

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Housing Act 1985

14.—(1) The Housing Act 1985⁽¹⁾ is amended as follows.

(2) In section 5 (housing associations) for subsection (4) substitute—

“(4) In this Act “registered social landlord” means—

- (a) a housing association registered in the register maintained by the Housing Corporation under section 1 of the Housing Act 1996, or
- (b) a housing association registered in the register maintained by Housing for Wales under section 1 of the Housing Act 1996,

subject as follows.

(5) References to registered social landlords include, where the context so permits, references to housing associations registered in the register maintained by Scottish Homes under section 3 of the Housing Associations Act 1985 (Scottish registered housing associations)..”

(3) For section 6A⁽²⁾ (definition of the Corporation) substitute—

“6A The Corporation

(1) In this Act “the Corporation” means the Housing Corporation, Housing for Wales or Scottish Homes, subject as follows.

(2) In relation to a housing association which is—

- (a) a registered charity which has its address for the purposes of registration by the Charity Commissioners in Wales,
- (b) a society registered under the Industrial and Provident Societies Act 1965 which has its registered office for the purposes of that Act in Wales, or
- (c) a company registered under the Companies Act 1985 which has its registered office for the purposes of that Act in Wales,

“the Corporation” means Housing for Wales.

(3) In relation to a housing association which is a society registered under the Industrial and Provident Societies Act 1965 which has its registered office for the purposes of that Act in Scotland, “the Corporation” means Scottish Homes.

(4) In relation to any other housing association which is a registered charity, a society registered under the Industrial and Provident Societies Act 1965 or a company registered under the Companies Act 1985, “the Corporation” means the Housing Corporation.

(1) 1985 c. 68.

(2) Section 6A was inserted by the 1988 Act, paragraph 107 of Schedule 17.

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- (5) In this section “registered charity” means a charity which is registered under section 3 of the Charities Act 1993 and is not an exempt charity within the meaning of that Act..”
- (4) In section 45(2)(3) (disposals: restriction on service charges), for “registered housing association” substitute “registered social landlord”.
- (5) In section 57(4) (index of defined expressions: Part II), for the entry relating to “registered (in relation to a housing association)” substitute—
“registered social landlord section 5(4) and (5).”
- (6) In section 72(a)(5) (co-operation between authorities), for “registered housing association” substitute “registered social landlord”.
- (7) In section 78 (index of defined expressions: Part III), for the entry of relating to “registered (in relation to a housing association)” substitute—
“registered social landlord section 5(4) and (5).”
- (8) In section 80(6) (the landlord condition)—
- (a) in subsection (2) in so far as it continues to have effect by virtue of section 35(5) of the Housing Act 1988 or paragraph 4 of Schedule 18 to that Act—
- (i) in paragraph (a), for “registered housing association” substitute “registered social landlord”,
- (ii) for paragraph (b), substitute—
“**(b)** a co-operative housing association which is not a registered social landlord,”
- and
- (b) in subsection (3), for “registered”, in both places where it appears, substitute “a registered social landlord”.
- (9) In section 92(2A)(7) (tenancies which may be assigned by way of exchange), in paragraph (a) for “registered housing association” substitute “registered social landlord”.
- (10) In section 105(6)(8) (consultation on housing management)—
- (a) for “registered housing association” substitute “registered social landlord”, and
- (b) for “association” substitute “landlord authority”.
- (11) In section 106(3)(9) (information about housing allocation)—
- (a) for “registered housing association” substitute “registered social landlord”, and
- (b) for “association” substitute “landlord authority”.
- (12) In section 114(1)(10) (meaning of “landlord authority”), for “registered housing association” substitute “registered social landlord”.

(3) Section 45 was amended by the Landlord and Tenant Act 1987 (c. 31), paragraph 4 of Schedule 4, and by the 1988 Act, section 79(11) and paragraph 106 of Schedule 17.

(4) Section 57 was amended by the 1986 Act, paragraph 25 of Schedule 5, and by the 1988 Act, paragraph 108 of Schedule 17.

(5) Section 72(a) was amended by the 1988 Act, section 70.

(6) Subsection (1) (in part) and subsection (2) of section 80 were repealed, subject to savings, by the 1988 Act, Schedule 18.

(7) Section 92 was amended and section 92(2A) was inserted by the Local Government and Housing Act 1989 (c. 42) (“the 1989 Act”), section 163.

(8) Section 105(6) was amended by the 1988 Act, paragraph 106 of Schedule 17, and by the Local Government (Wales) Act 1994, paragraph 5(7) of Schedule 8.

(9) Section 106(3) was amended by the 1988 Act, paragraph 106 of Schedule 17, and by the Local Government (Wales) Act 1994, paragraph 5(7) of Schedule 8.

(10) Section 114 was amended by the 1988 Act, section 83(1) and (4).

(13) In section 115(2)(a)(**11**) (meaning of “long tenancy”), for “registered” substitute “a registered social landlord”.

(14) In section 117(**12**) (index of defined expressions: Part IV), for the entry relating to “registered and unregistered (in relation to a housing association)” substitute—
“registered social landlord section 5(4) and (5)”.

(15) In section 171(2)(**13**) (power to extend right to buy in cases where superior interest held by certain authorities or bodies), for “registered housing association” substitute “registered social landlord”.

(16) In section 185(2)(b) (meaning of “secure tenancy” &c. for purposes of the right to buy), for “so registered” substitute “a registered social landlord”.

(17) In section 188(**14**) (index of defined expressions: Part V), for the entry relating to “registered (in relation to a housing association)” substitute—
“registered social landlord section 5(4) and (5).”

(18) In section 240(5) (steps to be taken after the declaration of housing action area), for “registered housing associations” substitute “registered social landlords”.

(19) In section 429A(2A)(**15**) (housing management: financial assistance to landlords)—

(a) in paragraph (d), for “registered housing association” substitute “registered social landlord”, and

(b) for paragraph (e), substitute—

“(e) a co-operative housing association which is not a registered social landlord..”

(20) In section 434(**16**) (index of defined expressions: Part XIII), at the appropriate place insert—
“registered social landlord section 5(4) and (5).”

(21) In section 438(3) (local authority mortgage interest rates), for “section 58(2)” substitute “section 22 of the Housing Act 1996 or section 58”.

(22) In section 450A(6)(**17**) (right to a loan in certain cases after exercise of right to buy), in the definition of “housing authority” for the words from “registered” to “and” at the end of the definition substitute “registered social landlord other than a co-operative housing association and any co-operative housing association which is not a registered social landlord; and”.

(23) In section 450B(4)(**18**) (power to make loans in other cases), in the definition of “housing authority” for the words from “registered” to “and” at the end of the definition substitute “registered social landlord other than a co-operative housing association and any co-operative housing association which is not a registered social landlord; and”.

(24) In section 451(6) (loans by Public Works Loan Commissioners), for “section 67 of the Housing Associations Act 1985” substitute “section 23 of the Housing Act 1996”.

(11) Section 115(2) was amended by the 1988 Act, paragraph 40 of Schedule 17.

(12) Section 117 was amended by the 1988 Act, paragraph 109 of Schedule 17, by the 1989 Act, section 163, and by the 1986 Act, paragraph 27 of Schedule 5.

(13) Section 171(2) was amended by the 1988 Act, section 83(5) and paragraph 106 of Schedule 17.

(14) Section 188 was amended by the 1988 Act (paragraph 110 of Schedule 17), by the 1986 Act (paragraph 31 of Schedule 5), and by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (paragraph 25 of Schedule 21 and Schedule 22).

(15) Section 429A was inserted by the 1986 Act, section 16, and subsection (2A) was inserted by the 1988 Act, paragraph 54 of Schedule 17.

(16) Section 434 was amended by the 1986 Act (paragraph 33 of Schedule 5), by the 1988 Act (paragraph 55 of Schedule 17) and by the 1989 Act (section 194(4) and Schedule 12).

(17) Section 450A was inserted by the 1986 Act, section 5. Section 450A(6) was amended by the 1988 Act, paragraph 56 of Schedule 17.

(18) Section 450B was inserted by the 1986 Act, section 5. Section 450B(4) was amended by the 1988 Act, paragraph 57 of Schedule 17.

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(25) In section 458(19) (minor definitions: Part XIV), in the definition of “housing authority” for “registered housing association” substitute “registered social landlord”.

(26) In section 459(20) (index of defined expressions: Part XIV), for the entry relating to “registered housing association” substitute—

“registered social landlord section 5(4) and (5).”

(27) In section 548(1) (repurchase by authority other than local housing authority), in the first entry in the Table—

(a) for “registered housing association” substitute “registered social landlord”, and

(b) for “that association” substitute “that registered social landlord”.

(28) In section 554(2A)(21) (grant of tenancy to former owner-occupier), for “registered housing association” substitute “registered social landlord”.

(29) In section 573(1)(22) (meaning of “public sector authority”: Part XVI)—

(a) for “registered housing association” substitute “registered social landlord”, and

(b) for “an association” substitute “a landlord”.

(30) In section 577(23) (index of defined expressions: Part XVI), for the entry relating to “registered (in relation to a housing association)” substitute—

“registered social landlord section 5(4) and (5).”

(31) In Part V of Schedule 2(24) (approval of redevelopment schemes for the purposes of Ground 10A), in paragraph 6 for “registered housing association” substitute “registered social landlord”.

(32) In Schedule 4 (qualifying period for right to buy and discount)—

(a) in paragraph 7(1)(25) (landlord condition) for “registered housing association” substitute “registered social landlord”, and

(b) in paragraph 10 (application to certain housing association tenancies) for “the Housing Associations Act 1985 or” substitute “Part I of the Housing Act 1996 or Part I of the Housing Associations Act 1985 or under”.

(33) In Schedule 5 (exceptions to right to buy), in paragraph 3—

(a) for “section 58(2)” substitute “section 58”, and

(b) at end insert—

“, or

section 22 of the Housing Act 1996 (grants by local authorities for registered social landlords).”

(19) Section 458 was amended by the Building Societies Act 1986, paragraph 18 of Schedule 18, and by the 1986 Act, paragraph 37 of Schedule 5.

(20) Section 459 was amended by the Building Societies Act 1986 (paragraph 18 of Schedule 18), by the 1986 Act (paragraph 38 of Schedule 5), by the 1988 Act (paragraphs 58 and 112 of Schedule 17) and by the 1989 Act (section 194(4) and Schedule 12).

(21) Section 554(2A) was inserted by the 1988 Act, paragraph 61 of Schedule 17.

(22) Section 573(1) was amended by the Coal Industry Act 1987 (c. 3) (paragraph 47 of Schedule 1), by the 1988 Act (paragraph 106 of Schedule 17), by the Water Act 1989 (c. 15) (paragraph 74 of Schedule 25), by the Local Government (Wales) Act 1994 (paragraph 19 of Schedule 6), by the Coal Industry Act 1994 (c. 21) (paragraph 33 of Schedule 9), by the Environment Act 1995 (c. 25) (Schedule 24) and by S.I. 1996/593.

(23) Section 577 was amended by the 1988 Act, paragraphs 62 and 112 of Schedule 17.

(24) Part V of Schedule 2 was inserted by the 1986 Act, section 9.

(25) Paragraph 7(1) was amended by the 1986 Act, paragraph 40 of Schedule 5 and Schedule 12, and by the 1988 Act, section 83(7) and paragraph 106 of Schedule 17.