 7A (persons not eligible for housing assistance) is...  
19 (1) Article 9 (notification of decision and reasons) is amended...  
20 (1) Article 10 (duties to persons found to be homeless)...  
21 (1) Article 11 (duties to persons found to be threatened...

*Immigration and Asylum Act 1999 (c. 33)*

- 22 (1) Section 119 of the Immigration and Asylum Act 1999...  
Part 3 — CONSEQUENTIAL AMENDMENTS

*Criminal Justice and Immigration Act 2008 (c. 4)*

- 23 The Criminal Justice and Immigration Act 2008 is amended as...  
24 Omit section 134(6) (support for designated persons: eligibility for certain...

**Status:** Point in time view as at 01/07/2012.

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25 Omit section 135(7) (power to amend or repeal section 134(6))....

SCHEDULE 16 — Repeals and revocations

**Status:**

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