

## SCHEDULE

### Transitional and saving provisions: Parts 1 and 2

#### *General provisions*

#### **Registered social landlords and Part 1 and 2 references**

1.—(1) Nothing in 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 provision of Part 1 or 2 of the 2008 Act brought into force by this Order to a provision of either Part 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 provision of Part 1 or 2 of the 2008 Act brought into force 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 (or a prospective English registered social landlord) is, if in force or effective immediately before the commencement date, to have effect for the purposes of any provision brought into force or saved by this Order as if done by or in relation to that person as a non-profit registered provider of social housing (or a prospective non-profit registered provider of social housing) so far as that is required for continuing its effect on and after the commencement date.

(5) In particular, anything done (or having effect as if done) by or in relation to a person as an English registered social landlord (or a prospective English registered social landlord) under a provision of Part 1 of the 1996 Act which is repealed and re-enacted, with or without modifications, by or under any provision of Part 1 or 2 of the 2008 Act brought into force by this Order is, if in force or effective immediately before the commencement date, to have effect as if done under the corresponding provision of the 2008 Act by or in relation to a non-profit registered provider of social housing (or a prospective non-profit registered provider of social housing) so far as that is required for continuing its effect on and after the commencement date.

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

(7) The references in sub-paragraphs (2), (3) and (5) to provisions of Part 1 or 2 of the 2008 Act brought into force by this Order include references to amendments made by either Part and brought into force by this Order.

(8) Any provisions in this Schedule which achieve the same result in a particular case as that achieved by this paragraph do not limit the scope of this paragraph.

(9) This paragraph is subject to any other provisions of this Schedule.

#### **New references to registered social landlords**

2. 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

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social landlord in an amendment brought into force by this Order so far as the provision concerned remains capable of having effect in relation to that reference.

### **The TSA, the HCA and the Housing Corporation**

**3.**—(1) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the HCA, the TSA or the Housing Corporation before the commencement date.

(2) 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 brought into force by this Order of the HCA or the TSA for the Housing Corporation.

(3) 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 necessary for the purposes of this Order, continue to be so continued on and after the commencement date.

(4) 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 necessary for continuing its effect on and after the commencement date for the purposes of this Order, to continue to have effect as if done by or in relation to the HCA or the TSA.

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

(6) In this paragraph—

- (a) “devolved legislation” means an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or Northern Ireland legislation,
- (b) “Northern Ireland legislation” has the same meaning as in section 24 of the Interpretation Act 1978, and
- (c) “subordinate legislation” has the same meaning as in the Interpretation Act 1978<sup>(1)</sup> 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.

### **Savings**

**4.** Any saving made by this Schedule of any enactment, instrument or other document includes a saving of any consent given or other thing done or omitted to be done under or in connection with the enactment, instrument or other document so far as that is required for continuing the effect, on and after the commencement date, of the consent given or other thing done or omitted to be done.

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(1) 1978 c.30.