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STATUTORY INSTRUMENTS

2008 No. 2831

HOUSING, ENGLAND AND WALES

**The Housing and Regeneration Act 2008
(Consequential Provisions) (No. 2) Order 2008**

Made - - - - 30th October 2008

Laid before Parliament 3rd November 2008

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by sections 320 and 321 of the Housing and Regeneration Act 2008⁽¹⁾, makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2008.

(2) This Order comes into force on the day section 5 of the Housing and Regeneration Act 2008 comes into force (“the commencement date”).

(3) This Order extends to England and Wales.

Interpretation

2. In this Order—

“the CNT” means the Commission for the New Towns,

“the HCA” means the Homes and Communities Agency,

“the URA” means the Urban Regeneration Agency.

Consequential amendments: Part 1 of the Housing and Regeneration Act 2008

3. The enactments specified in Schedule 1 to this Order have effect with the amendments specified.

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Consequential amendments: Part 2 of the Housing and Regeneration Act 2008

4. The enactments specified in Schedule 2 to this Order have effect with the amendments specified.

Transitional and saving provisions

5. The amendments made by Schedules 1 and 2 to this Order have effect subject to the transitional and saving provisions in Schedule 3 to this Order.

Consequential amendments of inquiries procedure rules, and related saving and transitional provision

6. The enactments specified in Schedule 4 to this Order have effect with the amendments specified and subject to the transitional and saving provisions in that Schedule.

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

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government

30th October 2008

SCHEDULE 1

Article 3

Consequential amendments: Part 1 of the Housing and Regeneration Act 2008

Rent Act 1977 (Forms etc) Regulations 1980

1. In Schedule 1 to the Rent Act 1977 (Forms etc) Regulations 1977(2), in Forms 5, 6, 8, 9 and 9A, after “Housing Corporation,”, wherever appearing, insert “or the Homes and Communities Agency”.

Local Government Reorganisation (Preservation of Right to Buy) Order 1986

2. In article 11(2)(b) of the Local Government Reorganisation (Preservation of Right to Buy) Order 1986(3) for “Housing Corporation” substitute “Homes and Communities Agency”.

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

3. In Schedule 1 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986(4), under the heading “What happens next?”, in the list of “Public Sector landlords”, for “Commission for the New Towns” substitute “Homes and Communities Agency”.

Social Security (Claims and Payments) Regulations 1987

4. In paragraph 8 of Schedule 9A to the Social Security (Claims and Payments) Regulations 1987(5), after paragraph (a) insert—

“(aa) the Homes and Communities Agency;”.

Consumer Credit (Exempt Agreements) Order 1989

5.—(1) The Consumer Credit (Exempt Agreements) Order 1989(6) is amended as follows.

(2) In Part II of Schedule 1, for the entries relating to the Commission for the New Towns and the Urban Regeneration Agency substitute—

“Homes and Communities Agency

Agreements of a description falling within section 16(2) of the Act, being agreements made under the Agency’s powers to give financial assistance under section 19 of the Housing and Regeneration Act 2008.”.

(3) In Part II of Schedule 1, after the entry for “Southern Health and Social Services Board” insert—

“Welsh Ministers

Agreements of a description falling within section 16(2) of the Act, being agreements falling within article 2(2)(a) to (c) which are made pursuant to section 36 of the New Towns Act 1981 and which related to property of the Commission for the New Towns transferred to them under a scheme made under

(2) S.I. 1980/1697. The forms in Schedule 1 were amended by regulation 4 of S.I. 1984/1391 and regulation 2 of S.I. 1993/655.

(3) S.I. 1986/2092.

(4) SI 1986/2194. Schedule 1 was amended by regulation 2 of S.I. 2007/784.

(5) S.I. 1987/1968. Schedule 9A was inserted by regulation 6 of S.I. 1992/1026.

(6) S.I. 1989/869. The entry for the Urban Regeneration Agency was inserted by article 2 of S.I. 2008/645.

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section 51(1) of the Housing and Regeneration Act 2008.”.(7)

Housing (Service Charge Loans) Regulations 1992

6.—(1) The Housing (Service Charge Loans) Regulations 1992(8) are amended as follows.

(2) In regulation 1(2), in the definition of “lender”, for “the Corporation” substitute “the Homes and Communities Agency or the Welsh Ministers, as the case may be”.

(3) In regulation 2(2), for “the Corporation” substitute “the Homes and Communities Agency or the Welsh Ministers, as the case may be”.

(4) In regulation 5(1) and 5(2), for “the Corporation” substitute “the Welsh Ministers”.

Jobseeker’s Allowance Regulations 1996

7.—(1) The Jobseeker’s Allowance Regulations 1996(9) are amended as follows.

(2) In regulation 19(1)(r)(iii), for “Urban Regeneration Agency” substitute “Homes and Communities Agency”.

(3) In regulation 19(3) omit the definition of “Urban Regeneration Agency”.

Social Landlords (Permissible Additional Purposes or Objects) Order 1996

8. In article 2(1) of the Social Landlords (Permissible Additional Purposes or Objects) Order 1996(10), in the definition of “qualifying lending institution”, after “Housing Corporation;” insert—

“(aa) the Homes and Communities Agency;”.

Social Landlords (Additional Purposes or Objects) Order 1999

9. In article 3(3) of the Social Landlords (Additional Purposes or Objects) Order 1999(11), in the definition of “qualifying lending institution”, after “Housing Corporation;” insert—

“(aa) the Homes and Communities Agency;”.

Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999

10. In paragraph 13 of section 2 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(12), for “The Commission for the New Towns” substitute “The Homes and Communities Agency”.

Financial Services and Markets Act 2000 (Exemption) Order 2001

11. In the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(13), after paragraph 48(2)(c) insert—

“(ca) the Homes and Communities Agency;”

(7) 1981 c. 64. Section 36 was amended by paragraph 5 of Schedule 5 to the Housing and Regeneration Act 2008.

(8) S.I. 1992/1708.

(9) S.I. 1996/207. Regulation 19 was amended by regulation 5 of S.I. 1998/1274.

(10) S.I. 1996/2256. Article 2 was amended by article 2 of S.I. 2005/2863.

(11) S.I. 1999/985. Article 3 was amended by article 3 of S.I. 2005/2863.

(12) S.I. 1999/2277.

(13) S.I. 2001/1201. Paragraph 48 was substituted by article 2(4) of S.I. 2003/1675.

Race Relations Act 1976 (Statutory Duties) Order 2001

12. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001(14), for “English Partnerships” substitute “The Homes and Communities Agency”.

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005

13. In Part 1 of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) Order 2001(15), for “English Partnerships” substitute “The Homes and Communities Agency”.

Social Housing (Grants to Bodies other than Registered Social Landlords) (Additional Purposes) (England) Order 2006

14. In article 2 of the Social Housing (Grants to Bodies other than Registered Social Landlords) (Additional Purposes) (England) Order 2006(16), in the definition of “public sector housing”, for “the Housing Corporation” substitute “the Homes and Communities Agency”.

Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Regulations 2006

15. In the Schedule to the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Regulations 2006(17), for “English Partnerships” substitute “The Homes and Communities Agency”.

Transport and Works (Model Clauses for Railways and Tramways) Order 2006

16.—(1) The Transport and Works (Model Clauses for Railways and Tramways) Order 2006(18) is amended as follows.

(2) In Model Clause 14(8)(a) in Schedule 1, for “the Commission for the New Towns” substitute “the Homes and Communities Agency”.

(3) In Model Clause 18(8)(a) in Schedule 2, for “the Commission for the New Towns” substitute “the Homes and Communities Agency”.

Official Statistics Order 2008

17. In the Schedule to the Official Statistics Order 2008(19)—

- (a) after the entry for the Higher Education Statistics Agency, insert “Homes and Communities Agency”; and
- (b) omit the entries for “Commission for the New Towns” and “Urban Regeneration Agency”.

(14) S.I. 2001/3458.

(15) S.I. 2005/2966.

(16) S.I. 2006/583.

(17) S.I. 2006/2930.

(18) S.I. 2006/1954

(19) S.I. 2008/928.

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SCHEDULE 2

Article 4

Consequential amendments: Part 2 of the Housing and Regeneration Act 2008

Public Bodies' Land (Appropriate Ministers) Order 1981

1. In article 2 of the Public Bodies' Land (Appropriate Ministers) Order 1981(20), for the entry relating to the Housing Corporation substitute, in the first column, the words "The Regulator of Social Housing", and in the second column, the words "The Secretary of State for Communities and Local Government".

Public Interest Disclosure (Prescribed Persons) Order 1999

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(21), for "Housing Corporation" substitute "Regulator of Social Housing".

Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999

3. In paragraph 17 of section 2 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(22), for "The Housing Corporation" substitute "The Regulator of Social Housing".

Financial Services and Markets Act 2000 (Exemption) Order 2001

4. In the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(23), in paragraph 48(2), for "The Housing Corporation" substitute "The Regulator of Social Housing".

Race Relations Act 1976 (Statutory Duties) Order 2001

5. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001(24), for "The Housing Corporation" substitute "The Regulator of Social Housing".

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005

6. In Part 1 of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005(25), for "The Housing Corporation" substitute "The Regulator of Social Housing".

Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Regulations 2006

7. In the Schedule to the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Regulations 2006(26), for "The Housing Corporation" substitute "The Regulator of Social Housing".

Official Statistics Order 2008

8. In the Schedule to the Official Statistics Order 2008(27), for "Housing Corporation" substitute "Regulator of Social Housing".

(20) S.I. 1981/15. Article 2 was amended by article 6 of S.I. 1997/2971.

(21) S.I. 1999/1549.

(22) S.I. 1999/2277.

(23) S.I. 2001/1201. Paragraph 48 was substituted by article 2(4) of S.I. 2003/1675.

(24) S.I. 2001/3458.

(25) S.I. 2005/2966.

(26) S.I. 2006/2930.

(27) S.I. 2008/928.

SCHEDULE 3

Article 5

Transitional and saving provisions

General savings

1. The amendments made by this Order do not affect the validity of anything done (or having effect as if done) by or in relation to the URA, the CNT or the Housing Corporation before the commencement date.

Functions transferred from the URA or CNT to the HCA or the Welsh Ministers

2.—(1) Anything which, immediately before the commencement date, is in the process of being done by or in relation to the URA or CNT may, so far as it relates to any function transferred by virtue of this Order from the URA or CNT to the HCA or the Welsh Ministers, be continued, on and after that date, by or in relation to the HCA or (as the case may be) the Welsh Ministers.

(2) Anything done (or having effect as if done) by or in relation to the URA or CNT for the purposes of or in connection with any function transferred by virtue of this Order from the URA or CNT to the HCA or the Welsh Ministers shall, if in force or effective immediately before the commencement date, have effect as if done by or in relation to the HCA or (as the case may be) the Welsh Ministers so far as that is required for continuing its effect on and after the commencement date.

(3) Any enactment, instrument or other document passed or made before the commencement date shall have effect, so far as necessary for the purposes of or in consequence of sub-paragraph (1) or (2), as if references (however expressed) to the URA or CNT were references to the HCA or (as the case may be) the Welsh Ministers.

(4) The references in sub-paragraphs (1) and (2) to things done include references to things omitted to be done.

(5) The references in sub-paragraphs (1) to (3) to the HCA or the Welsh Ministers are to be read as including references to them acting in a particular capacity or in relation to particular matters.

Functions of the Housing Corporation transferred to the HCA, the Regulator of Social Housing or the Welsh Ministers

3.—(1) Anything which, immediately before the commencement date, is in the process of being done by or in relation to the Housing Corporation may, so far as it relates to any function transferred by virtue of this Order from the Housing Corporation to the HCA, the Regulator of Social Housing or the Welsh Ministers, be continued, on and after that date, by or in relation to the HCA, the Regulator of Social Housing or the Welsh Ministers, as the case may be.

(2) Anything done (or having effect as if done) by or in relation to the Housing Corporation for the purposes of or in connection with any function transferred by virtue of this Order from the Housing Corporation to the HCA, the Regulator of Social Housing or the Welsh Ministers shall, if in force or effective immediately before the commencement date, have effect as if done by or in relation to the HCA, the Regulator of Social Housing or the Welsh Ministers, as the case may be, so far as that is required for continuing its effect on and after the commencement date.

(3) Any enactment, instrument or other document passed or made before the commencement date shall have effect, so far as necessary for the purposes of or in consequence of sub-paragraph (1) or (2), as if references (however expressed) to the Housing Corporation were references to the HCA, the Regulator of Social Housing or the Welsh Ministers, as the case may be.

(4) The references in sub-paragraphs (1) and (2) to things done include references to things omitted to be done.

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Other provisions

4.—(1) The Housing (Service Charge Loans) Regulations 1992(**28**) shall, on and after the commencement date, apply in relation to any loan given by the Housing Corporation under regulation 5 of those Regulations before the commencement date as if the loan had been made by the HCA.

(2) Anything done by the Housing Corporation in relation to such a loan shall, if in force or effective immediately before the commencement date, have effect as if done by the HCA so far as that is required for continuing its effect on and after the commencement date.

SCHEDULE 4

Article 6

Consequential amendment of inquiries procedure rules, and related saving and transitional provisions

1. The Rules listed in the first column of the Table are amended by the substitution for “the Commission for the New Towns” of “the Homes and Communities Agency” in the provision specified in the corresponding entry in the second column.

Table

<i>Rules</i>	<i>Provision</i>
The Town and Country Planning (Inquiries Procedure) (England) Rules 2000(29)	rule 11(1)(d) (appearances at inquiry)
The Town and Country Planning (Appeals) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(30)	rule 11(1)(d) (appearances at inquiry)
The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002(31)	rule 11(1)(d) (appearances at inquiry)
The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002(32)	rule 13(1)(d) (appearances at inquiry)
The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005(33)	rule 15(1)(d) (appearances at inquiry)

2. At the end of rule 2(1) (interpretation) of—

- (a) the Pipe-lines (Inquiries Procedure) Rules 1995(**34**); and
- (b) the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007(**35**)

(28) S.I. 1992/1708.

(29) S.I. 2000/1624. Rule 11(1)(d) was amended by S.I. 2002/1223.

(30) S.I. 2000/1625.

(31) S.I. 2002/2685.

(32) S.I. 2002/2686.

(33) S.I. 2005/2115.

(34) S.I. 1995/1239. Rule 10 was amended by S.I. 1996/1008 and S.I. 1997/712.

(35) S.I. 2007/841.

insert—

““Welsh new towns residuary body” means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981.”**(36)**.

3. In the Pipe-lines (Inquiries Procedure) Rules 1995, in rule 10(1)(e) (appearances at inquiry), for “or the Commission for the New Towns as its successor” substitute—

“or, as its successor—

- (i) in England, the Homes and Communities Agency;
- (ii) in Wales, the Welsh new towns residuary body.”

4. In the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007, in rule 15(1)(d) (appearances at inquiry) for “, the Commission for the New Towns”, substitute “in England, the Homes and Communities Agency or in Wales, the Welsh new towns residuary body”.

5. Nothing in this Schedule affects the validity of anything done (or having effect as if done) before the commencement date by or in relation to the CNT as a person entitled to appear at an inquiry under any Rules amended by this Schedule.

6. Anything which, immediately before the commencement date, is in the process of being done by or in relation to the CNT as a person entitled to appear at an inquiry under any Rules amended by this Schedule, may be continued by or in relation to the HCA or (as the case may be) the Welsh new towns residuary body.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to provisions in secondary legislation that make reference to the Urban Regeneration Agency, the Commission for the New Towns and the Housing Corporation. These amendments are in addition to those in the Housing and Regeneration Act 2008 itself and most are consequential on the coming into force of provisions of that Act relating to the establishment of the Homes and Communities Agency, in particular, in relation to functions of those bodies being transferred to the Agency. The remainder are consequential on the coming into force of provisions of that Act relating to the establishment of the Regulator of Social Housing.

The amendments are subject to transitional and saving provisions, the purpose of which is to ensure, as far as necessary, that anything done by the predecessor bodies is treated as done by the Homes and Communities Agency (or Welsh Ministers, as the case may be), and to ensure that anything being done by one of those bodies immediately before the commencement date may be continued by the Homes and Communities Agency (or Welsh Ministers, as the case may be).

(36) 1981 c. 64. Section 36 was amended by section 50 of, and paragraph 5 of Schedule 5 to, the Housing and Regeneration Act 2008.