

1999 No. 61

HOUSING, ENGLAND AND WALES

**The Government of Wales Act 1998 (Housing)
(Amendments) Order 1999**

Made - - - - - *13th January 1999*

Coming into force *15th January 1999*

The Secretary of State for Wales, in exercise of the powers conferred on him by section 143(3) and (4) of the Government of Wales Act 1998(a) and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been approved by resolution of each House of Parliament, in accordance with section 154(2) of the said Act:—

Citation and commencement

1. This Order may be cited as the Government of Wales Act 1998 (Housing) (Amendments) Order 1999 and shall come into force on 15th January 1999.

Consequential amendments

2. The enactments referred to in the Schedule have effect with the amendments specified therein.

Signed by authority of the Secretary of State for Wales

13th January 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
Welsh Office

SCHEDULE

Article 2

AMENDMENTS

Rent Act 1977

1.—(1) The Rent Act 1977(a) is amended as follows.

(2) In section 86(2)(a)(b) (tenancies to which Part VI applies) after “the Housing Corporation” insert “or to the Secretary of State where that interest belongs to him as the result of the exercise by him of functions under Part III of the Housing Associations Act 1985(c).”

(3) In section 86(2)(b) (tenancies to which Part VI applies) after “but for section” insert “13 or”.

(4) In section 93(1)(d) (increase of rent without notice to quit) after “the Housing Corporation” insert “or the Secretary of State”.

Housing Act 1985

2. In paragraph 7(1) of Schedule 4 to the Housing Act 1985(e) (the landlord condition) after “registered social landlord which is not a co-operative housing association” insert “the Secretary of State where that interest belonged to him as the result of the exercise by him of functions under Part III of the Housing Associations Act 1985.”

Housing Act 1988

3.—(1) The Housing Act 1988(f) is amended as follows.

(2) In section 35(5)(g) (removal of special regimes for tenancies of housing associations etc) after “or the Housing Corporation” insert “or, where that interest becomes held by him as the result of the exercise by him of functions under Part III of the Housing Association Act 1985, the Secretary of State.”

(3) In section 38(h) (transfer of existing tenancies from public to private sector)—

(a) in subsection (3) for “and (4A)” substitute “(4A) and (4B),”

(b) after subsection (4A) insert—

“(4B) Where, by virtue of a disposal by the Secretary of State made in the exercise by him of functions under Part III of the Housing Associations Act 1985, the interest of the landlord under a secure tenancy passes to a registered social landlord (within the meaning of the Housing Act 1985) then, notwithstanding anything in subsection (3) above, so long as the tenancy continues to be held by a body which would have been specified in subsection (1) of section 80 of the Housing Act 1985 if the repeal of provisions of that section effected by this Act had not been made, the tenancy shall continue to be a secure tenancy and to be capable of being a housing association tenancy.”

(4) At the end of paragraph 11(2) of Schedule 1 (Crown tenancies) add “or it is held by the Secretary of State as the result of the exercise by him of functions under Part III of the Housing Associations Act 1985.”

(a) 1977 c. 42.

(b) Section 86(2) was amended by the Housing Act 1980 (c. 51) Schedule 10, the Housing Act 1988, (c. 50) Schedule 17 and the Government of Wales Act 1998, (c. 38) Schedule 18.

(c) 1985 c. 69.

(d) Section 93(1) was amended by the Housing Act 1980 (c. 51) Schedule 10, the Housing Act 1988, (c. 50) Schedule 17 and the Government of Wales Act 1998, (c. 38) Schedule 18.

(e) 1985 c. 68; paragraph 7(1) was amended by the Housing and Planning Act 1986 (c. 63) Schedule 12, the Housing Act 1988 (c. 50) Schedule 17, the Housing Act 1996 (Consequential Provisions) Order 1996, S.I. 1996/2325 and the Government of Wales Act 1998 (c. 38) Schedule 16.

(f) 1988 c. 50.

(g) Section 35(5) was amended by the Government of Wales Act 1998, (c. 38) Schedule 16.

(h) Section 38 was amended by the Local Government and Housing Act 1989, (c. 42) section 194(1) and Schedule 11 and by the Housing Act 1996 (Consequential Provisions) Order 1996, Statutory Instrument 1996/2325.

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order contains amendments of enactments in consequence of the coming into force of sections 140(1) to (4), including all provisions of Schedule 16, and 141 of the Government of Wales Act 1998 whereby the functions of Housing for Wales were transferred to the Secretary of State.

The amendments preserve the status and rights of tenants of residential dwellings which are acquired and/or disposed of by the Secretary of State in the exercise of functions which were previously exercised by Housing for Wales.

1999 No. 61

HOUSING, ENGLAND AND WALES

The Government of Wales Act 1998 (Housing)
(Amendments) Order 1999

£1.50

© Crown copyright 1998

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

WO 3967 1/99 ON (MFK)