

Status: Point in time view as at 20/12/2023.

Changes to legislation: Housing and Regeneration Act 2008, SCHEDULE 1 is up to date with all changes known to be in force on or before 05 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 1

Section 1

THE HOMES AND COMMUNITIES AGENCY

Membership

- 1 (1) The HCA is to consist of such number of members (being not less than six) as the Secretary of State may from time to time appoint.
- (2) The Secretary of State must appoint one of the members as the person with the function of chairing the HCA.
- (3) In appointing a person to be a member, the Secretary of State—
 - (a) must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the exercise of the functions of the HCA, and
 - (b) must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person's functions as a member.
- (4) The Secretary of State may require any person whom the Secretary of State proposes to appoint as a member to provide such information as the Secretary of State considers necessary for the purposes of sub-paragraph (3)(b).

^{F1}(5)

Textual Amendments

- F1** Sch. 1 para. 1(5) omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 37\(a\)](#) (with Pt. 4)

Commencement Information

- I1** Sch. 1 para. 1 in force at 8.9.2008 by [S.I. 2008/2358](#), [art. 2\(1\)](#)

Terms of appointment of members

- 2 (1) Subject as follows, a member of the HCA holds and vacates office in accordance with the member's terms of appointment.
- (2) A member may resign by serving notice on the Secretary of State.
- (3) A person ceases to have the function of chairing the HCA if the person—
 - (a) resigns from exercising that function by serving notice on the Secretary of State, or
 - (b) ceases to be a member.
- (4) A person who—

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- (a) ceases to be a member, or
 - (b) ceases to have the function of chairing the HCA,
- is eligible for reappointment.
- (5) The Secretary of State may remove a member who—
- (a) has been absent from meetings of the HCA for a period of more than 6 months without the permission of the HCA,
 - (b) has become bankrupt or has made an arrangement with the member's creditors, or
 - (c) in the opinion of the Secretary of State, has failed to comply with the member's terms of appointment or is otherwise unable, unfit or unsuitable to exercise the member's functions as a member.

Commencement Information

I2 Sch. 1 para. 2 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Remuneration etc: members

- 3 (1) The HCA may pay to its members such remuneration and such allowances as the Secretary of State may decide.
- (2) The HCA may—
- (a) pay such pensions, allowances or gratuities as the Secretary of State may decide to or in respect of any member or former member, or
 - (b) pay such sums as the Secretary of State may decide towards the provision for the payment of pensions, allowances or gratuities to or in respect of any member or former member.
- (3) Sub-paragraph (4) applies if—
- (a) a person ceases to be a member of the HCA, and
 - (b) the Secretary of State considers that there are special circumstances which make it appropriate for the person to receive compensation.
- (4) The Secretary of State may require the HCA to pay the person such amount as the Secretary of State may decide.

Commencement Information

I3 Sch. 1 para. 3 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Staff

- 4 (1) The HCA must appoint a person to be chief executive but may only appoint a person who has been approved by the Secretary of State.
- (2) The chief executive is a member of staff of the HCA.
- (3) The HCA may appoint such number of other staff as the Secretary of State may approve.

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- (4) The staff's terms and conditions of service are to be decided by the HCA with the approval of the Secretary of State.
- (5) The HCA may pay to its staff such remuneration and such allowances as it may, with the approval of the Secretary of State, decide.
- (6) The HCA may—
 - (a) pay such pensions, allowances or gratuities to or in respect of any member of staff or former member of staff, or
 - (b) pay such sums towards the provision for the payment of pensions, allowances or gratuities to or in respect of any member of staff or former member of staff,as it may, with the approval of the Secretary of State, decide.

Commencement Information

I4 Sch. 1 para. 4 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Financial provision

- 5 (1) The Secretary of State may make payments to the HCA by way of grant.
- (2) Such payments may be made on such terms and conditions as the Secretary of State considers appropriate.

Commencement Information

I5 Sch. 1 para. 5 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Committees

- 6 (1) The HCA may establish one or more committees.
- (2) A committee may establish one or more sub-committees.
- (3) A member, or member of staff, of the HCA may be a member of a committee or sub-committee.
- (4) Other persons may be members of committees or sub-committees but only with the approval, in each case, of the Secretary of State.
- (5) No committee or sub-committee may consist exclusively of other persons.
- (6) The members of a sub-committee of a committee may include persons who are not members of the committee.
- (7) The HCA may pay such remuneration and such allowances as the Secretary of State may decide to any person who—
 - (a) is a member of a committee or sub-committee, but
 - (b) is neither a member nor member of staff of the HCA.
- (8) The HCA may dissolve a committee or sub-committee.

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Commencement Information

I6 Sch. 1 para. 6 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Procedure and members' interests

- 7 (1) The HCA may, subject to any directions given by the Secretary of State, decide—
- (a) its own procedure, and
 - (b) the procedure of any of its committees or sub-committees.
- (2) Subject to this, a committee may decide the procedure of any of its sub-committees.
- (3) Subject as above, a committee or sub-committee may decide its own procedure.
- (4) In this paragraph “procedure” includes quorum.

Commencement Information

I7 Sch. 1 para. 7 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

- 8 The validity of proceedings of the HCA, or of any of its committees or sub-committees, is not affected by—
- (a) any vacancy,
 - (b) any defective appointment, or
 - (c) any contravention of—
 - (i) directions given as mentioned in paragraph 7(1), or
 - (ii) paragraph 9.

Commencement Information

I8 Sch. 1 para. 8 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

- 9 (1) A member of the HCA who is directly or indirectly interested in any matter arising at a meeting of the HCA must disclose the nature of that interest to the meeting.
- (2) A member of a committee or sub-committee of the HCA who is directly or indirectly interested in any matter arising at a meeting of the committee or sub-committee must disclose the nature of that interest to the meeting.
- (3) In the case of a matter disclosed under this paragraph by a member of the HCA or of a committee or sub-committee, the member—
- (a) must not take part in any deliberation or decision about the matter if it is a contract or agreement of any description, but
 - (b) may otherwise take part in any deliberation or decision about the matter unless at least one-third of the other members at the meeting decide that the interest disclosed might prejudicially affect the member's consideration of the matter.

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Commencement Information

I9 Sch. 1 para. 9 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Delegation

- 10 (1) The HCA may delegate any of its functions to any of its members, committees, sub-committees or staff.
- (2) Any such committee may delegate any function conferred on it to any sub-committee of the committee or to any staff of the HCA.
- (3) See also section 42 (agency arrangements of the HCA with urban development corporations).

Commencement Information

I10 Sch. 1 para. 10 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Reports, accounts etc.

- 11 (1) For each financial year, the HCA must—
- (a) prepare an annual report on how it has exercised its functions during the year, and
 - (b) send a copy of the report to the Secretary of State within such period as the Secretary of State may direct.
- (2) The Secretary of State must lay before Parliament a copy of each report received under sub-paragraph (1).

Commencement Information

I11 Sch. 1 para. 11 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

- 12 (1) The HCA must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, the HCA must—
- (a) prepare a statement of accounts in respect of that financial year, and
 - (b) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State may direct.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) send a copy of the certified statement and of the report to the Secretary of State as soon as possible.
- (5) The Secretary of State must lay before Parliament a copy of each statement and report received under sub-paragraph (4).

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Commencement Information

I12 Sch. 1 para. 12 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

- 13 (1) The HCA must provide the Secretary of State with such information as the Secretary of State may require relating to the HCA's property or to the exercise or proposed exercise of its functions.
- (2) The HCA must—
- (a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of the HCA, and
 - (b) provide such explanation of them as that person or the Secretary of State may require.

Commencement Information

I13 Sch. 1 para. 13 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

Supplementary and transitional provisions

- 14 (1) The application of the seal of the HCA must be authenticated by the signature of—
- (a) a member of the HCA who is authorised (generally or specifically) for that purpose, or
 - (b) a member of staff of the HCA who is so authorised.
- (2) A document purporting to be duly executed under the seal of the HCA, or signed on its behalf, is to be received in evidence and, unless the contrary is proved, is to be treated as so executed or signed.

Commencement Information

I14 Sch. 1 para. 14 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

- 15 The HCA is not to be regarded—
- (a) as a servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown,
- and its property is not to be regarded as property of, or held for or on behalf of, the Crown.

Commencement Information

I15 Sch. 1 para. 15 in force at 8.9.2008 by S.I. 2008/2358, art. 2(1)

^{F2}16

Textual Amendments

F2 Sch. 1 para. 16 repealed (1.7.2011) by *Bribery Act 2010 (c. 23)*, s. 19(1), **Sch. 2** (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

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- 17 The Secretary of State (instead of the HCA) may—
- (a) appoint the first chief executive, and
 - (b) determine the terms and conditions of service as a member of staff of the HCA which are applicable to the first chief executive on appointment.

Commencement Information

I16 Sch. 1 para. 17 in force at 8.9.2008 by [S.I. 2008/2358](#), **art. 2(1)**

^{F3}18

Textual Amendments

F3 Sch. 1 para. 18 omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 37(b)** (with Pt. 4)

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