

Changes to legislation: Housing and Regeneration Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 23 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) View outstanding changes

SCHEDULES

SCHEDULE 5 **E+W**

Section 50

AMENDMENTS OF THE NEW TOWNS ACT 1981

1 The New Towns Act 1981 (c. 64) is amended as follows.

Commencement Information

I1 Sch. 5 para. 1 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

2 For the heading to Part 2 substitute “Transfers from and dissolution of development corporations etc.”.

Commencement Information

I2 Sch. 5 para. 2 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

3 For the italic heading before section 35 substitute “Functions of Welsh Ministers in relation to certain transferred property”.

Commencement Information

I3 Sch. 5 para. 3 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

4 Omit section 35 (establishment of Commission for the New Towns).

Commencement Information

I4 Sch. 5 para. 4 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

5 (1) Section 36 (functions of Commission) is amended as follows.

(2) For the heading substitute “Functions of Welsh Ministers”.

(3) For subsection (1) substitute—

“(1) The Welsh Ministers may—

(a) take over and, with a view to its eventual disposal, hold, manage and turn to account—

(i) the property of the Commission for the New Towns transferred to them under a scheme made under section 51(1) of the Housing and Regeneration Act 2008;

(ii) the property of development corporations transferred to them under this Act; and

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- (iii) the property of urban development corporations transferred to them by order under section 165A of the Local Government, Planning and Land Act 1980; and
 - (b) as soon as they consider it expedient to do so, dispose of property so transferred or any other property arising out of such property.
- (1A) In exercising their functions under subsection (1), the Welsh Ministers must have regard to the considerations specified in subsection (2).”
- (4) Omit subsections (3) and (3A).
- (5) In subsection (4)—
- (a) for “Commission”, in the first two places where it appears, substitute “ Welsh Ministers ”, and
 - (b) omit the words from “; nor shall any” to the end.
- (6) In subsection (4A)(a) for “Commission by order under section 165B” substitute “ Welsh Ministers by order under section 165A ”.

Commencement Information

I5 Sch. 5 para. 5 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 6 Omit sections 37 (restrictions on functions of Commission) and 38 (local authorities and work for the Commission).

Commencement Information

I6 Sch. 5 para. 6 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 7 (1) Section 39 (power of development corporations to transfer undertakings) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “ appropriate national authority ”.
 - (3) In subsection (2) for “Secretary of State” substitute “ appropriate national authority ”.
 - (4) In subsection (2A) for “in relation to Wales” substitute “ in the case of a development corporation established by the Welsh Ministers ”.
 - (5) In subsection (3) for “Secretary of State” substitute “ appropriate national authority ”.
 - (6) In subsection (4)—
 - (a) at the beginning insert “In a case in which the appropriate national authority is the Secretary of State,”, and
 - (b) for “Secretary of State”, where it first appears, substitute “ appropriate national authority ”.
 - (7) In subsection (5)—
 - (a) for “Secretary of State” substitute “ appropriate national authority ”, and
 - (b) for “he” substitute “ the authority ”.
 - (8) For subsection (5A) substitute—

“(5A) No order shall be made under subsection (5) above—

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- (a) by the Secretary of State unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons;
- (b) by the Welsh Ministers unless a draft of the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”

Commencement Information

I7 Sch. 5 para. 7 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 8
- (1) Section 41 (transfer of property to Commission and dissolution of corporation) is amended as follows.
 - (2) In the heading, omit “to Commission”.
 - (3) In subsection (1)—
 - (a) for “Secretary of State” substitute “ appropriate national authority ”,
 - (b) for “he” substitute “ the authority ”, and
 - (c) in paragraph (a), for “Commission” substitute “ relevant transferee ”.
 - (4) In subsection (1A) for “in relation to Wales” substitute “ in the case of a development corporation established by the Welsh Ministers ”.
 - (5) In subsection (2)—
 - (a) for “Commission” substitute “ relevant transferee ”, and
 - (b) in paragraph (b)—
 - (i) for “Secretary of State” substitute “ appropriate national authority ”, and
 - (ii) for “him” substitute “ the authority ”.
 - (6) In subsection (4) for “Secretary of State” substitute “ appropriate national authority ”.
 - (7) In subsection (5) for “Commission” substitute “ relevant transferee ”.

Commencement Information

I8 Sch. 5 para. 8 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 9 After section 41 insert—

“41A Part 2: interpretation

In this Part—

“the appropriate national authority”—

- (a) in relation to a development corporation established by order made by the Secretary of State, means the Secretary of State; and
- (b) in relation to a development corporation established by order made by the Welsh Ministers, means the Welsh Ministers;

“the relevant transferee”—

- (a) in relation to an order made under section 41 by the Secretary of State, means the Homes and Communities Agency; and

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(b) in relation to an order made under section 41 by the Welsh Ministers, means the Welsh Ministers.”

Commencement Information

I9 Sch. 5 para. 9 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 10 (1) Section 58 (advances to development corporations and Commission) is amended as follows.
- (2) In the heading, omit “and Commission”.
- (3) Omit subsections (5) and (6).

Commencement Information

I10 Sch. 5 para. 10 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 11 (1) Section 58A (grants to development corporations and Commission) is amended as follows.
- (2) In the heading, omit “and Commission”.
- (3) Omit subsections (4) and (5).

Commencement Information

I11 Sch. 5 para. 11 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 12 (1) Section 59 (other borrowing powers of development corporations and Commission) is amended as follows.
- (2) In the heading, omit “and Commission”.
- (3) In subsection (1)—
- (a) omit “or the Commission”, and
- (b) for the words from “or the Commission (as the case may be)” to the end substitute “ may require for meeting its obligations or performing its functions ”.
- (4) In subsection (2)—
- (a) omit “or the Commission”, and
- (b) for “they may require for enabling them” substitute “ it may require for enabling it. ”

Commencement Information

I12 Sch. 5 para. 12 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 13 (1) Section 60 (limit on borrowing by development corporations and Commission) is amended as follows.
- (2) In the heading, omit “and Commission”.

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- (3) In subsection (1)—
- (a) at the end of paragraph (b), insert “ and ”,
 - (b) omit paragraph (c) and the “and” following it,
 - (c) in paragraph (d), for “(whether by development corporations or by the Commission)” substitute “ by development corporations ”, and
 - (d) for “(2) to (4)” substitute “ (2) and (3) ”.
- (4) Omit subsection (4).

Commencement Information

I13 Sch. 5 para. 13 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 14 (1) Section 61 (provisions supplemental to section 58) is amended as follows.
- (2) In subsection (1) for from the beginning of paragraph (a) to the end of paragraph (b) substitute “ to a development corporation under section 58(1) above ”.
- (3) In subsection (2) omit “, (5) or (6)”.

Commencement Information

I14 Sch. 5 para. 14 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 15 (1) Section 62 (Treasury guarantees) is amended as follows.
- (2) In subsection (1) for “or the Commission borrow” substitute “ borrows ”.
- (3) In subsection (5) for the words from “or by the Commission” to “(as the case may be)” substitute “, the corporation ”.

Commencement Information

I15 Sch. 5 para. 15 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 16 Omit section 62B (power to suspend loan obligations of development corporations and Commission).

Commencement Information

I16 Sch. 5 para. 16 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 17 (1) Section 63 (Secretary of State's general power) is amended as follows.
- (2) In subsection (1) omit “or the Commission”.
- (3) In subsection (2) omit “or the Commission, as the case may be”.

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I17 Sch. 5 para. 17 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

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- 18 (1) Section 65 (disposal of surplus funds) is amended as follows.
- (2) In subsection (1) for the words from “, and with the Commission” to the end substitute “ and any development corporation, that the corporation has a surplus whether on capital or on revenue account after making allowance by way of transfer to reserve or otherwise for its future requirements ”.
- (3) In subsection (2) for “The Commission or that corporation, as the case may be,” substitute “ That corporation ”.

Commencement Information

I18 Sch. 5 para. 18 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 19 In section 66(1) (payments under sections 63 and 65 treated as repayments) for paragraph (a) and the “and” following it substitute—
- “(a) as made by way of repayment of such part of the principal of advances under section 58(1) above, and”.

Commencement Information

I19 Sch. 5 para. 19 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 20 (1) Section 67 (accounts of Commission and development corporations) is amended as follows.
- (2) In the heading, omit “Commission and”.
- (3) In subsection (1)—
- (a) omit “The Commission and”,
 - (b) in paragraph (b), omit “respectively”, and
 - (c) omit the words from “being, in the Commission's case” in paragraph (b) to the end of the subsection.
- (4) Omit subsection (1A).
- (5) In subsection (2)—
- (a) omit “of the Commission and”, and
 - (b) omit “or the Commission” wherever appearing.
- (6) In subsection (3)—
- (a) omit “the Commission or”, and
 - (b) in paragraph (a), for “they are” substitute “ it is ”.

Commencement Information

I20 Sch. 5 para. 20 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 21 (1) Section 68 (audit) is amended as follows.
- (2) In subsection (1)—
- (a) omit the words from “of the Commission” to “and the accounts”, and
 - (b) omit “Commission or”.

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- (3) Omit subsection (2A).
- (4) In subsection (3)—
 - (a) for “accounts of the Commission or” substitute “ accounts of ”,
 - (b) for “Commission or corporation, as the case may be,” substitute “ corporation ”, and
 - (c) for “them” substitute “ it ”.

Commencement Information

I21 Sch. 5 para. 21 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 22 (1) Section 69 (Secretary of State's accounts) is amended as follows.
 - (2) In subsection (1)—
 - (a) omit paragraph (a) and the “and” following it, and
 - (b) omit the words from “and directions under” to the end.
 - (3) In subsection (2), omit paragraph (a) and the “and” following it.

Commencement Information

I22 Sch. 5 para. 22 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 23 (1) Section 70 (reports) is amended as follows.
 - (2) Omit paragraph (a).
 - (3) Omit “of the Commission or”.

Commencement Information

I23 Sch. 5 para. 23 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 24 (1) Section 71 (information) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “the Commission and every development corporation shall respectively” substitute “ every development corporation shall ”, and
 - (b) for “their” substitute “ its ”.
 - (3) In subsection (2)—
 - (a) omit “the Commission and”, and
 - (b) in paragraph (a), for “Commission or corporation, as the case may be” substitute “ corporation ”.

Commencement Information

I24 Sch. 5 para. 24 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 25 In section 72(1)(a) (application and exclusion of certain enactments: section 12 of the Finance Act 1895 (c. 16)) omit “or from the Commission”.

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Commencement Information

I25 Sch. 5 para. 25 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 26 In section 74(3) (local inquiries) for “sections 37, 40 and 41” substitute “ sections 40 and 41 ”.

Commencement Information

I26 Sch. 5 para. 26 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 27 In section 77(3) (regulations and orders to be made by statutory instrument) omit “and paragraph 7 of Schedule 9 to this Act”.

Commencement Information

I27 Sch. 5 para. 27 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 28 In section 80(1) (general interpretation provisions)—
 (a) omit the definition of “the Commission”, and
 (b) in the definition of “financial year”, omit “or the Commission”.

Commencement Information

I28 Sch. 5 para. 28 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 29 In section 82 (short title, extent and commencement)—
 (a) in subsection (2)(c) for “1, 2 and 12” substitute “ 1 and 2 ”, and
 (b) in subsection (3) omit “paragraph 12 of Schedule 11, and”.

Commencement Information

I29 Sch. 5 para. 29 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 30 Omit Schedule 9 (additional provisions as to the Commission).

Commencement Information

I30 Sch. 5 para. 30 in force at 1.4.2009 by S.I. 2009/803, art. 3(1)

- 31 (1) Schedule 10 (additional provisions as to transfer to Commission of property of development corporation) is amended as follows.
 (2) In the heading, omit “to Commission”.
 (3) In paragraph 1—
 (a) for “Commission”, wherever appearing, substitute “ relevant transferee ”, and
 (b) in sub-paragraph (2)(c), for “, to the member” to the end substitute “—

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- (i) in a case where the relevant transferee is the Homes and Communities Agency, to the member or member of staff of the Agency who corresponds as nearly as may be to the member or officer in question of the corporation; and
 - (ii) in a case where the relevant transferee is the Welsh Ministers, to the member of staff of the Welsh Ministers who corresponds as mentioned in sub-paragraph (i) above.”
- (4) In paragraph 2—
 - (a) for “Secretary of State”, wherever appearing, substitute “ appropriate national authority ”, and
 - (b) for “Commission”, wherever appearing, substitute “ relevant transferee ”.
- (5) In paragraph 3—
 - (a) in sub-paragraph (1) for “Commission” substitute “ relevant transferee ”,
 - (b) in sub-paragraph (3)(a) for “Commission” substitute “ relevant transferee ”, and
 - (c) in sub-paragraph (3)(c)—
 - (i) for “where the development” substitute “ where, in the case of a development corporation established by the Secretary of State, the ”, and
 - (ii) for “Commission” substitute “ Homes and Communities Agency ”.
- (6) Omit paragraph 4.
- (7) In paragraph 5—
 - (a) omit sub-paragraph (1), and
 - (b) for sub-paragraph (2) substitute—
 - “(2) Sub-paragraph (3) applies if, in the case of a development corporation established by the Secretary of State, the liabilities of the corporation for—
 - (a) the repayment of advances under section 58(1) above; or
 - (b) the payment of interest on such advances;are transferred to the Homes and Communities Agency.
 - (3) The following provisions apply to those advances—
 - (a) section 61(2); and
 - (b) section 66(1) but as if the reference to any payment under section 63 or 65 above were a reference to any sum received by the Secretary of State under section 25(2) of the Housing and Regeneration Act 2008.”

Commencement Information

I31 Sch. 5 para. 31 in force at 1.12.2008 by S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 32 (1) Schedule 11 (saving and transitional provisions) is amended as follows.
- (2) In the italic heading before paragraph 3, omit “to Commission and”.

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(3) Omit paragraphs 3 and 5.

(4) Omit paragraph 12 and the italic heading before it.

Commencement Information

I32 [Sch. 5 para. 32](#) in force at 1.4.2009 by [S.I. 2009/803](#), [art. 3\(1\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)