



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 1 **E+W**

#### THE HOMES AND COMMUNITIES AGENCY

### CHAPTER 5 **E+W**

#### SUPPLEMENTARY

#### *Other*

#### [<sup>F1</sup>53A **Other property etc transfers to the HCA** **E+W**

- (1) The Secretary of State may at any time make one or more schemes for the transfer to the HCA of designated property, rights or liabilities of a specified public body.
- (2) In subsection (1) “specified public body” means a public body which is for the time being specified, or of a description specified, by regulations made by the Secretary of State.
- (3) On the date specified by a scheme as the date on which the scheme is to have effect, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.
- (4) Schedule 6 applies to a scheme under this section.
- (5) The Secretary of State may not make a scheme under this section unless the specified public body to which the scheme relates has consented to its provisions.
- (6) A scheme under this section may not make provision in relation to land which is held by the Secretary of State and was acquired, or is treated as having been acquired, under section 39 of the Forestry Act 1967 (power to acquire land which is suitable for afforestation or purposes connected with forestry).
- (7) In this section—

*Status: Point in time view as at 12/04/2015.*

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“designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;

“public body” means a person or body with functions of a public nature.

- (8) This section and section 53B bind the Crown, but do not have effect in relation to property, rights or liabilities belonging to—
- (a) Her Majesty in right of the Crown,
  - (b) Her Majesty in right of Her private estates,
  - (c) Her Majesty in right of the Duchy of Lancaster, or
  - (d) the Duchy of Cornwall.
- (9) The reference in subsection (8) to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862.

#### Textual Amendments

**F1** Ss. 53A, 53B inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), ss. **31(2)**, 57(5)(e)

### **53B Tax consequences of transfers under section 53A** E+W

- (1) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect from time to time in relation to—
- (a) any property, rights or liabilities transferred in accordance with a transfer scheme under section 53A, or
  - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with such a transfer scheme.
- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
  - (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
  - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred.
- (3) The provision that may be made under subsection (1)(b) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, or in consequence of, the transfer;
  - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer to have or not to have a specified consequence or be treated in a specified way;
  - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far

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as relating to anything done for the purposes of, or in relation to, or in consequence of, the transfer.

(4) In this section—

“relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax;

“tax provision” means a provision of an enactment about a relevant tax.

(5) References in this section to the transfer of property, rights or liabilities in accordance with a transfer scheme under section 53A include references to—

(a) the creation of interests, rights or liabilities under the scheme, and

(b) the modification of interests, rights or liabilities under the scheme,

(and “transferred”, in relation to property, rights or liabilities, is to be read accordingly).]

#### Textual Amendments

**F1** Ss. 53A, 53B inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 31(2), 57(5)(e)**

## 54 Validity of transactions **E+W**

(1) A transaction between a person and the HCA is not invalid merely because of a failure by the HCA to exercise its powers for the purposes mentioned in sections 3 and 4(2).

(2) A transaction between a person and the HCA is not invalid merely because it was carried out in contravention of a direction under section 47.

(3) A transaction between a person and a subsidiary of the HCA is not invalid merely because of a failure by the HCA to comply with section 41(1) or (2).

(4) A person entering into a transaction with the HCA or a subsidiary of the HCA need not be concerned as to whether—

(a) there has been a failure of the kind mentioned in subsection (1) or (3), or

(b) a direction of the kind mentioned in subsection (2) has been given or complied with.

(5) A disposal of land by the HCA is not invalid merely because any consent required by section 10(1) or (3) has not been given.

(6) A person dealing with—

(a) the HCA, or

(b) a person claiming under the HCA,

in relation to any land need not be concerned as to whether any consent required by section 10(1) or (3) has been given.

#### Commencement Information

**II** S. 54 in force at 8.9.2008 by [S.I. 2008/2358](#), **art. 2(1)**

*Status: Point in time view as at 12/04/2015.*

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## 55 Notices **E+W**

- (1) Any notice required or authorised under this Part to be served on any person may be served by—
  - (a) delivering it to the person,
  - (b) leaving it at the person's proper address, or
  - (c) sending it by post to the person at that address.
- (2) Any such notice may—
  - (a) in the case of a body corporate, be served in accordance with subsection (1) on an officer of the body, and
  - (b) in the case of a partnership, be served in accordance with subsection (1) on a partner or a person having the control or management of the partnership business.
- (3) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, the proper address of any person on whom a notice is to be served is the person's last known address except as follows.
- (4) For the purposes of this section and section 7 of the Act of 1978 in its application to this section, the proper address is—
  - (a) in the case of service on a body corporate or an officer of the body, the address of the registered or principal office of the body, and
  - (b) in the case of service on a partnership, a partner or a person having the control or management of the partnership business, the address of the principal office of the partnership.
- (5) For the purposes of subsection (4) the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (6) Subsection (7) applies if a person to be served under this Part with a notice has specified an address within the United Kingdom other than the person's proper address (as decided under subsections (3) and (4)) as the one at which the person, or someone on the person's behalf, will accept documents of the same description as the notice.
- (7) The specified address is also to be treated for the purposes of this section and section 7 of the Act of 1978 in its application to this section as the person's proper address.
- (8) Subsection (9) applies if the name or address of any owner, lessee or occupier of land on whom a notice is to be served under this Part cannot, after reasonable inquiry, be ascertained.
- (9) The notice may be served by—
  - (a) leaving it in the hands of a person who is, or appears to be, resident or employed on the land, or
  - (b) leaving it conspicuously affixed to a building or object on the land.
- (10) Any notice required or authorised under this Part to be served on any person may be served on the person by transmitting the text of the notice to the person by means of an electronic communications network or by other means but while in electronic form provided the text is received by the person in legible form and is capable of being used for subsequent reference.

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(11) In this section—

“body corporate” includes a limited liability partnership,

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate,

“officer of a body corporate” means any director, manager, secretary or other similar officer of the body corporate,

“partnership” does not include a limited liability partnership,

and references to serving include references to similar expressions (such as giving or sending).

#### Commencement Information

**I2** S. 55 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 2\(1\)](#)

## 56 Consequential amendments: Part 1 **E+W**

Schedule 8 (which contains amendments of enactments) has effect.

#### Commencement Information

**I3** S. 56 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), [art. 2\(1\)](#)

**I4** S. 56 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), [art. 2\(1\)\(w\)](#) (with [arts. 6-13](#))

**I5** S. 56 in force at 1.4.2009 for specified purposes by [S.I. 2009/803](#), [art. 3\(2\)](#)

**I6** S. 56 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 57 Interpretation: Part 1 **E+W**

(1) In this Part—

“conduit system” has the same meaning as in the electronic communications code; and references to providing a conduit system are to be read in accordance with paragraph 1(3A) of that code,

“develop” (and development), in relation to land or infrastructure, includes redevelop (and redevelopment),

“electronic communications apparatus” has the same meaning as in the electronic communications code,

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the Communications Act 2003 (c. 21),

“electronic communications code network” means—

(a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the Act of 2003 (application of the electronic communications code), and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide,

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the Act of 2003,

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“electronic communications network” has the same meaning as in the Act of 2003,

“enactment” includes subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)),

“financial year” means—

(a) the period beginning with the day on which the HCA is established and ending with the next 31 March, and

(b) each subsequent period of 12 months ending with 31 March,

“improve”, in relation to housing and other land, includes refurbish, equip and fit out,

“modifications” includes omissions,

“notice” means notice in writing,

“operator”, in relation to an electronic communications code network means—

(a) the electronic communications code operator providing that network, or

(b) the Secretary of State, so far as the Secretary of State is providing or proposing to provide that network,

“provide” and related expressions, in relation to an electronic communications network, are to be read in accordance with section 32(4) of the Communications Act 2003 (c. 21).

(2) References in this Part to powers of the HCA do not include references to powers contained in duties imposed on the HCA.

#### **Commencement Information**

**I7** S. 57 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 2(1)**

**I8** S. 57 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), **art. 2(1)(x)** (with [arts. 6-13](#))

**I9** S. 57 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

## **58 Index of defined expressions: Part 1 E+W**

In this Part, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

<i>Expression</i>	<i>Provision</i>
Allotment	Section 9(7)
Building	Section 2(3)
Caravan	Section 2(3)
Common	Section 9(7)
Conduit system (and providing such a system)	Section 57(1)
Designated area	Section 13(5)
Designation order	Section 13(5)
Develop (and development)	Section 57(1)

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Electronic communications apparatus	Section 57(1)
Electronic communications code	Section 57(1)
Electronic communications code network	Section 57(1)
Electronic communications code operator	Section 57(1)
Electronic communications network	Section 57(1)
Enactment	Section 57(1)
Financial year	Section 57(1)
Giving directions	Section 47(6)
The HCA	Section 1(1)
Housing	Section 2(3)
Improve	Section 57(1)
Infrastructure	Section 2(3)
Land	Section 2(3) (and Schedule 1 to the Interpretation Act 1978 (c. 30))
Local planning authority (in relation to designation orders or proposed designation orders)	Section 13(5)
Modifications	Section 57(1)
Notice	Section 57(1)
Objects of the HCA	Sections 2, 19(5) and 52(3)
Open space	Section 9(7)
Operator (in relation to electronic communications code network)	Section 57(1)
Permitted purposes	Section 13(5)
Powers of the HCA	Section 57(2)
Provide (in relation to an electronic communications network)	Section 57(1)
Registered provider of social housing	Section 80(2)(a)
Regulator of Social Housing	[ <sup>F2</sup> Section 92A(2)]
Social housing (and its provision)	Section 32(13)
Social housing assistance	Section 32(13)
Subsidiary	Section 23(5)
Urban development corporation	Section 42(7)

#### Textual Amendments

**F2** Words in s. 58 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 11](#); [S.I. 2012/628](#), art. 6(i) (with [arts. 911141517](#))

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#### **Commencement Information**

- I10** S. 58 in force at 8.9.2008 for specified purposes by [S.I. 2008/2358](#), **art. 2(1)**
- I11** S. 58 in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), **art. 2(1)(x)** (with arts. 6-13)
- I12** S. 58 in force at 1.4.2009 for specified purposes by [S.I. 2009/803](#), **art. 2(1)(e)**
- I13** S. 58 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with Sch.)



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