

Status: Point in time view as at 02/03/2009.

Changes to legislation: Housing and Regeneration Act 2008, SCHEDULE 14 is up to date with all changes known to be in force on or before 15 June 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 14

Section 311

DISPOSALS OF DWELLING-HOUSES BY LOCAL AUTHORITIES

Housing Act 1985 (c. 68)

- 1 (1) The Housing Act 1985 is amended as follows.
- (2) In section 34 (consents in relation to disposals of land held for housing purposes)—
- (a) in subsection (1) for “Secretary of State’s” substitute “ appropriate national body’s ”,
 - (b) in subsection (4A)—
 - (i) for “Secretary of State” substitute “ appropriate national body ”,
 - (ii) after “disposal;” at the end of paragraph (c), insert—
 - “(ca) in the case of a proposed large scale disposal, the appropriate national body’s estimate of the exchequer costs of the large scale disposal;”, and
 - (iii) in paragraph (d) for “he” substitute “ the appropriate national body ”, and
 - (c) after subsection (4A) insert—
 - “(4AA) The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions (including as to the period during which housing subsidies may be payable) as the appropriate national body may determine, regardless of whether those assumptions are, or are likely to be, borne out by events.
 - (4AB) In this section—
 - “appropriate national body”—
 - (a) in relation to England, means the Secretary of State; and
 - (b) in relation to Wales, means the Welsh Ministers;
 - “dwelling-house” has the same meaning as in Part 5 of this Act except that it does not include a hostel or any part of a hostel;
 - “the exchequer costs”, in relation to a large scale disposal, means any increase which is or may be attributable to the disposal in the aggregate of any housing subsidies;
 - “housing subsidies” means any subsidies payable under—
 - (a) section 140A of the Social Security Administration Act 1992 (subsidy); or
 - (b) section 79 of the Local Government and Housing Act 1989 (Housing Revenue Account subsidy);
 - “large scale disposal” means a disposal of one or more dwelling-houses by a local authority to a person where—

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- (a) the number of dwelling-houses included in the disposal; and
- (b) the number of dwelling-houses which, in the relevant period, have previously been disposed of by the authority to that person, or that person and any of the person's associates taken together,

exceeds 499 or, if the appropriate national body by order so provides, such other number as may be specified in the order; “long lease” means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;

“the relevant period”, in relation to a large scale disposal means—

- (a) the period of 5 years ending with the date of the disposal; or
- (b) if the appropriate national body by order so provides, such other period ending with that date as may be specified in the order;

“subsidiary” has the same meaning as in section 61 of the Housing Act 1996 but as if references in subsection (2) of that section and section 60 of that Act to registered social landlords and landlords were references to housing associations (within the meaning of the Housing Associations Act 1985).

(4AC) For the purposes of this section—

- (a) a disposal of any dwelling-house is to be disregarded if at the time of the disposal the local authority's interest in the dwelling-house is or was subject to a long lease;
- (b) two persons are associates of each other if—
 - (i) one of them is a subsidiary of the other;
 - (ii) they are both subsidiaries of some other person; or
 - (iii) there exists between them such relationship or other connection as may be specified in a determination made by the appropriate national body; and
- (c) a description of an authority may be framed by reference to any circumstances whatever.

(4AD) An order made by the appropriate national body under this section—

- (a) is to be made by statutory instrument which—
 - (i) in the case of an order made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (ii) in the case of an order made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales;
- (b) may make different provision for different cases or descriptions of case, or for different authorities or descriptions of authority; and

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- (c) may contain such transitional and supplementary provisions as appear to the appropriate national body to be necessary or expedient.
- (4AE) A determination under this section—
 - (a) may make different provision for different cases or descriptions of case, or for different authorities or descriptions of authority; and
 - (b) may be varied or revoked by a subsequent determination.”
- (3) In section 43 (consent required for certain disposals not within section 32)—
 - (a) in subsection (1) for “Secretary of State” substitute “ appropriate national body ”,
 - (b) in subsection (4A)—
 - (i) for “Secretary of State” substitute “ appropriate national body ”,
 - (ii) after “disposal;” at the end of paragraph (c), insert—
 - “(ca) in the case of a proposed disposal which is part of a proposed large scale disposal, the appropriate national body's estimate of the exchequer costs of the large scale disposal;” and
 - (iii) in paragraph (d) for “he” substitute “ the appropriate national body ”, and
 - (c) after subsection (4A) insert—
 - “(4AA) The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions (including as to the period during which housing subsidies may be payable) as the appropriate national body may determine, regardless of whether those assumptions are, or are likely to be, borne out by events.
 - (4AB) Subsections (4AB) to (4AE) of section 34 apply for the purposes of this section as they apply for the purposes of that section.”, and
 - (d) in subsection (5A) after “this section” insert “ (other than in subsection (4A) (ca) and in subsections (4AB) to (4AE) of section 34 as applied for the purposes of this section) ”.

Commencement Information

II Sch. 14 para. 1 in force at 1.12.2008 by S.I. 2008/3068, art. 4(1)(c) (with arts. 6-13)

Housing Act 1988 (c. 50)

- 2 In section 133(3) of the Housing Act 1988 (consent required for certain subsequent disposals)—
 - (a) in paragraph (a) for “and (3) to (4A)” substitute “ , (3), (4) and (4A)(a) to (c) and (d) ”,
 - (b) in paragraph (b) for “and (3) to (4A)” substitute “ , (3), (4) and (4A)(a) to (c) and (d) ”, and
 - (c) in paragraph (c) for “(4A)” substitute “ (4A)(a) to (c) and (d) ”.

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Commencement Information

I2 Sch. 14 para. 2 in force at 1.12.2008 by S.I. 2008/3068, art. 4(1)(c) (with arts. 6-13)

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

- 3 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.
- (2) Omit section 135 (programmes for disposals of dwelling-houses by local authorities).
- (3) In section 136 (levy on disposals) for subsection (14) substitute—
- “(14) In this section—
- “the 1989 Act” means the Local Government and Housing Act 1989;
- “dwelling-house” has the same meaning as in Part 5 of the 1985 Act except that it does not include a hostel (as defined in section 622 of that Act) or any part of a hostel;
- “local authority” has the meaning given by section 4 of that Act;
- “long lease” means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;
- “subsidiary” has the same meaning as in section 61 of the Housing Act 1996 but as if references in subsection (2) of that section and section 60 of that Act to registered social landlords and landlords were references to housing associations (within the meaning of the Housing Associations Act 1985).
- (15) For the purposes of this section—
- (a) a disposal of any dwelling-house is to be disregarded if at the time of the disposal the local authority's interest in the dwelling-house is or was subject to a long lease;
- (b) two persons are associates of each other if—
- (i) one of them is a subsidiary of the other;
- (ii) they are both subsidiaries of some other person; or
- (iii) there exists between them such relationship or other connection as may be specified in a determination made by the Secretary of State; and
- (c) a description of authority may be framed by reference to any circumstances whatever.”
- (4) Omit section 137(1) to (3) (disposals: transitional provisions in relation to section 135).
- (5) The reference to the Secretary of State in subsection (15) of section 136 of the Act of 1993, as inserted by sub-paragraph (3) above, is to be read in the same way as other references to the Secretary of State in that section of that Act.

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Commencement Information

I3 Sch. 14 para. 3 in force at 1.12.2008 by S.I. 2008/3068, art. 4(1)(c) (with arts. 6-13)

Housing Act 1996 (c. 52)

- 4 (1) The Housing Act 1996 is amended as follows.
- (2) In section 51(2)(b) (schemes for investigation of complaints) for “a qualifying disposal” substitute “—
- (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act; or
 - (ii) a qualifying disposal that was made”.
- (3) In paragraph 5(1)(b) of Part 2 of Schedule 1 (constitution, change of rules, amalgamation and dissolution: restriction on power of removal in case of registered charity) for “a qualifying disposal” substitute “—
- (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or
 - (ii) a qualifying disposal that was made”.
- (4) In paragraph 28(1)(b) of Part 4 of Schedule 1 (inquiry into affairs of registered social landlords: availability of powers in relation to registered charities) for “a qualifying disposal” substitute “—
- (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or
 - (ii) a qualifying disposal that was made”.

Commencement Information

I4 Sch. 14 para. 4 in force at 1.12.2008 by S.I. 2008/3068, art. 4(1)(c) (with arts. 6-13)

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