
STATUTORY INSTRUMENTS

2007 No. 2471 (C. 90)

HOUSING, ENGLAND AND WALES

The Housing Act 2004 (Commencement
No. 9) (England and Wales) Order 2007

Made - - - - 17th August 2007

The Secretary of State, in exercise of the powers conferred by section 270(6) and (8) of the Housing Act 2004⁽¹⁾, makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Housing Act 2004 (Commencement No. 9) (England and Wales) Order 2007.

(2) This Order applies in relation to England and Wales.

Commencement

2. In so far as it is not already in force⁽²⁾, Part 5 of (and Schedule 8 to) the Housing Act 2004 shall come into force on 10th September 2007 in relation to the types of property described in article 3(1), and to the extent specified in article 3(2).

Application of Part 5 of the Housing Act 2004 to residential properties with three bedrooms

3.—(1) The types of property referred to in article 2 are—

(a) a residential property which—

(i) is physically complete at the first point of marketing; and

(ii) has three bedrooms;

and

(b) a residential property which—

(i) is not physically complete at the first point of marketing; and

(ii) is expected to have three bedrooms once physically complete,

(1) 2004 c.34. The power conferred by section 270(6) is exercisable by the Secretary of State as respects both England and Wales.
(2) Under section 270(2) of the Housing Act 2004, sections 161 to 164, 176 and any other provision conferring powers to make an order or regulations, came into force on the day the Act was passed. Part 5 of (and Schedule 8 to) the Housing Act 2004 were brought into force with application to properties having four bedrooms or more by the Housing Act 2004 (Commencement No. 8) (England and Wales) Order 2007 (S.I. 2007/1668, C.66).

other than a property to the construction of which regulation 17C of the Building Regulations 2000⁽³⁾ applies.

(2) The duties under sections 155 to 159 of the Housing Act 2004 shall apply subject to the Home Information Pack (No.2) Regulations 2007⁽⁴⁾.

Interpretation of article 3(2)

4. In article 3—

- (a) a residential property shall be regarded as having or expected to have three bedrooms if the manner in which the property is marketed indicates that it has or is expected to have three bedrooms;
- (b) “first point of marketing” shall be construed in accordance with regulation 3 of the Home Information Pack (No.2) Regulations 2007; and
- (c) “physically complete” shall be construed in accordance with regulation 2(3) of the Home Information Pack (No.2) Regulations 2007.

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local
Government

17th August 2007

⁽³⁾ S.I. 2000/2531. Regulation 17C was inserted by S.I. 2006/652.

⁽⁴⁾ S.I. 2007/1667.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Part 5 of (and Schedule 8 to) the Housing Act 2004 into force in England and Wales on 10th September 2007. These provisions relate to home information packs. They are being brought into force in relation to residential properties with three bedrooms, other than properties to which regulation 17C (which imposes minimum energy performance requirements) of the Building Regulations 2000 applies. Part 5 of the Housing Act 2004 already applies in relation to properties with four bedrooms or more by virtue of the Housing Act 2004 (Commencement No. 8) (England and Wales) Order 2007 ([S.I. 2007/1668](#)).

Once in force, the provisions will apply to a residential property with three bedrooms unless it is excepted under Part 6 of the Home Information Pack (No.2) Regulations 2007.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Housing Act 2004 have been brought into force in England by commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---------------------------------------|-----------------------------|---------------------------|
| Section 1 | 06.04.06 | 2006/1060 |
| Sections 3 to 8 | 06.04.06 | 2006/1060 |
| Sections 10 to 52 | 06.04.06 | 2006/1060 |
| Section 53 | 06.04.07 | 2007/1068 |
| Section 54 | 06.04.06 | 2006/1060 |
| Section 55(1), (2) and (5)(a) and (b) | 15.06.05 | 2005/1451 |
| Section 55 (remainder) | 06.04.06 | 2006/1060 |
| Sections 56 and 57 | 15.06.05 | 2005/1451 |
| Sections 58 to 71 | 06.04.06 | 2006/1060 |
| Section 72(2), (3), (5), (6) and (7) | 06.04.06 | 2006/1060 |
| Section 72 (remainder) | 06.07.06 | 2006/1060 |
| Section 73 | 06.07.06 | 2006/1060 |
| Section 74 (remainder) | 06.07.06 | 2006/1060 |
| Sections 75 to 78 | 06.04.06 | 2006/1060 |
| Sections 79 and 80 (remainder) | 15.06.05 | 2005/1451 |
| Section 81 | 15.06.05 | 2005/1451 |
| Sections 82 to 94 | 06.04.06 | 2006/1060 |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Section 95 (2), (4) and (6) | 06.04.06 | 2006/1060 |
| Section 95 (remainder) | 06.07.06 | 2006/1060 |
| Section 96 | 06.07.06 | 2006/1060 |
| Section 97 (remainder) | 06.07.06 | 2006/1060 |
| Sections 98 to 133 | 06.04.06 | 2006/1060 |
| Section 134 (remainder) | 06.07.06 | 2006/1060 |
| Sections 135 to 147 | 06.04.06 | 2006/1060 |
| Sections 148 to 178, in so far as applied to residential properties with four bedrooms or more | 01.08.07 | 2007/1668 |
| Section 179 | 06.06.05 | 2005/1451 |
| Section 181 | 04.07.05 | 2005/1729 |
| Sections 191 to 194 | 06.06.05 | 2005/1451 |
| Sections 212 to 215 (remainder) | 06.04.07 | 2007/1068 |
| Section 220 (remainder) | 17.02.05 | 2005/326 |
| Section 221 | 17.02.05 | 2005/326 |
| Section 223 | 27.04.05 | 2005/1120 |
| Section 225 (remainder) | 02.01.07 | 2006/3191 |
| Section 226 | 02.01.07 | 2006/3191 |
| Section 227 | 17.02.05 | 2005/326 |
| Section 229 (remainder) | 04.07.05 | 2005/1729 |
| Sections 230 and 231 | 04.07.05 | 2005/1729 |
| Section 232 | 06.04.06 | 2006/1060 |
| Sections 235 and 236 | 06.04.06 | 2006/1060 |
| Section 237 | 15.06.05 | 2005/1451 |
| Sections 238 to 243 | 06.04.06 | 2006/1060 |
| Section 265(1), in so far as it relates to paragraphs 2 to 6, 8 to 36 and 38 to 44 of Schedule 15 | 06.04.06 | 2006/1060 |
| Section 265(1), in so far as it relates to paragraph 47 of Schedule 15 | 02.01.07 | 2006/3191 |
| Section 266, in so far as it relates to the repeals listed in article 2(1)(e) of S.I. No 2006/1060 | 06.04.06 | 2006/1060 |
| Schedules 1 to 7 | 06.04.06 | 2006/1060 |
| Schedule 10 (remainder) | 06.04.07 | 2007/1068 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Schedule 13 (remainder) | 04.07.05 | 2005/1729 |
| Schedule 15, paragraphs 2 to 6, 8 to 36, and 38 to 44 | 06.04.06 | 2006/1060 |
| Schedule 15, paragraph 47 | 02.01.07 | 2006/3191 |
| Schedule 16, in so far as it relates to the repeals listed in article 2(1)(e) of S.I. No 2006/1060 | 06.04.06 | 2006/1060 |
| Schedule 16, in so far as it relates to the repeals listed in article 2(b) of S.I. No 2007/1068 | 06.04.07 | 2007/1068 |

The following provisions of the Housing Act 2004 have been brought into force in Wales by commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Sections 1 and 3 | 16. 06.06 | 2006/1535 |
| Section 4 | 25.11.05 | 2005/3237 |
| Sections 5 to 8 | 16.06.06 | 2006/1535 |
| Sections 10 to 52 | 16.06.06 | 2006/1535 |
| Section 54 | 16.06.06 | 2006/1535 |
| Section 55 (partially) | 25.11.05 | 2005/3237 |
| Section 55 (remainder) | 16.06.06 | 2006/1535 |
| Sections 56 and 57 | 25.11.05 | 2005/3237 |
| Sections 58 to 78 | 16.06.06 | 2006/1535 |
| Sections 79 to 81 | 25.11.05 | 2005/3237 |
| Sections 82 to 147 | 16.06.06 | 2006/1535 |
| Sections 148 to 178, in so far as applied to residential properties with four bedrooms or more | 01.08.07 | 2007/1668 |
| Section 179 | 25.11.05 | 2005/3237 |
| Section 191 | 14.07.05 | 2005/1814 |
| Sections 192 to 194 | 25.11.05 | 2005/3237 |
| Sections 212 to 215 (remainder) | 06.04.07 | 2007/305 |
| Sections 227 and 228 | 14.07.05 | 2005/1814 |
| Sections 229 to 232 | 16.06.06 | 2006/1535 |
| Sections 235 and 236 | 16.06.06 | 2006/1535 |
| Section 237 | 25.11.05 | 2005/3237 |
| Sections 238 to 243 | 16.06.06 | 2006/1535 |
| Section 265(1) and Schedule 15 (partially) | 14.07.05 | 2005/1814 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|---------------------------|
| Section 265(1) and Schedule 15 (partially) | 16.06.06 | 2006/1535 |
| Section 266 (partially) | 16.06.06 | 2006/1535 |
| Schedules 1 to 7 | 16.06.06 | 2006/1535 |
| Schedule 10 (remainder) | 06.04.07 | 2007/305 |
| Schedule 12 | 14.07.05 | 2005/1814 |
| Schedule 13 | 16.06.06 | 2006/1535 |