

2012 No. 641

HOUSING, ENGLAND AND WALES

**The Localism Act 2011 (Regulation of Social Housing)
(Consequential Provisions) Order 2012**

Made - - - - *1st March 2012*

Laid before Parliament *7th March 2012*

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by section 236(1) of the Localism Act 2011(a):

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Localism Act 2011 (Regulation of Social Housing) (Consequential Provisions) Order 2012.

(2) This Order comes into force on the commencement date.

(3) In this Order—

“the commencement date” means 1st April 2012;

“the HCA” means the Homes and Communities Agency constituted by Part 1 of and Schedule 1 to the Housing and Regeneration Act 2008(b);

“the Office” means the Office for Tenants and Social Landlords constituted by Chapter 2 of Part 2 of that Act(c);

(4) This Order extends to England and Wales only.

Consequential amendments

2.—(1) In Schedule 1 to the Rent Act 1977 (Forms etc) Regulations 1980(d), omit “or the Homes and Communities Agency” in each place where it occurs.

(2) In the Public Bodies’ Land (Appropriate Ministers) Order 1981(e), the entry relating to the Regulator of Social Housing is omitted.

(3) In paragraph 8 of Schedule 9A to the Social Security (Claims and Payments) Regulations 1987(f), omit subparagraph (aa).

(a) 2011 c. 20.

(b) 2008 c. 17. There have been amendments to Part 1 and Schedule 1 that are not relevant to this Order.

(c) The Office for Tenants and Social Landlords is abolished by section 178 of and Schedule 16 to the Localism Act 2011 and its functions transferred to the HCA acting through its Regulation Committee.

(d) S.I. 1980/1697. There are amendments to Schedule 1 not relevant to this Order.

(e) S.I. 1981/15. The entry for the Regulator of Social Housing was substituted (for the entry for the Housing Corporation) by Article 4 of, and paragraph 1 of Schedule 2 to, S.I. 2008/2831.

(f) S.I.1987/1968. There are amendments to Schedule 9A not relevant to this Order.

(4) In section 2 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(a), omit paragraph 13.

(5) In paragraph 48(2) of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(b), omit subparagraph (c).

(6) In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(c)—

(a) the entry for “Office for Tenants and Social Landlords” is omitted and in the appropriate place insert “Homes and Communities Agency”; and

(b) the reference to “a person authorised by the Office for Tenants and Social Landlords to carry out functions pursuant to sections 201, 202 and 203 of the Housing and Regeneration Act 2008” is omitted and in the appropriate place insert “a person authorised by the Homes and Communities Agency to carry out functions pursuant to sections 201, 202 and 203 of the Housing and Regeneration Act 2008.

(7) In Schedule 1 to the Equality Act 2010 (Specific Duties) Regulations 2011(d), the entry for “The Office for Tenants and Social Landlords” is omitted.

Transitional and saving provisions

3. Any reference to the Office (however expressed) in any document made under or relating to any provision which—

(a) is amended or repealed by this Order, and

(b) is in effect immediately before the commencement date,

is to be read, so far as is necessary, as a reference to the HCA.

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

Grant Shapps
Minister of State

1st March 2012

Department for Communities and Local Government

(a) S.I. 1999/2277. There are amendments to Schedule 1 not relevant to this Order.

(b) S.I. 2001/1201. There are amendments to the Schedule not relevant to this Order.

(c) S.I. 2007/3544. The entry for “Office for Tenants and Social Landlords” was inserted by article 2 and 4(1) of S.I. 2009/2981. The entry for “a person authorised by the Office for Tenants and Social Landlords” was inserted by articles 2 and 4(1) of S.I. 2009/2981.

(d) S.I. 2011/2260.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains amendments to provisions in secondary legislation that make reference to the Office for Tenants and Social Landlords and the Regulator of Social Housing. These amendments are in addition to those in the Localism Act 2011 itself and are consequential on the coming into force of Part 7 of that Act, which makes provision in relation to the abolition of the Office for Tenants and Social Landlords and the transfer of its functions to the Homes and Communities Agency acting through its Regulation Committee.

This Order revokes references to the Office of Tenants and Social Landlords in secondary legislation and replaces those references, where appropriate, with references to the Homes and Communities Agency.

An impact assessment has been prepared in respect of the Localism Act 2011. 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 5DU. An Explanatory Memorandum has been prepared and is available alongside this instrument on the website www.legislation.go.uk.

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STATUTORY INSTRUMENTS

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