

## SCHEDULE

### Modification of Enactments

#### **Housing Associations Act 1985**

**3.—(1)** In the following provisions of the Housing Associations Act 1985 any reference to the Housing Corporation shall be treated as if it were a reference to the Regulator of Social Housing—  
sections 9(1A)(a), 9(6)(a), 10(1)(a), 33A, 75(1A) and 77

paragraph 6(2)(b) of Part I and paragraph 2(2)(b) of Part VI of Schedule 5(1).

(2) Section 69 of the Housing Associations Act 1985(2) (power to vary or terminate certain agreements with housing associations) shall have effect as if—

(a) in subsection (1) in paragraph (a) for the words from “(including” to the end there were substituted “under which rights and obligations have been transferred to the Regulator of Social Housing;”,

(b) subsection (2A) were omitted, and

(c) before subsection (3) there were inserted—

“(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.”.

(3) In section 74 of the Housing Associations Act 1985(3)—

(a) the reference to the Housing Corporation in subsection (1) shall be treated as if it included a reference to the Regulator of Social Housing and the Homes and Communities Agency, and

(b) the reference to the Housing Corporation in subsection (4) shall be treated as if it were a reference to Regulator of Social Housing.

(4) The modifications made by this Order to section 74(4) of the Housing Associations Act 1985 shall not have effect for the purposes of the construction of “the Relevant Authority” in relation to sections 75(1)(c) and (e) and (4), 84, 88, 89 and 90 of that Act.

(5) In section 76 of the Housing Associations Act 1985 any reference to the Housing Corporation shall be treated as if it included a reference to the Regulator of Social Housing and the Homes and Communities Agency.

(6) In section 79 of the Housing Associations Act 1985—

(a) in relation to loans to persons other than registered social landlords any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),

(b) the reference to the Housing Corporation in subsection (1) shall be treated as if it were a reference to the Homes and Communities Agency, and

(c) the reference to the Housing Corporation in subsection (4) shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.

(7) In section 80 of the Housing Associations Act 1985—

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(1) 1985 c.69; amended by section 140 of, and Schedule 16 to, and section 152 of and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c.38). Further amendments have been made to Schedule 5 not relevant to this Order.

(2) Further amendments have been made to section 69 not relevant to this Order.

(3) Section 74 was amended by section 59 of, and paragraph 31 of Schedule 6 to the Housing Act 1988 and S.I. 1996/2325.

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- (a) any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing), and
  - (b) any reference to the Housing Corporation in subsections (3A) and (4) shall be treated as if it were a reference to the Homes and Communities Agency.
- (8) In section 81 of the Housing Associations Act 1985 the reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing).
- (9) In section 83 of the Housing Associations Act 1985—
- (a) in relation to guarantees in respect of loans to persons other than registered social landlords any reference to the Relevant Authority shall, in so far as it had effect as a reference to the Housing Corporation immediately before the commencement of this Order, be treated as if it were a reference to the Homes and Communities Agency (and not the Regulator of Social Housing),
  - (b) the reference to the Housing Corporation in subsection (1) shall be treated as if it were a reference to the Homes and Communities Agency, and
  - (c) any reference to the Housing Corporation in subsections (1A) and (3) shall be treated as if it were a reference to the Regulator of Social Housing or the Homes and Communities Agency as the circumstances require.
- (10) In relation to any assistance under section 87 of the Housing Associations Act 1985<sup>(4)</sup> given in the form of grant by the Regulator of Social Housing, any reference to the Relevant Authority in section 52 of the Housing Act 1988 as it applies to such a grant shall be treated as a reference to the Regulator of Social Housing.
- (11) Schedule 7 to the Housing Associations Act 1985 (powers exercisable where loan outstanding under section 2 of the Housing Act 1964) shall have effect as if—
- (a) for paragraph 1 there were substituted—
    - “1. This Schedule applies where—
    - (a) the Housing Corporation made a loan to a housing association under section 2 of the Housing Act 1964 before the repeal of that section by the Housing (Consequential Provisions) Act 1985,
    - (b) the Housing Corporation’s rights and obligations in respect of the loan have been transferred to the Regulator of Social Housing, and
    - (c) the loan has not been repaid.”,
  - (b) for “Housing Corporation”, wherever appearing, there were substituted “Regulator of Social Housing”,
  - (c) for “Relevant Authority”, wherever appearing, there were substituted “Regulator of Social Housing”,
  - (d) in paragraph 3 the words from “; and the Secretary of State shall not” to the end were omitted,
  - (e) paragraph 4(2) were omitted, and
  - (f) paragraph 5(1A) and (6) were omitted.

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(4) Section 87 was substituted in relation to England and Wales by section 183 of the Local Government and Housing Act 1989 (c.42) and amended by paragraph 7 of Schedule 3 to the Housing Act 1996, S.I.1996/2325 and section 218 of, and paragraph 1 of Schedule 11 to, and section 266 of, and Schedule 18 to the Housing Act 2004 (c.34).

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