

1990 No. 431 (C.15)

**LOCAL GOVERNMENT, ENGLAND AND WALES
LOCAL GOVERNMENT, SCOTLAND
HOUSING, ENGLAND AND WALES
LANDLORD AND TENANT, ENGLAND AND
WALES**

**The Local Government and Housing Act 1989
(Commencement No. 5 and Transitional Provisions)
Order 1990**

Made - - - - *1st March 1990*

The Secretary of State, in exercise of the powers conferred upon him by section 195(2) and (3) of the Local Government and Housing Act 1989(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Local Government and Housing Act 1989 (Commencement No. 5 and Transitional Provisions) Order 1990.

2. In this Order—

“the 1985 Act” means the Housing Act 1985(b); and

“the 1989 Act” means the Local Government and Housing Act 1989.

3. Section 194(2) of the 1989 Act, in so far as it confers on the Secretary of State a power to make an order, and section 194(3) of that Act, shall come into force on 5th March 1990.

4. The following provisions of the 1989 Act shall come into force on 1st April 1990 subject to the transitional provisions and savings in Schedule 1 to this Order—

section 10,

section 23,

section 25,

section 26,

section 27,

section 28,

section 29,

section 36 in so far as it is not already in force,

section 37,

section 38,

(a) 1989 c.42.

(b) 1985 c.68.

Part VII in so far as it is not already in force,
section 131 in so far as it is not already in force,
section 132(1) to (4) in so far as these subsections relate to section 131 and are not
already in force,
section 156,
section 165(1) in so far as it relates to paragraphs 1 except for sub-paragraph (6), 2, 4
to 43, 45 to 55, 59, 61 to 63, 66 to 70, 71(a) and (b), 72 to 83, 85 except in so far as it
relates to paragraph (e) of section 605(1) of the 1985 Act and 86 to 91 of Schedule 9,
and, in so far as they are not already in force, paragraphs 44 and 84 of that Schedule,
section 165(2),
section 169 except for paragraphs (b) and (c) of subsection (2),
section 183,
section 186,
section 194(1) in so far as it relates to paragraphs 1, 2, 5 to 13, 16, 20, 22, 23, 27 in so
far as it confers a power to make regulations on the Secretary of State, 31, 32, 33, 38
to 41, 44 to 48, 50, 51, 53(2), 54, 59, 62, 64, 65, 70 to 76, 85 to 87, 88 in so far as it is
not already in force, 96, 101, 102 and 108 of Schedule 11,
section 194(2) in so far as it is not already in force,
and
section 194(4) in so far as it relates to the repeals in Part II of Schedule 12 specified
in Schedule 2 to this Order.

Chris Patten
One of Her Majesty's Principal
Secretaries of State

1st March 1990

SCHEDULE 1

TRANSITIONAL PROVISIONS AND SAVINGS

Savings relating to Part IV of the 1989 Act

1. The following repeals and amendments have no effect in relation to any body which is not mentioned in section 39(1)(a) to (j) of the 1989 Act and has not been prescribed by regulations under section 39(3) of that Act—

- (a) the repeals specified in Part I of Schedule 12 to the 1989 Act which are in section 6 of the Public Works Loans Act 1964(a), sections 123, 153 and 172 of and Schedule 13 to the Local Government Act 1972(b), Schedule 7 to the Local Government Act 1974(c), section 28 of the Local Government (Miscellaneous Provisions) Act 1976(d) and section 5 of the Local Government Finance Act 1982(e);
- (b) the repeal specified in Part II of Schedule 12 to the 1989 Act which is in section 101 of the Local Government Act 1972; and
- (c) the amendments in paragraphs 6 and 7 of Schedule 11 to the 1989 Act to section 2 of the Public Works Loans Act 1965(f) and to section 2 of the Public Works Loans Act 1967(g).

Land Compensation Act 1961

2. The repeal of section 10 of, and Schedule 2 to, the Land Compensation Act 1961(h) does not have effect in relation to any order made under paragraph 2 of that Schedule before 1st April 1990.

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- (a) 1964 c.9.
 - (b) 1972 c.70.
 - (c) 1974 c.7.
 - (d) 1976 c.57.
 - (e) 1982 c.32.
 - (f) 1965 c.63.
 - (g) 1967 c.61.
 - (h) 1961 c.33.

Local Government Act 1972

3. The repeal of paragraph 4(1) of Schedule 13 to the Local Government Act 1972 does not affect the continued operation of regulation 23(2) of the Local Authority (Stocks and Bonds) Regulations 1974(a).

Land Compensation Act 1973

4. The repeals in section 29(1), 37(1) and 39(1) of the Land Compensation Act 1973(b) do not have effect in relation to an improvement notice served before 1st April 1990.

5. The repeals in section 29(7) of that Act do not have effect in relation to an undertaking accepted under section 211 or 264 of the 1985 Act before 1st April 1990.

6. The repeal in section 37(2) of that Act does not have effect in relation to a case within subsection (1)(a) of that section where the land was acquired before 1st April 1990 or is acquired after that date in pursuance of a compulsory purchase order made under section 192, 290 or 300 of the 1985 Act before that date.

7. The Amendment to section 37(2) of the Land Compensation Act 1973 does not have effect in relation to a housing order or undertaking, within the meaning of that section, made or accepted before 1st April 1990.

8. The repeal of section 73(4) and (5) of that Act does not have effect in relation to the acquisition of an interest in land in pursuance of a blight notice served by virtue of subsection (1)(a) of that section before 1st April 1990.

Housing Act 1985

9. The amendments to sections 189 to 191, 193, 207 and 208 of the 1985 Act, the repeal of sections 192, 205 and 206 and the repeals in section 197(1)(c) and 208 of that Act do not have effect in relation to any repair notice served before 1st April 1990.

10. The repeal of section 192 of that Act and the repeals in section 208, 582(1), 599 and 608 do not have effect in relation to any order made under section 192 before 1st April 1990.

11.—(1) Subject to sub-paragraph (2), the repeal of section 211 of that Act does not have effect in relation to an undertaking accepted under that section before 1st April 1990.

(2) Where, after that date, the case falls within section 211(4)(a) or (b), the undertaking shall cease to have effect; and where the premises are, in the opinion of the local housing authority, unfit for human habitation, within the meaning of section 604 of that Act, the authority shall forthwith satisfy themselves, in accordance with section 604A, as to the most satisfactory course of action to take in respect of the premises and shall take action accordingly under one of the provisions mentioned in subsection (1) of that section.

12. The repeal of sections 209 to 238 of that Act does not have effect in relation to an improvement notice served under section 214 or 215 before 1st April 1990.

13. If, after—

- (a) a local housing authority have entered into a contract for the acquisition of land under section 255(1) of that Act, or
- (b) a compulsory purchase order authorising the acquisition of land under that subsection has been confirmed,

a general improvement area ceases to be such an area by virtue of section 98(2) of the 1989 Act, the provisions of section 255 shall continue to apply as if the land continued to be in a general improvement area.

14.—(1) Subject to sub-paragraph (2), the amendment of section 264 of the 1985 Act does not have effect in relation to an undertaking accepted under that section before 1st April 1990.

(2) Where, after that date, any work to which the undertaking relates is not carried out within the specified period or the premises are at any time used in contravention of the terms of the undertaking, the undertaking shall cease to have effect; and where the premises are, in the opinion of the local housing authority, unfit for human habitation, within the meaning of section 604 of

(a) S.I. 1974/519.
(b) 1973 c.26.

that Act, the authority shall forthwith satisfy themselves, in accordance with section 604A, as to the most satisfactory course of action to take in respect of the premises and shall take action accordingly under one of the provisions mentioned in subsection (1) of that section.

15. The amendments to sections 264, 265, 268 to 270, 273 to 275, 278, 279, 304, 310, 315, 318, 322 and 323 of that Act, the repeal of sections 266, 280 to 282 and 321 and the repeals in sections 269, 279 and 323 of that Act, and the amendment inserting sections 584A and 584B in that Act do not have effect in relation to a closing order or demolition order made under section 265 before 1st April 1990.

16. The amendments to sections 289, 301 and 302 of that Act do not have effect in relation to a clearance area declared under section 289 before 1st April 1990.

17. The amendments to section 294 of that Act do not have effect in relation to any order made under that section before 1st April 1990.

18. The repeal of section 299 of, and Schedule 11 to, that Act and the repeal in section 291 of that Act do not have effect in relation to any rehabilitation order made before 1st April 1990.

19. The amendments to section 300 of that Act do not have effect in relation to a notice served under subsection (2) of that section before 1st April 1990.

20. The amendments to section 305 and the repeal of sections 579 to 581 of that Act do not have effect in relation to a compulsory purchase order made under section 290 before 1st April 1990.

21. The amendments to sections 352, 353, 354, 375 and 376 of that Act do not have effect in relation to a notice served under section 352 before 1st April 1990.

22. The amendment of section 365 and the repeal of sections 366 and 367 of that Act do not have effect in relation to a notice served under section 366 before 1st April 1990.

23. The amendments to section 368(5) of that Act do not have effect in relation to a closing order made under section 368(4) before 1st April 1990 and the reference in section 368(5) to the provisions of Part IX shall be construed as a reference to those provisions as they applied before 1st April 1990.

24. The amendments to sections 372, 373, 375 and 376 of that Act do not have effect in relation to a notice served under section 372 before 1st April 1990.

25.—(1) Subject to sub-paragraph (2) below, the amendments to, and repeals in, Schedule 10 to that Act do not have effect in relation to any notice served under sections 189, 190, 214, 215, 352, 366 or 372 of that Act before 1st April 1990.

(2) The amendment in paragraph 70(4) of Schedule 9 to the 1989 Act shall have effect in relation to a demand served under paragraph 3 of Schedule 10 to the 1985 Act after 1st April 1990 in connection with any notice mentioned in sub-paragraph (1) above.

26. Section 486(1)(b) of the 1985 Act is modified, except in respect of a notice served under section 366 before 1st April 1990, by the substitution for the reference to a notice under section 366 (works required for the provision of means of escape from fire) of a reference to a notice under section 352 (power to require execution of works to render premises fit for number of occupants) which relates to the requirement in paragraph (d) of subsection (1A) of that section.

27. The repeal of sections 521 and 522(1) and (3) to (5) of that Act does not have effect in relation to any application under section 521 in respect of which the applicant has been notified before 1st April 1990 that he may proceed to execute works in accordance with a scheme under that section.

28. The repeal of sections 585 to 595 and 598 of, and Schedules 23 and 24 to, that Act, the amendment of section 603 of that Act, and the amendment inserting sections 584A and 584B in that Act, do not have effect in relation to—

- (a) a house or land purchased as mentioned in subsection (1) of section 585 before 1st April 1990 or the subject of a compulsory purchase order made before that date under any of the provisions mentioned in that subsection; or
- (b) a house vacated in pursuance of a demolition or closing order made under section 265

before 1st April 1990 or vacated and demolished in pursuance of an undertaking for its demolition given before that date.

29. Any notice served under section 210, 212 or 264 of that Act before 1st April 1990 shall cease to have effect except in relation to anything done in connection with such a notice before that date.

30. Except in relation to paragraphs 11(2) and 14(2) of this Schedule, section 604 of that Act shall apply in relation to any of the foregoing transitional provisions as it applied before 1st April 1990.

SCHEDULE 2

REPEALS

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
9 & 10 Eliz. 2 c.33.	The Land Compensation Act 1961.	The repeals of section 10 and Schedule 2.
1972 c.70.	The Local Government Act 1972	The repeal of section 110 and in section 101.
1973 c.26.	The Land Compensation Act 1973.	The repeals in sections 29, 37, 39 and 73.
1974 c.7.	The Local Government Act 1974.	The repeals of section 24 and in sections 23, 25 and 34.
1974 c.44. 1985 c.68.	The Housing Act 1974. The Housing Act 1985.	The repeals in Schedule 13. The repeals listed in Part II of Schedule 12 to the 1989 Act to the extent that such repeals are not yet in force, except for the repeal of sections 370, 371 and 374, 460 to 520, 524 to 526, the repeals in sections 372, 379(1), 567 and 569 and the repeal of the figure "370" in section 381(4).
1985 c.71.	The Housing (Consequential Provisions) Act 1985.	The repeals in Schedule 2.
1986 c.63.	The Housing and Planning Act 1986.	The repeals of section 42(1)(d) and in Schedule 5.
1988 c.9.	The Local Government Act 1988.	The repeals in section 25 and Schedule 3.
1988 c.50.	The Housing Act 1988.	The repeal of section 130(2).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 5th March 1990 provisions in the Local Government and Housing Act 1989 (section 194(2), partially, and section 194(3)) which enable the Secretary of State to make an order in respect of repeals and amendments consequential upon Part IV of that Act (revenue accounts and capital finance of local authorities).

It also brings into force on 1st April 1990 the following provisions of the Local

Government and Housing Act 1989 (subject to the transitional provisions and savings in Schedule 1)–

- section 10 (limit on paid leave for local authority duties);
- section 23 (advice and guidance by Commissions for Local Administration and Scottish Commissioner);
- section 25 (new provisions regarding annual reports of Commissions for Local Administration);
- sections 26 and 27 (implementation of recommendations of Commissioners for Local Administration);
- section 28 and 29 (consideration of adverse reports of Commissioners for Local Administration);
- section 36 to the extent that it is not in force (amendments to power of local authorities to incur discretionary expenditure);
- section 37 (conditions of provision of financial assistance by local authorities);
- section 38 (assistance by local authorities relating to information etc. on individuals' rights);
- Part VII to the extent that it is not in force (renewal areas);
- section 156 (contingency planning and co-ordination in respect of emergencies or disasters);
- section 165(1) (partially) and (2) in relation to certain amendments and repeals in the Housing Act 1985;
- section 169 (partially) (powers of local authorities and the Secretary of State as respects services etc. for owners and occupiers of houses for work on them);
- section 183 (extension of the powers of the Housing Corporation and Housing for Wales to give financial assistance);
- section 186 (security of tenure on ending of long residential tenancies);
- section 194(1) in relation to certain minor and consequential amendments in Schedule 11;
- section 194(2) in relation to the repeals in Part I of Schedule 12; and
- section 194(4) in relation to certain repeals in Part II of Schedule 12.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This Note is not part of the Order)

The following provisions of the Local Government and Housing Act 1989 have been or will be brought into force by commencement orders made before the date of this Order–

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s.1(5) and (6)	29th November 1989	1989/2186
s.2		
s.140	1st December 1989	1989/2180
s.142 (partially)		
ss.143 and 144		
s.145 (partially)		
s.159		
s.179		
s.194(1) and (4) (partially)		
Sch.6 (partially)		
Sch.11 (partially)		
Sch.12 (partially)		

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>		
s.9 (partially)	16th January 1990	1989/2445		
ss.13 to 15 (partially)				
s.17 (partially)				
s.18				
s.19 (partially)				
s.20				
s.22				
s.30 (partially)				
s.31				
ss.33 to 36 (partially)				
PART IV				
ss.67 to 72 (partially)			16th January 1990	1989/2180
ss.89 to 92 (partially)				
ss.95 and 96 (partially)				
s.98 (partially)				
s.99				
s.102 (partially)				
s.104 (partially)				
ss.109 and 110 (partially)				
s.115 (partially)				
s.121 (partially)				
s.127 (partially)				
ss.130 to 132 (partially)				
s.137				
s.138				
s.160				
s.162				
s.165(1) (partially)				
ss.167 and 168				
s.171				
s.172(6), (7) and (8)				
s.175				
ss.176 to 178	16th January 1990	1989/2180		
s.180				
s.182				
s.185	16th January 1990	1989/2445		
s.194(1) and (4) (partially)				
s.194 (partially)				
Sch.5 (partially)				
Sch.9 (partially)				
Sch.11 (partially)				
Sch.11 (partially)				
Sch.12 (partially)				
Sch.12 (partially)				
s.194(1) (partially)				
Sch.11 (partially)				
s.1(1) to (4), (7) and (8)	1st March 1990	1989/2445		
s.164				
s.165(3) to (9)	1st March 1990	1990/191		
s.172 (insofar as not already in force)				
s.173				
s.194(4) (partially)	1st April 1990	1989/2445		
Sch.12 (partially)				
s.145 (partially)				
s.170				
s.194(4) (partially)				
Sch.6 (partially)	1st April 1990	1989/2180		
Sch.12 (partially)				