

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Housing Associations Act 1985

15.—(1) The Housing Associations Act 1985(2) is amended as follows.

(2) After section 2A(3) insert—

“Meaning of “registered housing association”, “registered social landlord” etc.

2B. In this Act, unless the context otherwise requires—

“registered housing association” means a housing association registered in the register maintained by Scottish Homes under section 3,

“registered social landlord” has the same meaning as in Part I of the Housing Act 1996, and

“unregistered”, in relation to a housing association, means neither registered in the register maintained by Scottish Homes under section 3 nor registered as a social landlord under Part I of the Housing Act 1996..”

(3) In section 3(4) (the register)—

(a) in subsection (1), for the words from “each” to “maintained” substitute “Scottish Homes and shall be open to inspection at the head office of Scottish Homes”, and

(b) in subsection (1A), for the words “the Corporation” in each place where they occur substitute “Scottish Homes”.

(4) In section 4(1) (eligibility for registration), for the words from “(a)” to “Act” substitute “a society which has its registered office for the purposes of the 1965 Act in Scotland and”.

(5) In section 5(5) (registration)—

(a) in subsections (1) and (3), for the words “the Corporation” in each place where they occur substitute “Scottish Homes”, and

(b) for subsection (2) substitute—

“(2) Scottish Homes may vary any criteria established by it under subsection (1).”

(6) For the words “the Corporation” in each place where they occur in the following provisions substitute “Scottish Homes”—

section 6(6);

(2) 1985 c. 69.

(3) Section 2A was inserted by the 1988 Act, paragraph 1 of Schedule 6.

(4) Section 3 was amended by the 1988 Act, paragraph 3 of Schedule 6, and repealed in so far as it extended to England and Wales by the Housing Act 1996 (c. 52) (“the 1996 Act”), Schedule 19.

(5) Section 5 was amended by the 1988 Act, paragraph 4 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(6) Section 6 was amended by the 1988 Act, paragraphs 2 and 5 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

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section 13(3)(7);
section 14(8);
section 17(9);
section 22(10);
section 24(4)(1);
section 27A(11);
section 29(12);
section 32(13);
section 36A(14);
section 86.

(7) In section 7(15) (appeal against removal)—

(a) in subsection (1)—

(i) for “the Corporation” substitute “Scottish Homes”,

(ii) for paragraphs (a) and (b) substitute “to the Court of Session”, and

(b) in subsections (2) and (3), for the words “the Corporation” in each place where they occur substitute “Scottish Homes”.

(8) In section 8(1)(16) (power of registered housing associations to dispose of land), for the words from “Part V” to “provisions)” substitute “Part III of the Housing (Scotland) Act 1987 (rights of public sector tenants)”.

(9) In section 9(1)(17) (consent for dispositions of land), for the words from “and” where it first occurs to “Corporation” substitute “, the consent of Scottish Homes”.

(10) In section 9(2) (consent), for “The consent of the Corporation” substitute “Consent under this section”.

(11) In section 15 (payments and benefits to committee members, etc.)—

(a) in subsection (2), in paragraph (g) for the words from the beginning to “an” substitute “payments made or benefits granted by a registered housing”, and

(b) in subsection (3), for “the Corporation” substitute “Scottish Homes”.

(7) Section 13 was amended by the 1988 Act, paragraph 2 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(8) Section 14 was amended by the 1988 Act, paragraph 2 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(9) Section 17 was amended by the 1988 Act, paragraphs 2 and 12 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(10) Section 22 was amended by the 1988 Act, paragraphs 2 and 16 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(11) Paragraph 3 was amended by the Housing Act 1988 (c. 50) (“ the 1988 Act”), paragraph 66 of Schedule 17.

(11) Section 27A was inserted by the 1989 Act, section 182, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(12) Section 29 was amended by the 1988 Act, paragraphs 2 and 20 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(13) Section 32 was amended by the 1988 Act, paragraph 2 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(14) Section 36A was inserted by the 1988 Act, section 49, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(15) Section 7 was amended by the 1988 Act, paragraphs 2 and 6 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(16) Section 8(1) was amended by the 1988 Act, paragraph 2 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(17) Section 9 was amended by the 1988 Act, paragraphs 7(1) and (3) of Schedule 6, and section 9(1) and (4) was repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

- (12) In section 16(**18**) (general power to remove a committee member)—
 - (a) in subsection (1), for “The Corporation” substitute “Scottish Homes”, and
 - (b) in subsections (2) and (3), for the words “the Corporation” in each place where they occur substitute “Scottish Homes”.
- (13) In section 19(**19**) (change of rules under the 1965 Act)—
 - (a) in subsection (2), for “the Corporation” substitute “Scottish Homes”, and
 - (b) in subsection (3), for “the Corporation's” substitute “Scottish Homes”.
- (14) In section 21(**20**) (amalgamation and dissolution under the 1965 Act)—
 - (a) in subsection (2), for the words from “copy” in the second place where it occurs to “Corporation's” substitute “copy of Scottish Homes”,
 - (b) in subsection (4), for “the Corporation” substitute “Scottish Homes”,
 - (c) in subsection (5), for “the Corporation's” substitute “Scottish Homes”, and
 - (d) in subsection (6), for the words from “the Corporation's” to “Homes,” substitute “Scottish Homes' consent are”.
- (15) In section 23 (transfer of net assets on dissolution)—
 - (a) in subsection (1), for “that Act” substitute “the 1965 Act”,
 - (b) in subsections (1), (2) and (4) for the words “the Corporation” in each place where they occur substitute “Scottish Homes”, and
 - (c) in subsection (5)—
 - (i) for the words “the Corporation” in each place where they occur substitute “Scottish Homes”,
 - (ii) for “under Part III” substitute “under section 2(2)(h) of the Housing (Scotland) Act 1988”.
- (16) In section 27(**21**) (responsibility for securing compliance with accounting requirements)—
 - (a) in subsection (1), for the words from “and” in the fourth place where it occurs to “are” substitute “is”, and
 - (b) in subsection 2(b), for “the Corporation” substitute “Scottish Homes”.
- (17) In section 28(**22**) (inquiry)—
 - (a) in subsection (1)—
 - (i) for “The Corporation” substitute “Scottish Homes”,
 - (ii) for “the staff of any of the Corporations” substitute “Scottish Homes' staff”, and
 - (b) in subsections (3B) and (4), for the words “the Corporation” in each place where they occur substitute “Scottish Homes”.

(18) Section 16 was amended by the 1988 Act, paragraphs 2 and 11 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(19) Section 19 was amended by the 1988 Act, paragraphs 2 and 14 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(20) Section 21 was amended by the 1988 Act, paragraphs 2 and 15 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(21) Section 27 was amended by the 1988 Act, paragraphs 2 and 18 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(22) Section 28 was amended by the 1988 Act, paragraphs 2 and 19 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

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(18) In section 30(23) (general powers exercisable as a result of inquiry or audit), in subsections (1) to (3) and (5) for the words “the Corporation” in each place where they occur substitute “Scottish Homes”.

(19) In section 33A(24), for “Corporations” substitute “following bodies, that is to say, the Housing Corporation, Housing for Wales or Scottish Homes,”.

(20) In section 35(25) (power of housing trust to transfer land to local housing authority), for subsection (2)(a) (cases to which provision does not apply) substitute—

“(a) it does not apply to registered social landlords (on whom power to dispose of land is conferred by section 8 of the Housing Act 1996);”

(21) In section 40(26) (index of defined expressions: Part I), insert at the appropriate places—

(a) “registered social landlord section 2B”, and

(b) “unregistered (in relation to a housing association) section 2B”.

(22) For section 58 (powers of local authorities to promote and assist housing associations), substitute—

“58 Powers of local authorities to promote and assist housing associations: England and Wales.

(1) A local authority may promote the formation or extension of a housing association.

(2) A local authority may for the assistance of a housing association subscribe for share or loan capital of the association.

(3) A local authority may make a loan to an unregistered self-build society for the purpose of enabling it to meet the whole or part of the expenditure incurred, or to be incurred by it, in carrying out its objects.

(4) This section does not apply where the housing association is a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996)..”

(23) In section 61 (power of local housing authority to supply furniture to housing association tenants), after subsection (2) insert—

“(3) This section does not apply where the housing association is a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996).”

(24) In section 73(27) (index of defined expressions: Part II), insert at the appropriate places

(a) “registered housing association section 2B”,

(b) “registered social landlord section 2B”, and

(c) “unregistered (in relation to a housing association) section 2B”.

(25) In section 74(28) (the Housing Corporation and Housing for Wales), for subsection (3) substitute—

“(3) The functions conferred by this Part in relation to registered social landlords are exercisable by the Corporation in whose register they are registered.

(23) Section 30 was amended by the 1988 Act, paragraphs 2 and 21 of Schedule 6, and repealed in so far as it extended to England and Wales by the 1996 Act, Schedule 19.

(24) Section 33A was inserted by the 1988 Act, paragraph 24 of Schedule 6.

(25) Section 35(2) was amended by the Charities Act 1993, paragraph 21(4) of Schedule 6.

(26) Section 40 was amended by the 1988 Act, paragraph 26 of Schedule 6 and Schedule 18.

(27) Section 73 was amended by the 1986 Act, paragraph 8 of Schedule 5, and by the Building Societies Act 1986, paragraph 19 of Schedule 18.

(28) Section 74 was amended by the 1988 Act, paragraph 31 of Schedule 6.

As to which Corporation that is, see section 56 of the Housing Act 1996.”

- (26) In section 75 (general functions of the Corporation)—
- (a) in subsection (2) after “Act” insert “and Part I of the Housing Act 1996”, and
 - (b) in subsections (3) and (4) after “Act” insert “or Part I of the Housing Act 1996”.
- (27) In section 77(29) (advisory service of the Corporation), in subsection (1) for “housing associations (whether registered or unregistered)” substitute “registered social landlords or unregistered housing associations”.
- (28) In section 79(1) (lending powers of the Corporation), for “registered housing association” substitute “registered social landlord”.
- (29) In section 83(1)(30) (power of Corporation to guarantee loans), for “registered housing associations” substitute “registered social landlords”.
- (30) In section 85(4) (meaning of “relevant advance” for purposes of indemnity powers of Corporation), for “registered housing association” substitute “registered social landlord”.
- (31) In section 88 (powers of Corporation to acquire land), in subsection (1)(a) for “registered housing association” substitute “registered social landlord”.
- (32) In section 89 (powers of Corporation with respect to provision or improvement of dwellings or hostels, &c.), in subsection (4)(b) for “registered housing association” substitute “registered social landlord”.
- (33) In section 90 (disposal of land by the Corporation), in subsections (1) and (2) for “registered housing association” substitute “registered social landlord”.
- (34) In section 102 (index of defined expressions: Part III)—
- (a) at the appropriate place insert—
“co-operative housing association section 1,”
 - (b) for the entry relating to “registered (in relation to a housing association)” substitute—
“registered social landlord section 2B,”
and
 - (c) for the entry relating to “unregistered (in relation to a housing association)” substitute—
“unregistered (in relation to a housing association) section 2B.”
- (35) In section 106(3) (minor definitions: Scotland), for “the Housing Corporation” substitute “Scottish Homes”.
- (36) In Schedule 1, in paragraph 1 for “section 9(1)(b)” substitute “section 9(1A)”.

(29) Section 77 was amended by the 1988 Act, paragraph 33 of Schedule 6.

(30) Section 83 was amended by the 1988 Act, paragraph 34 of Schedule 6.