

2009 No. 484

HOUSING, ENGLAND AND WALES

The Housing Corporation (Dissolution) Order 2009

<i>Made</i> - - - -	<i>4th March 2009</i>
<i>Laid before Parliament</i>	<i>10th March 2009</i>
<i>Coming into force</i> - -	<i>1st April 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 64, 67(4) and 320 of the Housing and Regeneration Act 2008(a), makes the following Order:

Citation, extent, commencement and interpretation

- 1.—(1) This Order may be cited as the Housing Corporation (Dissolution) Order 2009.
- (2) This Order extends to England and Wales only.
- (3) This Order comes into force on 1st April 2009.
- (4) In this Order, “the Regulator” means “the Regulator of Social Housing”.

Dissolution

2. The Housing Corporation is dissolved.

Final annual report

- 3.—(1) The Regulator shall, as soon as reasonably practicable after 31st March 2009, make a report to the Secretary of State on the exercise of the Housing Corporation’s functions during the financial year ending on 31st March 2009.
- (2) The Secretary of State shall lay a copy of the report before each House of Parliament.

Final annual accounts

- 4.—(1) The Regulator shall prepare a statement of the accounts of the Housing Corporation for the financial year ending on 31st March 2009 (“the final annual accounts”), which shall be prepared in accordance with the direction given by the Secretary of State to the Housing Corporation and dated 30th March 2007.
- (2) The Regulator shall send a copy of the final annual accounts to the Comptroller and Auditor General as soon as reasonably practicable after 31st March 2009.
- (3) The Comptroller and Auditor General shall examine and certify the final annual accounts and shall lay before each House of Parliament a copy of the accounts together with the Comptroller and Auditor General’s report on them.

(a) 2008 c.17.

(4) As soon as the final annual accounts have been audited by the Comptroller and Auditor General, the Regulator shall send to the Secretary of State a copy of the accounts together with the Comptroller and Auditor General's report on them.

(5) The Secretary of State shall prepare, for the financial year ending on 31st March 2009, an account of—

- (a) the sums lent to the Housing Corporation, and
- (b) sums received from the Housing Corporation and paid into the National Loans Fund in respect of the principal and interest on sums so lent, or on sums advanced to the Housing Corporation under section 9 of the Housing Act 1964,

and shall transmit the accounts so prepared to the Comptroller and Auditor General on or before 30th November 2009.

(6) The Comptroller and Auditor General shall examine and certify the accounts prepared by the Secretary of State and lay before each House of Parliament copies of the accounts together with the Comptroller and Auditor General's report on them.

Consequential provisions

5. The consequential provisions in Schedule 1 to this Order shall have effect.

Repeals and revocations

6. The repeals and revocations in Schedule 2 to this Order shall have effect.

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

4th March 2009

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

SCHEDULE 1

Article 5

Consequential provisions

Housing Associations Act 1985

1. The Housing Associations Act 1985(a) is amended as follows.
2. Omit section 74(2) (the Housing Corporation).
3. In section 75 (general functions of the relevant authority), at the end insert—

“(6) For the purposes of subsections (1)(c) and (e) and (4) “the Relevant Authority” means the Welsh Ministers only.”.
4. Omit section 76A (realisation of value of corporation's loans portfolio).
5. Omit section 78 (Housing Corporation: annual report).
- 6.—(1) Section 84 (agreements to indemnify certain lenders: England and Wales) is amended as follows.

(2) For “Relevant Authority”, wherever appearing, substitute “Welsh Ministers”.

(a) 1985 c.69.

- (3) In subsection (1), for “binds itself” substitute “bind themselves”.
 - (4) In subsection (3)(b) for “is” substitute “are”.
 - (5) Omit subsection (4).
 - (6) In subsection (5)—
 - (a) for the words from the beginning to “he has not” substitute “The Welsh Ministers shall, before entering into an agreement in a form about which they have not”, and
 - (b) in paragraphs (a) and (b) for “he thinks” substitute “they think”.
 - (7) For the heading substitute “Agreements to indemnify certain lenders”.
- 7.—**(1) Section 85 (interpretation of terms used in section 84) is amended as follows.
- (2) In subsections (2), (3) and (4) for “Secretary of State” substitute “Welsh Ministers”.
 - (3) In subsection (4) omit “the Housing Corporation”.
- 8.—**(1) Section 88 (acquisition of land) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Relevant Authority” substitute “Welsh Ministers”, and
 - (b) for the words after paragraph (b) substitute—
 - “and the Welsh Ministers may acquire land compulsorily for any such purpose.”.
 - (3) In subsection (2) for “Relevant Authority” substitute “Welsh Ministers”.
 - (4) For subsection (3) substitute—
 - “(3) The Acquisition of Land Act 1981 applies to the compulsory purchase of land under this section.”.
 - (5) Omit subsections (4) and (5).
- 9.—**(1) Section 89 (provision of dwellings or hostels etc) is amended as follows.
- (2) For “Relevant Authority”, wherever appearing, substitute “Welsh Ministers”.
 - (3) For “to it”, wherever appearing, substitute “to them”.
 - (4) In subsection (4)(a) for “itself” substitute “themselves”.
 - (5) In subsection (5) for “its” substitute “their”.
- 10.—**(1) Section 90 (disposal of land) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Relevant Authority” substitute “Welsh Ministers”,
 - (b) for “it has”, in both places, substitute “they have”,
 - (c) for “its powers” substitute “their powers”, and
 - (d) omit the words from “; and the Housing Corporation” to the end.
 - (3) In subsection (2)—
 - (a) for “Relevant Authority” substitute “Welsh Ministers”,
 - (b) for “its powers” substitute “their powers”, and
 - (c) omit the words from “and the Housing Corporation” to the end.
 - (4) For subsections (3) to (6) substitute—
 - “(3) The Welsh Ministers may sell or lease individual dwellings to persons for those persons to occupy.
 - (4) The Welsh Ministers may dispose of a building or land intended for use for commercial, recreational or other non-domestic purposes in respect of which development has been carried out by virtue of section 89.
 - (5) The Welsh Ministers may dispose of land which is not required for the purposes for which it was acquired.”.

11. Omit sections 91 to 100 and Schedule 6 (constitution).

12. Nothing in the above amendments confers a power on the Welsh Ministers which they did not have immediately before the coming into force of this Order.

Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008

13. In the Schedule to the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008(a) omit—

- (a) sub-paragraph (4) of the third paragraph, and
- (b) sub-paragraph (9) of the fifth paragraph.

SCHEDULE 2

Article 6

Consequential repeals and revocations

<i>Title</i>	<i>Repeal or revocation</i>
Statutory Corporations (Financial Provisions) Act 1975 (c.55)	Section 5. Schedule 2.
Housing Associations Act 1985 (c.69)	Sections 74(2), 76A, 78 and 84(4). In section 85(4), the words “the Housing Corporation”. Section 88(4) and (5). In section 90(1), the words from “; and the Housing Corporation” to the end. In section 90(2), the words from “and the Housing Corporation” to the end. Sections 91 to 100. Schedule 6.
Housing Act 1988 (c.50)	In Schedule 6, paragraphs 31(2) and 35.
Housing Corporation Advances (Increase of Limit) Order 1990 (S.I. 1990/779)	The whole Order.
Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S.I. 1991/1997)	In the Schedule, paragraph 59(2).
Housing Act 1996 (c.52)	In Schedule 3, paragraph 6.
Government of Wales Act 1998 (c.38)	In Schedule 16, paragraphs 32, 34, 38(3), 39(a), 41, 42(4) to (7) and 43 to 51.
Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2003 (S.I. 2003/1326)	Article 16.
Housing Corporation (Delegation) etc. Act 2006 (c.27)	Section 1(1).
Companies Act 2006 (Consequential	In Schedule 1, paragraph 1(ii).

(a) S.I. 2008/2839.

Amendments etc) Order 2008 (S.I. 2008/948)
Transfer of Housing Corporation Functions
(Modifications and Transitional Provisions)
Order 2008 (S.I. 2008/2839)

In the Schedule, sub-paragraph
(4) of the third paragraph and
sub-paragraph (9) of the fifth
paragraph.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the Housing Corporation.

It also makes related transitory provision as to the preparation and audit of the Housing Corporation's final accounts and preparation of its final report (articles 3 and 4), consequential amendments (article 5 and Schedule 1) and repeals (article 6 and Schedule 2).

The main regulatory functions of the Housing Corporation were transferred to the Regulator of Social Housing by the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839).

This Order revokes the Housing Corporation Advances (Increase of Limit) Order 1990.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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