



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART VI

#### REFORM OF WELSH PUBLIC BODIES

##### *Housing for Wales*

#### **140 Transfer of functions, property, staff etc. to Secretary of State.**

- (1) The functions of Housing for Wales shall be transferred to the Secretary of State in accordance with the provisions of Schedule 16 which amends the enactments relating to that body for the purpose of—
  - (a) transferring its functions to the Secretary of State, and
  - (b) making provision consequential on the transfer.
- (2) There shall be transferred to and vest in the Secretary of State for Wales by virtue of this subsection all property, rights and liabilities to which Housing for Wales is entitled or subject when its functions are transferred to the Secretary of State in accordance with the provisions of Schedule 16.
- (3) A certificate issued by the Secretary of State that any property has been transferred by subsection (2) shall be conclusive evidence of the transfer.
- (4) Subsection (2) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (5) Subsection (2) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of Housing for Wales.
- (6) An order under subsection (5) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

*Changes to legislation:* Government of Wales Act 1998, Cross Heading: Housing for Wales is up to date with all changes known to be in force on or before 11 March 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

### Commencement Information

- II** S. 140 wholly in force; s. 140 not in force at Royal Assent see s. 158; s. 140(5)(6) in force at 2.9.1998 and s. 140(1)-(4) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

## 141 Transitional provisions.

- (1) Nothing in section 140 or Schedule 16, or in any repeal made by this Act, affects the validity of anything done by or in relation to Housing for Wales before its functions are transferred.
- (2) There may be continued by or in relation to the Secretary of State for Wales anything (including legal proceedings) which—
  - (a) relates to any of the functions of Housing for Wales or to any property, rights or liabilities transferred by section 140(2), and
  - (b) is in the process of being done by or in relation to Housing for Wales when its functions are transferred.
- (3) Anything which—
  - (a) was done by Housing for Wales for the purpose of or in connection with any of its functions or by Housing for Wales or the Housing Corporation for the purpose of or in connection with any property, rights or liabilities transferred by section 140(2), and
  - (b) is in effect immediately before its functions are transferred,
 shall have effect as if done by the Secretary of State for Wales.
- (4) The Secretary of State for Wales shall be substituted—
  - (a) for Housing for Wales in any instruments, contracts or legal proceedings which relate to any of the functions of Housing for Wales and are made or commenced before its functions are transferred, and
  - (b) for Housing for Wales or the Housing Corporation in any instruments, contracts or legal proceedings which relate to any property, rights or liabilities transferred by section 140(2) and are so made or commenced.

## 142 Winding-down.

- (1) Housing for Wales shall give to the Secretary of State all the information, prepare all the documents and do all other things which appear to the Secretary of State appropriate for the purpose of facilitating—
  - (a) the carrying into effect of sections 140, 141 and 143 and Schedule 16, or
  - (b) the exercise of any functions transferred to the Secretary of State by Schedule 16 or conferred or imposed on him by this section;
 and Housing for Wales may do anything else which appears to it appropriate for that purpose.
- (2) Housing for Wales shall comply with section 78(1) and (2) (annual reports) and section 97(1) to (3) (accounts) of the <sup>M1</sup>Housing Associations Act 1985—
  - (a) in relation to the last financial year ending before its functions are transferred (if it has not done so before then), and

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- (b) in relation to the period between the end of that financial year and the time when its functions are transferred (to which period those provisions shall apply as if it were a financial year).
- (3) As from the time when the functions of Housing for Wales are transferred, the Secretary of State shall make available to Housing for Wales such facilities as it may reasonably require for exercising its functions under this section.
- (4) Section 78(3) of the <sup>M2</sup>Housing Associations Act 1985 (duty of Secretary of State to lay reports before Parliament) shall apply in relation to a report made pursuant to subsection (2).
- (5) Section 97(4) of that Act (duty of Secretary of State to prepare accounts) shall, so far as it relates to Housing for Wales, apply in relation to the period between—
- (a) the end of the last financial year before its functions are transferred, and
  - (b) the time when its functions are transferred,
- as if it were a financial year.
- (6) The Secretary of State may pay to members of Housing for Wales—
- (a) any remuneration which he considers appropriate in respect of the performance of their duties as members of Housing for Wales after the time when its functions are transferred, and
  - (b) any allowances which he determines should be paid to them in respect of expenses properly incurred by them in the performance of those duties after that time.
- (7) The Secretary of State may determine that, as from the time when the functions of Housing for Wales are transferred or any later time, the number of members of Housing for Wales shall be reduced to a number which he considers appropriate (and may, accordingly, remove any such members from office).
- (8) The Secretary of State shall meet the costs of remunerating auditors and any other costs incurred by Housing for Wales in connection with the exercise of any of its functions under this section.

#### Commencement Information

**I2** [S. 142](#) wholly in force; [s. 142](#) not in force at Royal Assent see [s. 158](#); [s. 142\(1\)\(7\)\(8\)](#) in force at 2.9.1998 and [s. 142\(2\)-\(6\)](#) in force at 1.11.1998 by [S.I. 1998/2244](#), [arts. 3, 5](#)

#### Marginal Citations

**M1** [1985 c. 69](#).  
**M2** [1985 c. 69](#).

### 143 Abolition etc.

- (1) Housing for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 142 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
- (a) the continuance of Housing for Wales for the purpose of exercising its functions under section 142, or

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- (b) the continued operation for that purpose of any enactment relating to Housing for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
  - (a) the transfer of functions, property, rights and liabilities of Housing for Wales by section 140(1) and (2) and Schedule 16, or
  - (b) the abolition of Housing for Wales.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of sections 140 to 142, Schedule 16 or any other enactment.

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#### **Commencement Information**

**I3** [S. 143](#) wholly in force; [s. 143](#) not in force at Royal Assent see [s. 158](#); [s. 143\(3\)\(4\)](#) in force at 2.9.1998 and [s. 143\(1\)\(2\)](#) in force at 1.10.1998 by [S.I. 1998/2244](#), [art. 3, 5](#)

**Changes to legislation:**

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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. 104(1A) inserted by [2022 asc 1 s. 68\(6\)\(a\)](#)
- Sch. 1 para. 5A5B by [2000 c. 41 Sch. 3 para. 10\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 paras. 8-16 repealed without ever being in force by Government of Wales Act 2006 (c. 32), s. 163, {Sch. 12} (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.)
- Sch. 17 para. 11A inserted by [2022 asc 1 Sch. 4 para. 12\(4\)\(b\)](#)