
STATUTORY INSTRUMENTS

1992 No. 1753 (C.59)

HOUSING, ENGLAND AND WALES

**The Housing and Planning Act 1986 (Commencement
No. 17 and Transitional Provisions) Order 1992**

Made - - - -

11th July 1992

The Secretary of State in exercise of the powers conferred on him by section 57(2) of the Housing and Planning Act 1986⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing and Planning Act 1986 (Commencement No. 17 and Transitional Provisions) Order 1992.

(2) In this Order “the 1986 Act” means the Housing and Planning Act 1986.

Commencement

2.—(1) Section 5 of the 1986 Act (loans in respect of service charges) shall come into force on 13th July 1992.

(2) In so far as it is not already in force, and subject to the transitional provisions in the Schedule to this Order, section 24(2) of the 1986 Act (consequential amendments) shall come into force on 17th August 1992 in so far as it relates to—

paragraphs 18 to 20,

paragraph 27 in so far as it relates to the definitions of “consent” and “management agreement and manager”,

paragraphs 29, 31, 34 to 38, and 40 of Schedule 5.

(1) 1986 c. 63.

Status: This is the original version (as it was originally made).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

Department of the Environment

11th July 1992

Michael Howard
One of Her Majesty's Principal Secretaries of
State

SCHEDULE

TRANSITIONAL PROVISIONS

1. In this Schedule—
 - “the commencement date ” means 17th August 1992,
 - “the 1985 Act ” means the Housing Act 1985(2).
2. The amendment to section 130 of the 1985 Act in paragraph 29 of Schedule 5 to the 1986 Act does not have effect in a case where a notice under section 122(1) of the 1985 Act (tenant’s notice claiming to exercise right to buy) was served before the commencement date.
3. The amendment to section 444(4) of the 1985 Act in paragraph 34 of Schedule 5 to the 1986 Act does not have effect in a case where an application has been made before the commencement date—
 - (a) for approval under section 442 of the 1985 Act (agreement by local authority to indemnify mortgagee); or
 - (b) for a contribution to which, disregarding the amendment, section 443 of the 1985 Act (local authority contributions to mortgage costs) would apply.
4. The amendments to sections 452, 453, 458 and 459 of the 1985 Act in paragraphs 35, 36, 37 and 38 of Schedule 5 to the 1986 Act do not have effect in relation to—
 - (a) section 452 of the 1985 Act (vesting of house in authority entitled to exercise power of sale) in a case where the disposal under that section was before the commencement date; or
 - (b) section 453 of the 1985 Act (further advances in a case of disposal on shared ownership lease) in a case where the lease was granted before the commencement date.
5. The amendments to Schedule 4 of the 1985 Act (qualifying period for right to buy and discount) made by paragraph 40(2), (3) and (4) of schedule 5 to the 1986 Act do not have effect in a case where a notice under section 122(1) of the 1985 Act (tenants notice claiming to exercise right to buy) was served before the commencement date.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, subject to the transitional provisions in the Schedule, the following provisions of the Housing and Planning Act 1986 on the dates stated—

section 5, which inserts new sections 450A, 450B and 450C in the Housing Act 1985 (loans in respect of service charges), on 13th July 1992; and

section 24(2) (consequential amendments), in so far as it relates to paragraphs 18 to 20, 27 (in part), 29, 31, 34 to 38 and 40 of Schedule 5 (Amendments to the Finance Act 1981, the Housing Act 1985 and the Local Government Act 1985), on 17th August 1992.

(2) 1985 c. 68.

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Housing and Planning Act 1986 have been brought into force by commencement orders made before the date of this Order—

Provision	Date of Commencement	S.I. No.
sections 1 to 4	7th January 1987	1986/2262
sections 10 to 14		
sections 16 and 17		
sections 19 and 20		
sections 22 and 23		
section 24 (partially)		
sections 27 to 29		
sections 44 to 48		
section 49 (partially)		
section 53 (partially)		
sections 54 and 55		
section 49 (partially)	2nd March 1987	1987/304
section 40	1st April 1987	1987/348
section 49(2) (partially)		
section 9	13th May 1987	1987/754
section 24(1) (partially)	22nd September 1987	1987/1554
sections 26	1st October 1987	1987/1607
sections 50 and 51		
section 25	2nd November 1987	1987/1759
section 41		
section 49(1) (partially)		
section 49(2) (partially)		
section 18 (partially)	11th December 1987	1987/1939
section 24(3) (partially)		
section 39		
section 15	17th February 1988	1987/2277
section 24(1) (partially)		
section 6	11th March 1988	1988/283
section 42	17th November 1988	1988/1787
section 49(2) (partially)		

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Provision	Date of Commencement	S.I. No.
section 8	5th April 1989	1989/430
paragraphs 39 and 40 of Schedule 11	31st March 1990	1990/511
section 43	31st March 1990	1990/614
section 49(2) (partially)		
section 53(1) (partially)	31st March 1990	1990/797