

SUMMARY OF THE CHANGES IN THE GENERAL CONSENT 2015

The General Consent 2010 has now been replaced by the General Consent 2015, but some of the requirements and conditions are different. The list below summarises some of these changes but this is not a substitute for providers familiarising themselves with the conditions and requirement of the new general consent. In the General Consent 2015:

- Category 6 is no longer available to providers with unregistered parents
- Category 6 cannot be used to obtain finance from other private registered providers (other than group members)
- Category 6 can now be used to give consent under s171D of the Housing Act 1985, as well as s172 of the Housing and Regeneration Act 2008
- Index linked finance is now excluded from consents under category 6
- New audit requirements are in place for providers using category 6
- The definition of “Private Finance Provider” has changed.

TRANSITIONAL ARRANGEMENTS FOR INTRODUCTION OF THE GENERAL CONSENT 2015

The treatment of disposals made under the previous General Consent, (General Consent 2010)

- The General Consent 2015 applies to disposals that take place on or after 1st April 2015. Previous general consents from 2008 and 2010 continue to have effect for those disposals made while those general consents were live. They also continue to have effect in relation to those disposals which were agreed by the regulator under those general consents.
- A provider who had access to category 6 of the General Consent 2010, prior to 1 April 2015, should note changes made in the General Consent 2015; some disposals which were permitted under the General Consent 2010 are not allowed under the General Consent 2015. This includes disposals of security interests in respect of index linked finance or in respect of finance from other private registered providers (other than group members) or (usually) local authorities. Consequently, these things would require a specific consent.
- However, if you entered into a legally binding arrangement prior to 1 April 2015, (which met the requirements of Category 6 and other conditions of the General Consent 2010) and the terms of such arrangements require the provider to make a further disposal after the 1 April 2015, the disposal is deemed to have taken place under the General Consent 2010 and no specific consent is required
- Where a provider is operating a programme of disposals under category 5 or 18 was agreed under the General Consent 2010, the programme will be subject to the conditions of the original consent and the General Consent 2010 rather than the General Consent 2015.

Disposal Consent Application forms

- A new range of disposal consent forms have been published to support the new General Consent and updates to Disposing of Land. The forms DC1 – DC6 replace the old RP Con range of forms.
- Please note that applications for disposal consent under s172 of the Housing and Regeneration Act 2008, s133 of the Housing Act 1988 and s171D of the Housing Act 1985 can now be made on the same form (DC2).
- The new forms will be available from 1 April 2015. Providers will be permitted to use the old style RP Con forms for a period of 1 month. However, any applications submitted on the old style forms after the 1 May 2015 will be returned to providers for resubmission on the relevant DC form

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