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## EXPLANATORY NOTE

This order brings into operation on 7th January 1987 certain provisions of the Housing and Planning Act 1986, together with associated consequential amendments and repeals.

In Part I (housing) of the Act the provisions brought into force (by Schedule 1 to the order) are—  
Sections 1 to 4, which concern the right to buy.

Sections 10 and 11, which concern the management and ownership of housing under Part II of the Housing Act 1985.

Sections 12 and 13, which concern assured tenancies under the Housing Act 1980.

Section 14, which amends Part III of the Housing Act 1985 (housing the homeless).

Section 16, which provides for housing management grants under Part XIII of the Housing Act 1985.

Section 17, which amends section 70 of the Rent Act 1977 (determination of fair rent).

Section 19, which amends section 4 of the Housing Associations Act 1985.

Section 20, which amends Part III of the New Towns Act 1981 (transfer of new town housing to district councils).

Section 22, which amends section 16 of the Consumer Credit Act 1974 (c.37) (exempt agreements). This section is not brought into force by this order as respects Northern Ireland.

Section 23, which amends the Leasehold Reform Act 1967 (c.88) (determination of price for leasehold enfranchisement).

Section 24(1) and certain minor amendments in Part I of Schedule 5.

Part III (financial assistance for urban regeneration) of the 1986 Act (brought into force by Article 2) empowers the Secretary of State to give financial assistance to persons who incur expenditure in the course of carrying out activities which contribute to the regeneration of urban areas.

In Part VI (miscellaneous provisions) of the 1986 Act the provisions brought into force in England and Wales by Schedule 2 to the order are—

Section 44 which concerns the hearing of objections into the placing of overhead electricity lines.

Section 45 which introduces a new provision into section 63 of the Town and Country Planning Act 1971 (the 1971 Act) enabling regulations to be made with respect to experimental areas.

Section 46 substituting a new section 65 in the 1971 Act (proper maintenance of waste land) which now applies to any land which adversely affects amenity whereas formerly it applied to gardens, vacant sites or open land which seriously injured amenity.

Section 47 which amends section 134 of the Local Government, Planning and Land Act 1980 (the 1980 Act) (power to designate urban development areas) by removing the restriction on the areas in England which may be designated.

Section 48 which repeals certain enactments relating to reimbursement of expense of restoring land affected by war works, special control over industrial development in Part IV of the 1971 Act, and, certain grants to local authorities for development of land.

Section 49 so far as it relates to the following paragraphs of Schedule 11—

- Paragraph 1 – operation of Use Classes Order on subdivision of planning unit,
- paragraph 2 – the making of development orders.

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paragraph 3 – updating of references to Codes of Practice relating to the design of buildings for the disabled,

paragraph 4 – applications to vary or revoke conditions on existing planning permissions,

paragraphs 5 to 7 – minor amendments to purchase notice procedure,

paragraphs 10 to 12 – procedure relating to the determination of applications and appeals,

paragraph 13 – updating daily penalties for offences,

paragraphs 14, 16 to 18, 20 and 21 – minor amendments to the 1971 Act consequent on provisions commenced by this order,

paragraphs 22, 24 and 25 – minor amendments to other legislation consequent on provisions commenced by this order.

Part III of Schedule 12 which brings about consequential repeals and repeals certain spent enactments.

Section 54 which amends the 1980 Act and provides that the termination of an enterprise zone scheme has the effect of terminating the effect of planning permission except in a case where development authorised by the scheme has been begun.

Section 55 which amends the Race Relations Act 1976 (c.74) by providing that it is unlawful for a planning authority to discriminate against a person in carrying out their planning functions.

In relation to Scotland, this order commences the provisions of Part VI in respect of which there are corresponding provisions for Scotland to the provisions mentioned above. In addition, it commences some minor provisions which have no equivalents for England and Wales—

paragraphs 33 and 34 of Schedule 11 which are consequential and procedural provisions relating to waste land,

paragraph 38 which makes provision for the designation of National Scenic Areas,

paragraphs 45 to 53 of Schedule 11 which make various minor technical changes to the Town and Country Planning (Scotland) Act 1972,

paragraphs 59 and 61 of Schedule 11 which make amendments consequential on other provisions commenced by this order,

certain consequential repeals in Part IV of Schedule 12.

There are transitional provisions in both Schedules to the order.