
STATUTORY INSTRUMENTS

1990 No. 1700

The New Towns (Transfer of Housing Stock) Regulations 1990

PART I
GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the New Towns (Transfer of Housing Stock) Regulations 1990 and shall come into force on 14th September 1990.

(2) These Regulations apply in relation to the disposal of dwellings in England, and of relevant property (wherever situated) relating to such dwellings.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1989 Act” means the Local Government and Housing Act 1989;

“approved person” means a person approved in accordance with regulation 5;

“authority”, in relation to any dwelling, means the district council within whose district that dwelling is situated;

“block of flats” means a building—

(a) containing two or more flats; and

(b) occupied or intended to be occupied wholly or mainly for residential purposes;

“final valuation” means a valuation prepared under regulation 17(1)(b);

“hostel” means a building which is not sheltered housing and in which is provided, for persons generally or for a class or classes of persons—

(a) either—

(i) residential accommodation otherwise than in separate and self-contained sets of premises, or

(ii) residential accommodation with communal facilities which include the services of a resident warden and the use of a common room which is within or in close proximity to the building, and

(b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“housing stock” does not include—

(a) any property, rights, liabilities and obligations associated with dwellings within the meaning of section 172(9) of the 1989 Act which, taking account of good property management practice and any proposals there may be to dispose of any property vested in the new town corporation other than their housing stock, ought reasonably to be excluded from disposal under these Regulations; or

- (b) liabilities and obligations under Part V of the Housing Act 1985(1) which, apart from any provision in regulations made under section 172 of the 1989 Act, would not be capable of being assigned or transferred by the corporation;

“initial valuation” means a valuation prepared under regulation 17(1)(a);

“long tenancy” has the meaning given in section 115 of the Housing Act 1985(2);

“relevant property” means the property, rights, liabilities and obligations which are within the housing stock of a new town corporation and which are (within the meaning of section 172(9) of the 1989 Act) associated with the dwellings comprised in that stock;

“retained dwellings” has the meaning given in regulation 4;

“sheltered housing” means dwellings within paragraph 7, 9 or 10 of Schedule 5 to the Housing Act 1985; and

“tenant”, in relation to a dwelling, means a person holding either a tenancy of the dwelling or a licence to occupy the dwelling as a dwelling, in either case granted by a new town corporation.

(2) Any reference in these Regulations to the transfer of dwellings includes a reference to the transfer with them of any relevant property which relates to those dwellings and which, in accordance with proposals made by the new town corporation under regulation 3, is to be transferred with them.

(3) Any notice under these Regulations shall be in writing and may be served or given in accordance with section 75 of the New Towns Act 1981(3).

Requirement to make proposals

3.—(1) As soon as practicable after the Secretary of State has given them a notice requiring them so to do, a new town corporation shall make proposals for disposing of their housing stock in accordance with these Regulations.

(2) The corporation may at any time vary the proposals made under paragraph (1).

(3) Subject to the provisions of these Regulations, the disposals shall be on terms agreed between the corporation and the transferees, and, without prejudice to the generality of the foregoing, those terms may provide—

(a) for payments to be made by instalments; and

(b) that the corporation be paid a proportion of any future receipts from the sale of dwellings under Part V of the Housing Act 1985 or from such other disposals as the corporation may specify.

(4) The proposals shall provide that relevant property is to be transferred with dwellings to which it relates, or separately from those dwellings.

Retained dwellings

4.—(1) “Retained dwelling” means, subject to paragraphs (2) and (3), any dwelling vested in a new town corporation—

(a) in respect of which, before the time at which the Secretary of State gave the notice referred to in regulation 3, a notice has been served under section 122 of the Housing Act 1985 (notice of a claim to exercise the right to buy); or

(b) in respect of which, before that time, any other application to acquire the freehold or a long tenancy has been made to the corporation by the tenant; or

(1) 1985 c. 68.

(2) Section 115 was amended by paragraph 40 of Schedule 17 to the Housing Act 1988 (c. 50).

(3) 1981 c. 64.

- (c) which is or is likely to be the subject of an application under section 96 of the Housing Act 1988(4); or
 - (d) which is likely to be demolished within a reasonable period because of faults in its structure or for any other reason.
- (2) A dwelling is a retained dwelling by virtue of paragraph (1)(a) or (b) only if it is not comprised in a block of flats.
- (3) A dwelling ceases to be a retained dwelling—
- (a) in respect of a dwelling within paragraph (1)(a), when the notice has been, or been deemed to be, withdrawn, or a lease has been granted pursuant to it under Part V of the Housing Act 1985; or
 - (b) in respect of a dwelling within paragraph (1)(b), when the tenant withdraws the application, the corporation determine not to proceed with the transaction, or the corporation pursuant to the application dispose of less than their entire interest in the dwelling; or
 - (c) in respect of a dwelling within paragraph (1)(c), when it ceases to be likely that an application under section 96 will be made or will proceed to a disposal, or when, after a disposal pursuant to the application, the corporation retain an interest in the dwelling; or
 - (d) in respect of a dwelling within paragraph (1)(d), when it ceases to be likely to be demolished within a reasonable period.
- (4) These Regulations apply in relation to retained dwellings as they apply to other dwellings of a corporation except that the retained dwellings shall not be transferred under these Regulations until they cease to be retained dwellings.
- (5) Where retained dwellings would have been included with other dwellings in a transfer under regulation 12, 14 or 15 but for the exception in paragraph (4), the transfer of those other dwellings shall be on the terms that the retained dwellings (insofar as the corporation have retained any interest in them) are to be transferred to the transferee of the other dwellings when the retained dwellings cease to be retained dwellings.

Approved Persons

- 5.—(1) A person is an approved person for the purposes of disposals under these Regulations if approved by the Housing Corporation under this regulation.
- (2) The Housing Corporation shall establish (and may from time to time vary) criteria to be satisfied by a person seeking approval under this regulation, and, in deciding whether to give such approval, the Housing Corporation shall have regard to whether the person satisfies those criteria.
- (3) An approval under this regulation—
- (a) shall only be given to a person making an application; and
 - (b) shall apply in relation to all the housing stock of new town corporations, or such housing stock or housing stock of such description as may be specified in the approval; and
 - (c) may be made conditional upon the person concerned entering into such undertakings as may be specified by the Housing Corporation.
- (4) If it appears to the Housing Corporation appropriate to do so (whether by reason of a failure to honour an undertaking or to meet any criteria or for any other reason), the Housing Corporation may revoke an approval given under this regulation by notice to the approved person; but such revocation shall not affect any disposal completed before the notice is served or completed after such service in pursuance of a contract entered into before such service.

Price

6.—(1) Any transfer under regulations 12, 14 and 15 (except of retained dwellings) shall be for the amount (which may be a negative amount) determined in the final valuation.

(2) Any other transfer of property under these Regulations shall be for an amount (which may be a negative amount) equal to the price which, on the basis of the assumptions described in regulation 17(3), it would realise if sold on the open market by a willing vendor.

Land Registration

7.—(1) Where a new town corporation transfer any interest in land under these Regulations, they shall ensure that the instrument by which the transfer is effected contains a statement that the transfer is made under section 172 of the 1989 Act.

(2) Where the title of the corporation to the land transferred is not registered, and the transfer is a conveyance or assignment of a description mentioned in section 123 of the Land Registration Act 1925⁽⁵⁾ (compulsory registration of title)—

- (a) that section applies in relation to the instrument by which the transfer is effected, whether or not the land is in an area in which an Order in Council under section 120 of that Act (areas of compulsory registration) is in force; and
- (b) the corporation shall give the transferee a certificate in a form approved by the Chief Land Registrar stating that the corporation are entitled to make the transfer subject only to such encumbrances, rights and interests as are stated in the instrument by which the transfer is effected or summarised in the certificate; and
- (c) for the purposes of registration of title, the Chief Land Registrar shall accept such a certificate as evidence of the facts stated in it, but if as a result he has to meet a claim against him under the Land Registration Acts 1925 to 1986⁽⁶⁾ the corporation by whom the transfer was made are liable to indemnify him.

⁽⁵⁾ 1925 c. 21.

⁽⁶⁾ The Land Registration Act 1925; the Land Registration Act 1936 (c. 26); the Land Registration Act 1966 (c. 39); Part I of the Land Registration and Land Charges Act 1971 (c. 54); and the Land Registration Act 1986 (c. 26).