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STATUTORY INSTRUMENTS

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**2012 No. 702**

**HOUSING, ENGLAND**

**The Localism Act 2011 (Housing and Regeneration  
Functions in Greater London) (Consequential,  
Transitional and Saving Provisions) (No. 2) Order 2012**

<i>Made</i>	- - - -	<i>5th March 2012</i>
<i>Laid before Parliament</i>		<i>8th March 2012</i>
<i>Coming into force</i>	- -	<i>1st April 2012</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 194(1) of the Localism Act 2011(1):

**Citation and commencement**

1. This Order may be cited as the Localism Act 2011 (Housing and Regeneration Functions in Greater London) (Consequential, Transitional and Saving Provisions) (No.2) Order 2012 and comes into force on 1st April 2012.

**Interpretation**

2. In this Order—

“housing” has the same meaning as in section 333E of the Greater London Authority Act 1999(2);

“the Agency” means the Homes and Communities Agency;

“the Authority” means the Greater London Authority;

“the commencement date” means 1st April 2012.

**Consequential amendments: Part 8 of the Localism Act 2011**

3. The amendments specified in Schedule 1 have effect.

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(1) 2011 c.20.

(2) 1999 c. 29. Section 333E was inserted by section 187(4) of the Localism Act.2011.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Transitional and saving provisions**

4. The transitional and saving provisions in Schedule 2 have effect.

Signed by authority of the Secretary of State for Communities and Local Government

5th March 2012

*Grant Shapps*  
Minister of State  
Department for Communities and Local  
Government

## SCHEDULE 1

Article 3

### Consequential Amendments

#### **Consumer Credit (Exempt Agreements) Order 1989**

1. In Part II of Schedule 1 to the Consumer Credit (Exempt Agreements) Order 1989(3) (bodies whose agreements of the specified description are exempt agreements)—

- (a) in the column headed “Bodies Corporate”, before the entry for Homes and Communities Agency, insert “The Greater London Authority”; and
- (b) in the column headed “Description of Agreement and Enactments”, before the corresponding entry for the Homes and Communities Agency, insert “Agreements of a description falling within section 16(2) of the Act, being agreements made under the Authority’s power to give financial assistance under section 30 of the Greater London Authority Act 1999.”.

#### **Community Infrastructure Levy Regulations 2010**

2. In regulation 53(3)(b) of the Community Infrastructure Levy Regulations 2010(4) (withdrawal of social housing relief), after the words “a local housing authority”, insert “, the Greater London Authority”.

#### **Housing (Right to Buy) (Prescribed Forms) Regulations 1986**

3. In Schedule 1 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986(5) (Form RTB1), under the heading “any of the following bodies set up in consequence of the abolition of the Greater London Council and the metropolitan county councils” after “English Sports Council”, insert “The Greater London Authority”.

#### **Housing (Service Charge Loans) Regulations 1992**

4. In the Housing (Service Charge Loans) Regulations 1992(6)—

- (a) in regulation 1(2)(a) (citation, commencement and interpretation), after “the Homes and Communities Agency” insert “, the Greater London Authority”; and
- (b) in regulation 2(2)(a) (the right to loan in certain cases after exercise of right to buy), after “the Homes and Communities Agency” insert “, the Greater London Authority”.

#### **Rent Act 1977 (Forms etc) Regulations 1980**

5. In Schedule 1 to the Rent Act 1977 (Forms etc) Regulations 1980(7), in paragraph 3 of Form 5, before the reference to “or the Homes and Communities Agency”, insert “or the Greater London Authority,”.

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(3) [S.I. 1989/869](#). Part II of Schedule 1 was amended by [S.I. 2008/2831](#). Other amendments have been made but are not relevant to this Order.

(4) [S.I. 2010/948](#).

(5) [S.I. 1986/2194](#). Schedule 1 has been amended on numerous occasions but none of the amendments are relevant to this Order.

(6) [S.I. 1992/1708](#). The Regulations have been amended by [S.I. 2008/2831](#). Other amendments have been made but are not relevant to this Order.

(7) [S.I. 1980/1697](#). Form 5 of Schedule 1 was amended by [SI 2008/2831](#). Other amendments have been made but are not relevant to this Order.

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## **Social Security (Claims and Payments) Regulations 1987**

6. In Schedule 9A to the Social Security (Claims and Payments) Regulations 1987<sup>(8)</sup>(deduction of mortgage interest from benefit), in paragraph 8, after the reference to “(aa) the Homes and Communities Agency”, insert “(aaa) the Greater London Authority;”.

### SCHEDULE 2

Article 4

#### Transitional and saving provisions

##### **Provision for continuity in the exercise of functions**

1.—(1) This article is subject to paragraphs 2 to 5 of this Schedule.

(2) Anything which, before the commencement date, is in the process of being done by, on behalf of or in relation to the Agency in or in relation to Greater London may be continued, on and after that date, by or on behalf of or in relation to the Authority.

(3) Anything done (or having effect as if done) by or in relation to the Agency in or in relation to Greater London before the commencement date, has effect on and after that date as if done by or in relation to the Authority, so far as that is required for continuing its effect on and after that date.

(4) The reference in paragraphs (2) and (3) to anything done, or in the process of being done, by or in relation to the Agency includes without limitation any applications made or any authorisations or notices given, to, by or in relation to the Agency in or in relation to Greater London.

##### **Right to buy**

2. Any notice served on the Agency under section 151B(3) or (4) of the Housing Act 1985<sup>(9)</sup> (mortgage for securing redemption of landlord’s share) before the commencement date in relation to housing in Greater London shall have effect on and after the commencement date as if it were served on the Authority.

3. The Housing (Service Charge Loans) Regulations 1992 shall, on and after the commencement date, apply in relation to any loan which relates to housing in Greater London given by the Agency under regulation 5 of those Regulations before the commencement date as if the loan had been made by the Authority.

##### **Loan agreements**

4. The provisions of the Consumer Credit (Exempt Agreements) Order 1989 shall, on and after the commencement date, continue to apply to any agreement made by the Agency before the commencement date which relates to housing in Greater London, as if the agreement had been made by the Authority.

##### **Determinations**

5. Until such time as a new determination is made by the Authority, any determination made under section 32 of the Housing and Regeneration Act 2008<sup>(10)</sup> by the Agency before the

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<sup>(8)</sup> [S.I. 1987/1968](#). Schedule 9A was amended by SI by [SI 2008/2831](#). Other amendments have been made but are not relevant to this Order.

<sup>(9)</sup> [1985 c.68](#). Section 151B was inserted by the Leasehold Reform, Housing and Urban Development Act [1993 c. 28](#). It was amended by [S.I. 2010/866](#). Other amendments have been made but are not relevant to this Order.

<sup>(10)</sup> [2008 c.17](#)

commencement date continues to have effect in relation to housing in Greater London on and after that date.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 189 of the Localism Act 2011 (“the Act”), which is brought into force on 1st April 2012 (“the commencement date”), introduces a definition of England in respect of the Homes and Communities Agency’s objects which excludes Greater London. It also makes other amendments to Part 1 of the Housing and Regeneration Act 2008 to exclude Greater London from references to England. The purpose of these changes is to facilitate the transfer of the functions of the Agency, in so far as they relate to Greater London, to the Greater London Authority (“the Authority”).

This Order makes amendments to secondary legislation, additional to the amendments to primary legislation contained in the Act, which are consequential on the modification of the Homes and Communities Agency’s objects and the transfer of its property, assets and liabilities to the Authority (article 3 and schedule 1).

The amendments in the Act, and in secondary legislation, are subject to transitional and savings provisions, the purpose of which is to ensure continuity between things done by the Homes and Communities Agency in or in relation to Greater London prior to the commencement date, and the assumption by the Authority of its new functions (article 4 and schedule 2).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.