

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Localism Act 2011, PART 3 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 16

#### TRANSFER OF FUNCTIONS FROM THE OFFICE FOR TENANTS AND SOCIAL LANDLORDS TO THE HOMES AND COMMUNITIES AGENCY

#### PART 3

##### TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES

###### *Transfer of property, rights and liabilities*

- 63 (1) The property, rights and liabilities to which the Office is entitled or subject immediately before the commencement of this paragraph transfer to and vest in the HCA.
- (2) This paragraph has effect in spite of any provision (of whatever nature) that would otherwise prevent, penalise or restrict the transfer of the property, rights or liabilities.
- (3) In particular, it has effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of such a provision having effect in relation to the terms on which the Office is entitled to the property or right, or subject to the liability, in question.
- (4) A certificate by the Secretary of State that anything specified in the certificate has vested in the HCA under this paragraph is conclusive evidence for all purposes of that fact.

###### **Commencement Information**

**II** Sch. 16 para. 63 in force at 1.4.2012 by S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

###### *Employment contracts: transfer of rights and liabilities*

- 64 (1) The rights and liabilities transferred by paragraph 63 include rights or liabilities under a contract of employment.
- (2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer by virtue of that paragraph of rights or liabilities under a contract of employment (whether or not it is a relevant transfer for the purposes of those regulations).

###### **Commencement Information**

**II** Sch. 16 para. 64 in force at 1.4.2012 by S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

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### *Continuity*

- 65 (1) The transfer of property, rights and liabilities by virtue of paragraph 63 does not affect the validity of anything done (or having effect as if done) by or in relation to the Office before the transfer takes effect.
- (2) Anything that—
- (a) is done (or has effect as if done) by or in relation to the Office for the purposes of, or otherwise in connection with, anything transferred by paragraph 63, and
  - (b) has effect immediately before the transfer date,
- is to be treated as done by or in relation to the HCA.
- (3) There may be continued by or in relation to the HCA anything (including legal proceedings) that—
- (a) relates to anything transferred under paragraph 63, and
  - (b) is in the process of being done by or in relation to the Office immediately before the transfer date.
- (4) Sub-paragraph (5) applies to any document that—
- (a) relates to anything transferred under paragraph 63, and
  - (b) is in effect immediately before the transfer date.
- (5) Any references (however expressed) in the document to the Office are to be read, so far as is necessary for the purposes of the transfer, as references to the HCA.

#### **Commencement Information**

**I3** Sch. 16 para. 65 in force at 1.4.2012 by S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

### *Interpretation*

- 66 In this Part of this Schedule—
- “the Office” means the Office for Tenants and Social Landlords constituted by Chapter 2 of Part 2 of the Housing and Regeneration Act 2008 as originally enacted;
- “the transfer date” means the date on which paragraph 63 comes into force.

#### **Commencement Information**

**I4** Sch. 16 para. 66 in force at 1.4.2012 by S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

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