

2010 No. 671

HOUSING, ENGLAND AND WALES

The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010

Made - - - - - *8th March 2010*

Laid before Parliament *10th March 2010*

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by sections 67, 320 and 321 of the Housing and Regeneration Act 2008(a), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010.

(2) This Order comes into force on the day section 111 of the Housing and Regeneration Act 2008 (register) comes into force.

Interpretation

2.—(1) In this Order—

“the 1996 Act” means the Housing Act 1996(b);

“the 2008 Act” means the Housing and Regeneration Act 2008;

“the 2008 Order” means the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008(c);

“the commencement date” means the day on which this Order comes into force; and

“English registered social landlord”, in relation to times, circumstances or purposes before the commencement date, means any person who, at the time in question—

- (i) is a registered social landlord within the meaning of Part 1 of the 1996 Act as it then has effect and does not fall within section 56(2) of that Act as it then has effect, or
- (ii) has a corresponding registration under an earlier enactment.

(2) References in this Order to words in an enactment which are being amended or repealed by the Order are references to the words in the text of the enactment (and therefore do not describe any non-textual modification of that enactment made by the 2008 Order or any other provision).

(3) References in this Order to repeals include revocations.

(a) 2008 c.17.
(b) 1996 c.52.
(c) S.I. 2008/2839.

Extent

3. An amendment or repeal made by this Order has the same extent as the enactment to which it relates.

Consequential amendments

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

Transitional and saving provisions

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

Repeals

6.—(1) The enactments specified in Schedule 3 to this Order are repealed to the extent specified.

(2) The 2008 Order is revoked subject to the transitional and saving provisions in this Order and in an order under section 321 or 325 of the 2008 Act.

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

Ian Austin

Parliamentary under Secretary of State

Department for Communities and Local Government

8th March 2010

SCHEDULE 1

Article 4

Amendment of enactments

Rent Act 1977 (Forms etc.) Regulations 1980

1. In Schedule 1 to the Rent Act 1977 (Forms etc.) Regulations 1980(a), for “Housing Corporation”, wherever appearing, substitute “Regulator of Social Housing or Welsh Ministers”.

Greater London Council (General Powers) Act 1981

2. In section 16 of the Greater London Council (General Powers) Act 1981(b) (exemption of certain hostels) for paragraph (l) substitute—

“(l) occupied, used or managed by a private registered provider of social housing;”.

Greater London Council (General Powers) Act 1984

3. In section 10(2) of the Greater London Council (General Powers) Act 1984(c) (exemption of certain buildings) for paragraph (h) substitute—

“(h) occupied, used or managed by a private registered provider of social housing;”.

(a) S.I. 1980/1697.

(b) 1981 c. xvii.

(c) 1984 c. xxvii.

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

4. In Schedule 1 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986(a), under the heading “What happens next?”, in the list of “Public Sector landlords”, for “Housing Corporation” substitute “the Regulator of Social Housing”.

Secure Tenancies (Notices) Regulations 1987

5. The Secure Tenancies (Notices) Regulations 1987(b) are amended as follows.

6. In paragraph 4 of Part 1 of the Schedule to the Regulations, for “(or, in the case of a housing association landlord, the Housing Corporation)” substitute “(or, in the case of a landlord of a property in England which is a private registered provider of social housing, from the Regulator of Social Housing)”.

7. In paragraph 4 of Part 2 of the Schedule to the Regulations, for “(or, in the case of a housing association landlord, the Housing Corporation)” substitute “(or, in the case of a landlord of a property in England which is a private registered provider of social housing, from the Regulator of Social Housing)”.

8. In paragraph 2 of Part 3 of the Schedule to the Regulations, after “registered social landlord” insert “or a private registered provider of social housing”.

Income Support (General) Regulations 1987

9. In regulation 2(1) of the Income Support (General) Regulations 1987(c) (interpretation), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

Social Security (Claims and Payments) Regulations 1987

10. The Social Security (Claims and Payments) Regulations 1987(d) are amended as follows.

11. In paragraph 1(1) of Schedule 9 to the Regulations (interpretation), in the definition of “hostel”, in paragraph (b)(i), for “the Housing Corporation established by the Housing Act 1964” substitute “the Regulator of Social Housing or the Welsh Ministers”.

12. In paragraph 8(a) of Schedule 9A to the Regulations (qualifying lenders), for “Housing Corporation” substitute “Regulator of Social Housing”.

New Towns (Transfer of Housing Stock) Regulations 1990

13. In regulation 5 of the New Towns (Transfer of Housing Stock) Regulations 1990(e) (approved persons), for “Housing Corporation”, wherever appearing, substitute “Regulator of Social Housing”.

(a) S.I. 1986/2194. Schedule 1 is substituted, in relation to England, by S.I. 2007/784, regulation 2 and the Schedule. There are numerous amendments to the list, of which the one made by S.I. 2008/2831 is most relevant.

(b) S.I. 1987/755. Part 3 of the Schedule was added by S.I. 2004/1627 in relation to England, and by S.I. 2005/1226 in relation to Wales.

(c) S.I. 1987/1967. The definition of “service user group” was inserted into regulation 2 by S.I. 2009/2655, regulation 2.

(d) S.I. 1987/1968. In Schedule 9 the definition of “hostel” was inserted by S.I. 1991/2284, regulation 12 and substituted by S.I. 2005/2687, regulation 13. Schedule 9A was inserted by S.I. 1992/1026, regulation 6.

(e) S.I. 1990/1700.

Housing (Extension of Right to Buy) Order 1993

14. In article 3(2) of the Housing (Extension of Right to Buy) Order 1993(a) (application of extension of right to buy), for “the Corporation” substitute “the Regulator of Social Housing or Welsh Ministers”.

Jobseeker’s Allowance Regulations 1996

15. In regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(b) (interpretation), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

Social Landlords (Permissible Additional Purposes or Objects) Order 1996

16. The Social Landlords (Permissible Additional Purposes or Objects) Order 1996(c) is amended as follows.

17. In article 2(1) (interpretation) omit the definitions of “qualifying lending institution” and “regulated mortgage contract” as they apply in relation to English registered social landlords.

18. In article 3 (additional permissible purposes or objects) omit paragraph (d) as it applies in relation to English registered social landlords.

Social Security Benefit (Computation of Earnings) Regulations 1996

19. In regulation 9(4) of the Social Security Benefit (Computation of Earnings) Regulations 1996(d) (earnings of employed earners), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

Leasehold Reform (Notices) Regulations 1997

20. In the Schedule to the Leasehold Reform (Notices) Regulations 1997(e)—

- (a) in paragraph 5 of the Notes to Form 1 and paragraph 4 of the Notes to Form 2, after “housing associations” insert “, private registered providers of social housing”, and
- (b) in paragraph 8 of the Notes to Form 1 and paragraph 7 of the Notes to Form 2, after “housing association” insert “, a private registered provider of social housing”.

Long Residential Tenancies (Principal Forms) Regulations 1997

21. In Form 2 in the Schedule to the Long Residential Tenancies (Principal Forms) Regulations 1997(f), in the outline of ground 14A in Note 12, after “registered social landlord” insert “, private registered provider of social housing”.

Assured and Protected Tenancies (Letting to Students) Regulations 1998

22. In regulation 5 of the Assured and Protected Tenancies (Letting to Students) Regulations 1998(g) (specified bodies), for paragraph (a) substitute—

-
- (a) S.I. 1993/2240.
 - (b) S.I. 1996/207. The definition of “service user group” was inserted into regulation 1 by S.I. 2009/2655, regulation 4.
 - (c) S.I. 1996/2256. The definitions of “qualifying lending institution” and “regulated mortgage contract”, as they apply in relation to bodies eligible for registration as social landlords by the TSA in England, were inserted by S.I. 2005/2863, article 2. The definition of “qualifying lending institution” as it applies in relation to other bodies is unaffected by this revocation.
 - (d) S.I. 1996/2745. The definition of “service user group” was inserted into regulation 9 by S.I. 2009/2678, regulation 2.
 - (e) S.I. 1997/640.
 - (f) S.I. 1997/3008.
 - (g) S.I. 1998/1967.

“(a) any housing association (as defined in section 1 of the Housing Associations Act 1985) which is—

- (i) a private registered provider of social housing, or
- (ii) a registered social landlord under Part 1 of the Housing Act 1996, and which is not listed in Schedule 1 to these Regulations; and”.

National Minimum Wage Regulations 1999

23. In the National Minimum Wage Regulations 1999(a), in regulation 31(5)(a) (reductions from payments to be taken into account) after “in England and Wales” delete the comma and insert—

“—

- (i) a private registered provider of social housing, and shall in addition include subsidiaries or associates as defined in Part 2 of the Housing and Regeneration Act 2008, or
- (ii) ”.

Social Landlords (Additional Purposes or Objects) Order 1999

24. In article 3(3) of the Social Landlords (Additional Purposes or Objects) Order 1999(b) (priority of mortgages) omit the definitions of “qualifying lending institution” and “regulated mortgage contract” as they apply in relation to English registered social landlords.

Public Interest Disclosure (Prescribed Persons) Order 1999

25. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(c), in the entry in the table relating to the Regulator of Social Housing, for “registered social landlords” substitute “private registered providers of social housing”.

Asylum Support (Interim Provisions) Regulations 1999

26. In regulation 10(b) of the Asylum Support (Interim Provisions) Regulations 1999(d) (assistance to those providing support), before “registered social landlord” insert “private registered provider of social housing or”.

Financial Services and Markets Act 2000 (Exemption) Order 2001

27. In Part 4 of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(e) (persons exempt in respect of particular regulated activities), in paragraph 48(2) after subparagraph (a) insert—

“(aa) a non-profit registered provider of social housing;”.

State Pension Credit Regulations 2002

28. In regulation 1(2) of the State Pension Credit Regulations 2002(f) (interpretation), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

(a) S.I. 1999/584.

(b) S.I. 1999/985. The definitions of “qualifying lending institution” and “regulated mortgage contract”, as they apply in relation to bodies eligible for registration as social landlords by the TSA in England, were inserted by S.I. 2005/2863, article 3. The definition of “qualifying lending institution” as it applies in relation to other bodies is unaffected by this revocation.

(c) S.I. 1999/1549.

(d) S.I. 1999/3056.

(e) S.I. 2001/1201. Paragraph 48 of the Schedule was substituted by S.I. 2003/1675, article 2.

(f) S.I. 2002/1792. The definition of “service user group” was inserted into regulation 1 by S.I. 2009/2655, regulation 5.

Allocation of Housing (England) Regulations 2002

29. In regulation 2 of the Allocation of Housing (England) Regulations 2002(a) (interpretation), in the definition of “family intervention tenancy” after “registered social landlord” insert “or a private registered provider of social housing”.

Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003

30. For article 4 of the Government Resources and Accounts Act 2000 (Rights of Access of Comptroller and Auditor General) Order 2003(b) (registered social landlords) substitute—

“Private registered providers of social housing

4.—(1) Section 8(1) of the Government Resources and Accounts Act 2000 shall apply in relation to relevant documents held or controlled by a body that is or was a private registered provider of social housing or a registered social landlord.

(2) In paragraph (1) —

- (a) “registered social landlord” means a body which was registered as a social landlord in a register maintained under section 1 of the Housing Act 1996 before the commencement of section 278 of the Housing and Regeneration Act 2008 and in relation to whom the Relevant Authority was the Regulator of Social Housing (in accordance with section 56 of the Housing Act 1996), and
- (b) “relevant documents” means documents that relate to the functions carried out by the private registered provider of social housing or the registered social landlord.”.

Land Registration Rules 2003

31. The Land Registration Rules 2003(c) are amended as follows.

32. In rule 183A (registration of registered social landlords and unregistered housing associations)—

- (a) in the heading after “registered social landlords” insert “, private registered providers of social housing”, and
- (b) after paragraph (1) insert—

“(1A) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, a private registered provider of social housing, the application must include a certificate to that effect.”.

33. In Schedule 4 (standard forms of restriction)—

- (a) for Form W substitute—

“Form W (Paragraph 4 of Schedule 9A to the Housing Act 1985)

No disposition (except a transfer) of a qualifying dwelling-house (except to a qualifying person or persons) is to be registered without the consent of—

- (a) in relation to a disposal of land in England by a private registered provider of social housing, the Regulator of Social Housing,
- (b) in relation to any other disposal of land in England, the Secretary of State, or

(a) S.I. 2002/3264. The definition of “family intervention tenancy” was inserted into regulation 2 by S.I. 2008/3015, regulation 2.

(b) S.I. 2003/1325.

(c) S.I. 2003/1417. Rule 183A was inserted by S.I. 2008/1919, paragraph 57 of Schedule 1. Schedule 4 was substituted by Schedule 4 to S.I. 2008/1919.

- (c) in relation to a disposal of land in Wales, the Welsh Ministers,
to that disposition under section 171D(2) of the Housing Act 1985 as it applies by virtue of
the Housing (Preservation of Right to Buy) Regulations 1993.”;
- (b) for Form X substitute—

“Form X (Section 81 or 133 of the Housing Act 1988 or section 173 of the Local Government and Housing Act 1989)

No disposition by the proprietor of the registered estate or in exercise of the power of sale or leasing in any registered charge (except an exempt disposal as defined by section 81(8) of the Housing Act 1988) is to be registered without the consent of—

- (a) in relation to a disposal of land in England by a private registered provider of social housing, the Regulator of Social Housing,
(b) in relation to any other disposal of land in England, the Secretary of State, and
(c) in relation to a disposal of land in Wales, the Welsh Ministers,

to that disposition under [*as appropriate* [section 81 of that Act] *or* [section 133 of that Act] *or* [section 173 of the Local Government and Housing Act 1989].”;

- (c) for Form Y, substitute—

“Form Y (Section 13 of the Housing Act 1996)

No transfer or lease by the proprietor of the registered estate or by the proprietor of a registered charge is to be registered unless a certificate by [*specify relevant registered social landlord or private registered provider of social housing*] is given that the transfer or lease is made in accordance with section 13 of the Housing Act 1996 (as modified, in the case of a private registered provider of social housing, by section 179 of the Housing and Regeneration Act 2008).”;

- (d) for Form KK substitute—

“Form KK (Lease by registered social landlord or non-profit registered provider of social housing)

No deed varying the terms of the registered lease is to be registered without the consent of

[*choose whichever bulleted clause is appropriate*]

- the Regulator of Social Housing
– the Welsh Ministers of [*address*].”.

Service Charges (Consultation Requirements) (England) Regulations 2003

34. In regulation 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003(a) (interpretation), in the definition of “RTB tenant” before “or section 16” insert “section 180 of the Housing and Regeneration Act 2008”.

Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

35. In regulation 17(1) of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003(b) (provision of affordable housing), for “a social landlord registered under

(a) S.I. 2003/1987.

(b) S.I. 2003/3146.

section 1 of the Housing Act 1996 (the register of social landlords)” substitute “a private registered provider of social housing”.

Homelessness (Suitability of Accommodation) (England) Order 2003

36. In article 2 of the Homelessness (Suitability of Accommodation) (England) Order 2003(a) (interpretation), in the definition of “B&B accommodation” for “a registered social landlord” substitute “a non-profit registered provider of social housing”.

Crime and Disorder Strategies (Prescribed Description) (England) Order 2004

37. For article 2(2)(f) of the Crime and Disorder Strategies (Prescribed Description) (England) Order 2004(b) (prescribed persons) substitute—

“(f) a private registered provider of social housing which is a landlord of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) in that local government area.”.

Magistrates’ Courts (Parenting Orders) Rules 2004

38. In Schedules 7 and 8 to the Magistrates’ Courts (Parenting Orders) Rules 2004(c) after “registered social landlord”, in each place, insert “or non-profit registered provider of social housing”.

Displaced Persons (Temporary Protection) Regulations 2005

39. The Displaced Persons (Temporary Protection) Regulations 2005(d) are amended as follows.

40. In regulation 8(1) (housing: requests for assistance) after “(c) a registered social landlord;” insert—

“(cc) a private registered provider of social housing;”.

41. In regulation 8(3) after “registered social landlord” insert “or a private registered provider of social housing”.

Community Interest Company Regulations 2005

42. In regulation 23(10) of the Community Interest Company Regulations 2005(e) (distribution of assets on winding up) after “Housing Act 1996” insert “, Part 2 of the Housing and Regeneration Act 2008”.

Housing (Right of First Refusal) (England) Regulations 2005

43. The Housing (Right of First Refusal) (England) Regulations 2005(f) are amended as follows.

44. In regulation 8(2) (nomination of another person to accept an offer) for paragraph (a) substitute—

“(a) are private registered providers of social housing; or”.

45. In regulation 15 (disposal of property acquired under right to acquire), for “section 16 of the Housing Act 1996” substitute “section 180 of the Housing and Regeneration Act 2008”.

(a) S.I. 2003/3326.

(b) S.I. 2004/118. Paragraph (f) was inserted into article 2(2) by S.I. 2007/1840, article 2.

(c) S.I. 2004/247. Schedules 7 and 8 were inserted by S.I. 2007/2222.

(d) S.I. 2005/1379.

(e) S.I. 2005/1788.

(f) S.I. 2005/1917.

46. In regulation 17 (disposal of property acquired on voluntary disposal at a discount by registered social landlord)—

- (a) in the heading, for “registered social landlord” substitute “private registered provider of social housing”,
- (b) in paragraph (1), after “section 9 of the Housing Act 1996” insert “or a private registered provider of social housing using its power to dispose of land in section 171 of the Housing and Regeneration Act 2008”, and
- (c) in paragraph (2) for paragraph (a) substitute—
 - “(a) for the definition of “former landlord” substitute—
 - ““former owner” means the registered social landlord which disposed of the property under section 9 of the Housing Act 1996 or the private registered provider of social housing which disposed of the property under section 171 of the Housing and Regeneration Act 2008”.”.

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

47. In regulation 3(1)(g)(iii) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(a), after “registered social landlord” insert “or a private registered provider of social housing”.

Housing (Right of First Refusal) (Wales) Regulations 2005

48. The Housing (Right of First Refusal) (Wales) Regulations 2005(b) are amended as follows.

49. In regulation 17 (disposal of property acquired on voluntary disposal at a discount by registered social landlord)—

- (a) in paragraph (1), after “section 9 of the Housing Act 1996” insert “or a private registered provider of social housing using its power to dispose of land in section 171 of the Housing and Regeneration Act 2008”, and
- (b) in paragraph (2) for paragraph (a) substitute—
 - “(a) for the definition of “former landlord” substitute—
 - ““former owner” (“perchennog blaenorol”) means the registered social landlord which disposed of the property under section 9 of the Housing Act 1996 or the private registered provider of social housing which disposed of the property under section 171 of the Housing and Regeneration Act 2008”.”.

Housing Benefit Regulations 2006

50. The Housing Benefit Regulations 2006(c) are amended as follows.

51. In regulation 2(1) (interpretation)—

- (a) for the definition of “registered housing association” substitute—
 - ““registered housing association” means—
 - (a) a private registered provider of social housing;
 - (b) a housing association which is registered in a register maintained by the Welsh Ministers under Chapter 1 of Part 1 of the Housing Act 1996; or

(a) S.I. 2005/2531.

(b) S.I. 2005/2680.

(c) S.I. 2006/213. The definition of “registered housing association” was inserted into regulation 2 by S.I. 2007/2868, regulation 4 and substituted by S.I. 2008/586, regulation 4 and amended by S.I. 2008/3157, regulation 5. Regulation 13C was inserted by S.I. 2007/2868, regulation 7. The definition of “service user group” in regulation 2 was inserted by S.I. 2009/2655, regulation 6. Regulation 114A was inserted by S.I. 2007/2868, regulation 3. Schedule 2 was substituted by S.I. 2007/2868, regulation 18 and paragraph 3 of Schedule 2 was substituted by S.I. 2008/2824, regulation 2.

- (c) a housing association which is registered by Scottish Ministers by virtue of section 57(3)(b) of the Housing (Scotland) Act 2001;” and
- (b) in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

52. In regulation 13C(5) (when a maximum rent is to be determined), for paragraph (a) substitute—

- “(a) the landlord is—
 - (i) a registered social landlord,
 - (ii) a non-profit registered provider of social housing, or
 - (iii) in relation to a dwelling which is social housing (within the meaning of sections 68 to 77 of the Housing and Regeneration Act 2008), a profit-making registered provider of social housing;”.

53. In regulation 114A(8)(j) (information to be provided to rent officers), after “housing association” insert “, private registered provider of social housing”.

54. In paragraph 3(1) of Schedule 2 (excluded tenancies), for “sub-paragraph (2)” substitute “sub-paragraphs (1A) and (2)”.

55. After paragraph 3(1) of Schedule 2 insert—

- “(1A) In relation to a profit-making registered provider of social housing, sub-paragraph (1)(a) only applies to its social housing (within the meaning of sections 68 to 77 of the Housing and Regeneration Act 2008).”.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

56. The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

57. In regulation 2(1) (interpretation)—

- (a) for the definition of “registered housing association” substitute—
 - ““registered housing association” means—
 - (a) a private registered provider of social housing;
 - (b) a housing association which is registered in a register maintained by the Welsh Ministers under Chapter 1 of Part 1 of the Housing Act 1996; or
 - (c) a housing association which is registered by Scottish Ministers by virtue of section 57(3)(b) of the Housing (Scotland) Act 2001;” and
- (b) in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

58. In regulation 13C(5) (when a maximum rent is to be determined), for paragraph (a) substitute—

- “(a) the landlord is—
 - (i) a registered social landlord,
 - (ii) a non-profit registered provider of social housing, or

(a) S.I. 2006/214. The definition of “registered housing association” was inserted into regulation 2 by S.I. 2007/2869, regulation 4 and substituted by S.I. 2008/586, regulation 5 and amended by S.I. 2008/3157. The definition of “service user group” in regulation 2 was inserted by S.I. 2009/655, regulation 7. Regulation 13C was inserted by S.I. 2007/2869, regulation 7. Regulation 95A was inserted by S.I. 2007/2869, regulation 3. Schedule 2 was substituted by S.I. 2007/2869, regulation 18 and paragraph 3 of Schedule 2 was substituted by S.I. 2008/2824, regulation 3.

- (iii) in relation to a dwelling which is social housing (within the meaning of sections 68 to 77 of the Housing and Regeneration Act 2008), a profit-making registered provider of social housing;”.

59. In regulation 95A(8)(j) (information to be provided to rent officers), after “housing association” insert “, private registered provider of social housing”.

60. In paragraph 3(1) of Schedule 2 (excluded tenancies), for “sub-paragraph (2)” substitute “sub-paragraphs (1A) and (2)”.

61. After paragraph 3(1) of Schedule 2 insert—

“(1A) In relation to a profit-making registered provider of social housing, sub-paragraph (1)(a) only applies to its social housing (within the meaning of sections 68 to 77 of the Housing and Regeneration Act 2008).”.

Council Tax Benefit Regulations 2006

62. In regulation 2(1) of the Council Tax Benefit Regulations 2006(a) (interpretation), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

63. In regulation 2(1) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(b) (interpretation), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

Community Benefit Societies (Restriction on Use of Assets) Regulations 2006

64. In regulation 2 of the Community Benefit Societies (Restriction on Use of Assets) Regulations 2006(c) (interpretation), in the definition of “registered social landlord”, for paragraph (a) substitute—

“(a) a housing association which is a private registered provider of social housing or is registered as a registered social landlord under Part 1 of the Housing Act 1996; or”

Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006

65. In regulation 2 of the Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006(d), for paragraph (2) substitute—

“(2) In this article “private sector landlord” does not include—

- (a) a non-profit registered provider of social housing, or
- (b) in relation to a house which is social housing (within the meaning in Part 2 of the Housing and Regeneration Act 2008), a profit-making registered provider of social housing.”.

(a) S.I. 2006/215. The definition of “service user group” was inserted into regulation 2 by S.I. 2009/655, regulation 8.

(b) S.I. 2006/216. The definition of “service user group” was inserted into regulation 2 by S.I. 2009/655, regulation 9.

(c) S.I. 2006/264.

(d) S.I. 2006/369.

Appointments Commission Regulations 2006

66. In regulation 5(1) of the Appointments Commission Regulations 2006(a) (disqualification for appointment), in sub-paragraph (o)(iii), after “registered social landlord” insert “or a private registered provider of social housing”.

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

67. In Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(b) (specified regulatory functions) for “Housing Corporation” substitute “Regulator of Social Housing”.

Regulated Covered Bonds Regulations 2008

68. In regulation 2(3) of the Regulated Covered Bonds Regulations 2008(c), in the definition of “registered social landlord” after “in England and Wales, means” insert “a private registered provider of social housing or”.

Charities (Accounts and Reports) Regulations 2008

69. In regulation 2 of the Charities (Accounts and Reports) Regulations 2008(d) (interpretation) in the definition of “special case charity” for paragraph (a) substitute—

“(a) a charity which is—

- (i) a registered social landlord within the meaning of the Housing Act 1996 and whose registration has been the subject of a notice under section 3(3)(a) of that Act (Welsh registered social landlord);
- (ii) a non-profit registered provider of social housing by virtue of section 278 of the Housing and Regeneration Act 2008 and whose registration as social landlord was the subject of a notice under section 3(3)(a) of the Housing Act 1996 (English registered provider of social housing which was a registered social landlord); or
- (iii) a non-profit registered provider of social housing and whose registration as a provider of social housing has been the subject of a notice under section 120(1)(a) of the Housing and Regeneration Act 2008 (English registered provider of social housing);”.

Employment and Support Allowance Regulations 2008

70. In regulation 2(1) of the Employment and Support Allowance Regulations 2008(e) (interpretation), in paragraph (i) of the definition of “service user group” for “registered provider” substitute “private registered provider of social housing”.

Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008

71. In regulation 4(2) of the Social Security (Use of Information for Housing Benefit and Welfare Services Purposes) Regulations 2008(f) (holding purposes relating to welfare services), in sub-paragraph (d)(i) after “registered social landlord” insert “or a private registered provider of social housing”.

(a) S.I. 2006/2380.

(b) S.I. 2007/3544.

(c) S.I. 2008/346.

(d) S.I. 2008/629.

(e) S.I. 2008/794. The definition of “service user group” was inserted into regulation 2 by S.I. 2009/655, regulation 11.

(f) S.I. 2008/2112.

National Information Governance Board Regulations 2008

72. In regulation 3(g)(iii) of the National Information Governance Board Regulations 2008(a) (disqualification from office) after “registered social landlord” insert “or a private registered provider of social housing”.

Housing (Replacement of Terminated Tenancies) (Successor Landlords) (Wales) Order 2009

73. The Housing (Replacement of Terminated Tenancies) (Successor Landlords) (Wales) Order 2009(b) is amended as follows.

74. In article 4 (nature of replacement tenancies)—

- (a) in the modified version of paragraph 17(b) of Schedule 11 to the Housing and Regeneration Act 2008, in sub-paragraph (v) after “registered social landlord” insert “or a private registered provider of social housing”, and
- (b) in the modified version of paragraph 17(e) of Schedule 11 to the Housing and Regeneration Act 2008, in sub-paragraph (ii) after “registered social landlord” insert “or a private registered provider of social housing”.

Housing (Replacement of Terminated Tenancies) (Successor Landlords) (England) Order 2009

75. The Housing (Replacement of Terminated Tenancies) (Successor Landlords) (England) Order 2009(c) is amended as follows.

76. In article 4 (nature of replacement tenancies)—

- (a) in the modified version of paragraph 17(b) of Schedule 11 to the Housing and Regeneration Act 2008, in sub-paragraph (v) after “registered social landlord” insert “or a private registered provider of social housing”, and
- (b) in the modified version of paragraph 17(e) of Schedule 11 to the Housing and Regeneration Act 2008, in sub-paragraph (ii) after “registered social landlord” insert “or a private registered provider of social housing”.

Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009

77. The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009(d) are amended as follows.

78. For each reference to “registered social landlord” in regulation 8 (prescribed conditions for protected areas), wherever appearing, substitute “private registered provider of social housing”.

79. Omit regulation 8(7).

SCHEDULE 2

Article 5

Transitional and saving provision

Interpretation

1. In this Schedule—

-
- (a) S.I. 2008/2558.
 - (b) S.I. 2009/1260.
 - (c) S.I. 2009/1262.
 - (d) S.I. 2009/2097.

“devolved legislation” means an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation;

“the HCA” means the Homes and Communities Agency;

“Northern Ireland legislation” has the same meaning as in section 24 of the Interpretation Act 1978(a);

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 and also includes an instrument made under an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation, and

“the TSA” means the Regulator of Social Housing.

General

2.—(1) No amendment or repeal made by this Order affects the validity of anything done (or having effect as if done) by or in relation to an English registered social landlord before the commencement date.

(2) A reference (express or implied) in any amendment made by this Order to a provision of Part 1 or 2 of the 2008 Act is, so far as the context permits, to be read as including, in relation to times, circumstances or purposes before the commencement date, a reference to any corresponding former provision of Part 1 of the 1996 Act or any corresponding earlier enactment.

(3) In particular, a reference (express or implied) in any amendment made by this Order to registration as a provider of social housing (without further differentiation), registration as a private provider of social housing (without further differentiation) or registration as a non-profit provider of social housing (with or without further differentiation) is, so far as the context permits, to be read as including, in relation to times, circumstances or purposes before the commencement date, a reference to registration as an English registered social landlord.

(4) Anything done (or having effect as if done) by or in relation to a person as an English registered social landlord is, if in force or effective immediately before the commencement date, to have effect for the purposes of any amendment made by this Order as if done by or in relation to that person as a non-profit registered provider of social housing so far as that is required for continuing its effect on and after the commencement date.

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

Saving for certain effects of the 2008 Order

3.—(1) Article 6(2) of the 2008 Order continues to apply on and after the commencement date in relation to any instrument or other document (other than an Act, devolved legislation or subordinate legislation) so far as required for the purposes of any substitution made by this Order of the HCA or the TSA for the Housing Corporation.

(2) Anything which, immediately before the commencement date, is being continued by or in relation to the HCA or the TSA by virtue of article 6(3) of the 2008 Order may, so far as it relates to any function under an enactment in which the HCA or the TSA is substituted for the Housing Corporation by this Order, continue to be so continued on and after the commencement date.

(3) Anything which has effect as if done by or in relation to the HCA or the TSA by virtue of article 6(4) of the 2008 Order is, if in force or effective immediately before the commencement date and so far as the enactment continues to apply to the HCA or the TSA by virtue of this Order, to continue to have effect as if done by or in relation to the HCA or the TSA so far as that is required for continuing its effect on and after the commencement date.

(4) The references in sub-paragraph (3) to things done include references to things omitted to be done.

(a) 1978 c.30.

Saving in relation to priority of mortgage provisions

4. Any repeal made by this Order of the Social Landlords (Additional Purposes or Objects) (Amendment) (England) Order 2005(a) does not apply to that enactment so far as it is saved by an order under section 322 of the 2008 Act.

New references to registered social landlords

5. Any saving or transitional provision, or any provision about the continuity of the law, which was made by or under the 1996 Act and is in force or effective immediately before the commencement date in relation to a reference (express or implied) to a registered social landlord is to continue to apply, on and after that date, in relation to any corresponding reference to a registered social landlord in an amendment made by this Order so far as the provision concerned remains capable of having effect in relation to that reference.

General consequential modification of documents

6.—(1) A reference (express or implied) in any instrument or other document (other than an Act, devolved legislation or subordinate legislation) made before the commencement date to a relevant provision of Part 1 of the 1996 Act is, in relation to times, circumstances or purposes on or after the commencement date and so far as required for the purposes of this Order or any order under section 321 or 325 of the 2008 Act, to be read as being, or as the case may require including, a reference to the corresponding provision of Part 1 or 2 of the 2008 Act.

(2) In particular, a reference (express or implied) in any instrument or other document (other than an Act, devolved legislation or subordinate legislation) made before the commencement date to registration as an English registered social landlord is, in relation to times, circumstances or purposes on or after the commencement date and so far as required for the purposes of this Order or any order under section 321 or 325 of the 2008 Act, to be read as being a reference to registration as a non-profit provider of social housing.

(3) In this paragraph “relevant provision” means any provision so far as relating to an English registered social landlord which is repealed and re-enacted, with or without modifications, by or under any provision of Part 1 or 2 of the 2008 Act,

Consequential modifications: preserved right to buy

7.—(1) Any enactment made under section 171C of the Housing Act 1985(b) which is in force immediately before the commencement date shall continue to have effect on and after that date with the modifications set out in sub-paragraph (2) (and any other necessary related modifications).

(2) The modifications referred to in sub-paragraph (1) are that—

- (a) references to a registered social landlord shall be treated as references to a private registered provider of social housing, and
- (b) references to the Corporation shall be treated as references to the Welsh Ministers, the HCA or the TSA, as the context requires.

Preserved right to buy: outstanding applications

8. The preserved right to buy provisions continue to apply on and after the commencement date in relation to any case where—

- (a) a claim was made before the commencement date to exercise a preserved right to buy in relation to an interest in land in England held by an English registered social landlord, but
- (b) the claim was not determined, or any purchase was not completed, before that date.

(a) S.I. 2005/2863.

(b) 1985 c.68. Section 171C was inserted by section 8 of the Housing and Planning Act 1986 (c.63).

(2) In their application by virtue of sub-paragraph (1), the preserved right to buy provisions have effect—

- (a) without any amendments or repeals of them made by this Order or made by an order under section 114 or 321 of the 2008 Act,
- (b) as if the 2008 Order were not revoked by this Order, and
- (c) as if references to registered social landlords were or (as the case may be) included, in relation to times, circumstances or purposes on and after the commencement date, references to private registered providers of social housing.

(3) In this paragraph “the preserved right to buy provisions” means sections 171A to H of the Housing Act 1985^(a) and any other enactment, instrument or other document so far as it has effect under or otherwise in connection with that section.

SCHEDULE 3

Article 6

Repeals

<i>Title</i>	<i>Extent of repeal</i>
The Social Landlords (Permissible Additional Purposes or Objects) Order 1996 ^(b)	In article 2, the definitions of “qualifying lending institution” and “regulated mortgage contract” as they apply in relation to English registered social landlords. In article 3, paragraph (d) as it applies in relation to English registered social landlords.
The Social Landlords (Additional Purposes or Objects) Order 1999 ^(c)	In article 3, the definitions of “qualifying lending institution” and “regulated mortgage contract” as they apply in relation to English registered social landlords.
The Social Landlords (Additional Purposes or Objects) (Amendment) (England) Order 2005 ^(d)	The whole Order.
The Social Landlords (Grants to Bodies other than Registered Social Landlords) (Additional Purposes) (England) Order 2006 ^(e)	The whole Order.
The Social Landlords (Permissible Additional Purposes) (England) Order 2006 ^(f)	The whole Order.
The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 ^(g)	Article 3.

^(a) 1985 c.68. Sections 171D to H were inserted by section 8 of the Housing and Planning Act 1986 (c.63).

^(b) S.I. 1996/2256.

^(c) S.I. 1999/985.

^(d) S.I. 2005/2863.

^(e) S.I. 2006/583.

^(f) S.I. 2006/1968.

^(g) S.I. 2006/2374.

The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2008(a)	In Schedule 1, paragraph 14.
The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008(b)	The whole Order.
The Housing Corporation (Dissolution) Order 2009(c)	In Schedule 1, paragraph 13.
The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009(d)	Regulation 8(7).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains amendments to provisions in secondary legislation (and in two local Acts) that make reference to registered social landlords, the Housing Corporation and the existing regulatory regime. These amendments are in addition to those in the Housing and Regeneration Act 2008 itself and are consequential on the coming into force of the remainder of Parts 1 and 2 of that Act, which make provision in relation to social housing finance and the regulation of registered providers of social housing.

This Order revokes—

- (a) the Social Landlords (Additional Purposes or Objects) (Amendment) (England) Order 2005,
- (b) the Social Landlords (Grants to Bodies other than Registered Social Landlords) (Additional Purposes) (England) Order 2006,
- (c) the Social Landlords (Permissible Additional Purposes) (England) Order 2006, and
- (d) the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008.

An impact assessment has been prepared in respect of the Housing and Regeneration Act 2008. It has been deposited in the Library of each House of Parliament and is available from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DR or email tsasponsorsteam@communities.gsi.gov.uk. An Explanatory Memorandum has been prepared and is available alongside the instrument on the OPSI website at www.opsi.gov.uk.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

-
- (a) S.I. 2008/2831.
 - (b) S.I. 2008/2839.
 - (c) S.I. 2009/484.
 - (d) S.I. 2009/2097.

STATUTORY INSTRUMENTS

2010 No. 671

HOUSING, ENGLAND AND WALES

The Housing and Regeneration Act 2008 (Consequential
Provisions) (No. 2) Order 2010

£5.50