
STATUTORY INSTRUMENTS

1997 No. 618 (C. 22)

HOUSING, ENGLAND AND WALES
SOCIAL SECURITY

**The Housing Act 1996 (Commencement No.
10 and Transitional Provisions) Order 1997**

Made - - - - *5th March 1997*

The Secretary of State, in exercise of the powers conferred on him by section 232(3) and (4) of the Housing Act 1996(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 Act 1996 (Commencement No. 10 and Transitional Provisions) Order 1997.

(2) In this Order—

“the Act” means the Housing Act 1996;

“benefit” means housing benefit, council tax benefit or community charge benefits as prescribed pursuant to section 123(1) (income related benefits) of the Social Security Contributions and Benefits Act 1992(2); and

“benefit subsidy” means subsidy under sections 135(1) (rate rebate, rent rebate and allowance subsidy) and 140 (community charge benefit subsidy) of the Social Security Administration Act 1992(3), section 30(1A) of the Social Security Act 1986(4) and under the Social Security and Housing Benefit Act 1982(5).

-
- (1) 1996 c. 52.
(2) 1992 c. 4; section 123(1) was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1.
(3) 1992 c. 5; section 140 was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 21, to make provision for council tax benefit subsidy but remains in force as originally enacted by virtue of the Local Government Finance Act 1992 (Community Charge Benefit) Savings and Transitional Order 1993 (S.I. 1993/232).
(4) 1986 c. 50; section 30(1A) was inserted by S.I. 1988/1483; subsidy under that section was only payable in respect of Scotland in 1988/89.
(5) 1982 c. 24; the provisions as to subsidy were in sections 32 and 33 and were amended by the Social Security Act 1985 (c. 53), section 22, and by the Local Government Act 1985 (c. 51), section 102 and Schedule 17; they were repealed by the Social Security Act 1986, Schedule 11.

Commencement on 1st April 1997

2.—(1) Subject to the transitional provisions and savings in the Schedule to this Order, the following provisions of the Act shall come into force on 1st April 1997—

- section 16,
- section 18 to the extent that it is not already in force,
- section 19,
- sections 20 and 21 to the extent that they are not already in force,
- sections 24 and 25 to the extent that they are not already in force,
- section 26,
- sections 27 to 29 to the extent that they are not already in force,
- section 35(1), (2), (3) and (5),
- section 51(1) in so far as it relates to the provisions of Schedule 2 that are not already in force, subject to the limitation in paragraph (2) of this article,
- section 51(2) to (6),
- section 55 in so far as it relates the provisions of Schedule 3 which are not already in force,
- section 106 to the extent not already in force,
- section 118,
- sections 121 to 123, and
- section 227 in so far as it relates to the repeal in section 39(3) of the Leasehold Reform, Housing and Urban Development Act 1993(6) contained in Part V of Schedule 19 and to Part VI of Schedule 19.

(2) The provisions of Schedule 2 which came into force by virtue of paragraph (1) of this article shall not come into force in relation to any complaint against any social landlord which is or at any time was registered with Housing for Wales.

Commencement on 1st April 1998

3. Section 35(4) of the Act shall come into force on 1st April 1998.

Signed by authority of the Secretary of State.

Department of the Environment
5th March 1997

David Curry
Minister of State,

SCHEDULE

Article 2

TRANSITIONAL PROVISIONS AND SAVINGS

1. Section 16(2)(c) (right of tenant to acquire dwelling) of the Act does not apply in a case where the dwelling has been acquired after the commencement of this Order by a registered social landlord pursuant to an option which was created or a contract which was entered into before 1st April 1997.

2.—(1) Section 106 (low rent test: extension of rights) of the Act (“section 106”) shall not have effect in the following cases.

(2) In so far as it relates to the amendments made to the Leasehold Reform Act 1967(7) by paragraphs 1 and 2 of Schedule 9 to the Act, section 106 shall not have effect in a case where the house and premises are held under a tenancy which—

(a) is a shared ownership lease within the meaning of section 622 of the Housing Act 1985(8), and

(b) was granted by a housing association,

whether or not the interest of the landlord still belongs to such an association.

(3) Section 106 shall not have effect in a case where, before 1st April 1997,—

(a) a notice has been given under section 8 of the Leasehold Reform Act 1967 (notice of claim), or

(b) an application has been made under section 27 of that Act (enfranchisement where landlord cannot be found), or

(c) a notice has been given under section 13 or 42 of the Leasehold Reform, Housing and Urban Development Act 1993 (notice of claim), or

(d) an application has been made under section 26 or 50 of that Act (applications where landlord cannot be found).

3. Section 118 (estate management schemes in connection with enfranchisement by virtue of section 106) of the Act shall not have effect in a case where, before 1st April 1997, an application has been made to the leasehold valuation tribunal under any of sections 70 to 73 of the Leasehold Reform, Housing and Urban Development Act 1993 (applications for approval of proposed estate management scheme).

4. The provisions repealed by Part VI of Schedule 19 (repeals) to the Act shall continue in force, notwithstanding their repeal by this Order, for the purposes of any benefit subsidy in relation to any benefit paid or claimed in respect of any period before 1st April 1997.

5. In relation to paragraph 4 of Schedule 12 (administration of housing benefit etc) to the Act, any power in relation to subsidy therein may be exercised in relation to any benefit subsidy paid or claimed in respect of any benefit paid before 1st April 1997.

6. The repeal of section 121 (rent officers: additional functions relating to housing benefit etc) of the Housing Act 1988(9) contained in Part VI of Schedule 19 to the Act shall not have effect in so far as that section has effect for the purposes of section 31 (determination of amount of grant in case of landlord’s application) of the Housing Grants, Construction and Regeneration Act 1996(10).

(7) 1967 c. 88.

(8) 1985 c. 68.

(9) 1988 c. 50. Subsection (1) of section 121 was amended by the Local Government and Housing Act 1989 (c. 42), section 110(3) and further amended by the Housing Grants, Construction and Regeneration Act 1996 (c. 53), Schedule 1, paragraph 13. Subsections (4) to (6) were repealed, and subsection (7) was substituted, by the Social Security (Consequential Provisions) Act 1992 (c. 4), Schedule 1 and Schedule 2, paragraph 4 respectively.

(10) 1996 c. 53.

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

EXPLANATORY NOTE

(This note is not part of the Order)

Subject to the transitional provisions and savings in the Schedule, this Order brings into force—
the remaining provisions of Part I of the Housing Act 1996 (social rented sector),
section 106 (low rent test for leasehold enfranchisement: extension of rights),
section 118 (estate management schemes in connection with enfranchisement by virtue of
section 106),
Part IV of the Act (housing benefit and related matters) (other than section 120), and
section 227 in so far as it relates to the repeals specified in article 2.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been or will be brought into force by a commencement order made before the date of this Order.

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|---------------------------|
| s. 1 | 1st October 1996 | 1996/2402 |
| s. 2(7) and (8) | 1st August 1996 | 1996/2048 |
| s. 2 (in so far as not already in force) | 1st October 1996 | 1996/2402 |
| s. 3(2) (partially) | 1st August 1996 | 1996/2048 |
| s. 3 (in so far as not already in force) | 1st October 1996 | 1996/2402 |
| s. 4 | | |
| s. 5 | 1st August 1996 | 1996/2048 |
| s. 6 | 1st October 1996 | 1996/2402 |
| s. 7 (partially) | 1st August 1996 | 1996/2048 |
| s. 7 (in so far as not already in force) | 1st October 1996 | 1996/2402 |
| s. 8 | | |
| s. 9(3) | 1st August 1996 | 1996/2048 |
| s. 9 (in so far as not already in force) | 1st October 1996 | 1996/2402 |
| ss. 10 to 15 | | |
| s. 17 | 1st August 1996 | 1996/2048 |

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| s. 18(2) and (7) (partially) | 1st October 1996 | 1996/2402 |
| s. 20(3) (partially) | | |
| s. 21(3) (partially) | | |
| ss. 22 and 23 | | |
| s. 24 (partially) | 1st August 1996 | 1996/2048 |
| s. 25 (partially) | 1st October 1996 | 1996/2402 |
| s. 27 (partially) | | |
| s. 28(3) (partially) | | |
| s. 28(4) | 1st August 1996 | 1996/2048 |
| s. 29 (partially) | | |
| ss. 30 to 34 | 1st October 1996 | 1996/2402 |
| s. 36(1) to (6) | 1st August 1996 | 1996/2048 |
| s. 36(7) | 1st October 1996 | 1996/2402 |
| ss. 37 to 50 | | |
| s. 51 (partially) | 1st August 1996 | 1996/2048 |
| ss. 52 to 54 | | |
| s. 55(1) (partially) | | |
| s. 55(1) (partially) | 1st October 1996 | 1996/2402 |
| s. 55(2) and (3) | 1st August 1996 | 1996/2048 |
| ss. 56 to 64 | | |
| ss. 65 and 66 (partially) | 1st October 1996 | 1996/2402 |
| ss. 65 and 66 (in so far as not already in force) | 3rd March 1997 | 1997/350 |
| ss. 67 to 71 | | |
| s. 72 (partially) | 1st October 1996 | 1996/2402 |
| s. 72 (in so far as not already in force) | 3rd March 1997 | 1997/350 |
| s. 74 | | |
| s. 75 (partially) | 1st October 1996 | 1996/2402 |
| s. 75 (in so far as not already in force) | 3rd March 1997 | 1997/350 |
| ss. 76 and 77 | 1st October 1996 | 1996/2402 |
| ss. 78 and 79 | 3rd March 1997 | 1997/350 |
| s. 80(3) | 1st October 1996 | 1996/2402 |
| s. 80 (in so far as not already in force) | 3rd March 1997 | 1997/350 |

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> |
|--|-----------------------------|---------------------------|
| s. 83(3) (partially) | 23rd August 1996 | 1996/2212 |
| s. 84 | 1st October 1996 | |
| s. 86(4) and (5) (partially) | 23rd August 1996 | |
| ss. 88 to 91 | 1st October 1996 | |
| s. 92 (partially) | 23rd August 1996 | |
| s. 92 (in so far as not already in force) | 1st October 1996 | |
| s. 93 | | |
| s. 96 (partially) | 23rd August 1996 | |
| s. 96 (in so far as not already in force) | 28th February 1997 | 1997/225 |
| ss. 97 to 104 | 28th February 1997 | 1997/225 |
| s. 105 | 1st October 1996 | 1996/2212 |
| s. 106 (partially) | 23rd August 1996 | |
| ss. 107 to 109 | 1st October 1996 | |
| ss. 111 to 117 | | |
| s. 119 (partially) | 23rd August 1996 | |
| ss. 124 to 128 | 4th February 1997 | 1997/66 |
| s. 129(1), (2), (5) and (6) | 4th February 1997 | 1997/66 |
| s. 129(3) and (4) | 1st October 1996 | 1996/2402 |
| ss. 130 to 134 | 12th February 1997 | 1997/66 |
| s. 135 | 1st October 1996 | 1996/2402 |
| ss. 136 and 137 | 4th February 1997 | 1997/66 |
| s. 138(1) to (3) | 4th February 1997 | 1997/66 |
| s. 138(4) to (6) | 1st October 1996 | 1996/2402 |
| s. 139 | | |
| s. 140 | | |
| s. 141(1) | 4th February 1997 | 1997/66 |
| s. 141(2) and (3) | 1st October 1996 | 1996/2402 |
| s. 142 | | |
| s. 143 | | |
| ss. 144 to 146 | 4th February 1997 | 1997/66 |
| s. 147 (partially) | 1st October 1996 | 1996/2402 |
| s. 147 (in so far as not already in force) | 4th February 1997 | 1997/66 |

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| ss. 148 to 151 | 28th February 1997 | 1997/225 |
| s. 159 | 1st April 1997 | 1996/2959 |
| s. 160(1) to (3) | | |
| s. 160(4) and (5) | 1st October 1996 | 1996/2402 |
| s. 161(2) and (3) (partially) | | |
| s. 161 (in so far as not already in force) | 1st April 1997 | 1996/2959 |
| s. 162(4) (partially) | 1st October 1996 | 1996/2402 |
| s. 162 (in so far as not already in force) | 1st April 1997 | 1996/2959 |
| s. 163(7) (partially) | 1st October 1996 | 1996/2402 |
| s. 163 (in so far as not already in force) | 1st April 1997 | 1996/2959 |
| s. 164 | | |
| s. 165(1), (2) and (5) | 1st October 1996 | 1996/2402 |
| s. 165 (in so far as not already in force) | 1st April 1997 | 1996/2959 |
| s. 167(3) to (5) | 1st October 1996 | 1996/2402 |
| s. 167 (partially) | 23rd October 1996 | 1996/2658 |
| s. 167 (in so far as not already in force) | 1st April 1997 | 1996/2959 |
| s. 168 | | |
| s. 169 | 1st October 1996 | 1996/2402 |
| ss. 170 and 171 | 1st April 1997 | 1996/2959 |
| s. 172 | 1st October 1996 | 1996/2402 |
| s. 173 | 1st April 1997 | 1996/2959 |
| s. 174 | 1st October 1996 | 1996/2402 |
| ss. 175 and 176 | 20th January 1997 | 1996/2959 |
| s. 177(3) | 1st October 1996 | 1996/2402 |
| s. 177 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 178 to 181 | | |
| s. 182 | 1st October 1996 | 1996/2402 |
| s. 183(2) | | |
| s. 183 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| s. 184 | | |

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> |
|--|-----------------------------|-----------------|
| s. 185(2) and (3) (partially) | 1st October 1996 | 1996/2402 |
| s. 185 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 186 to 188 | | |
| s. 189(2) to (4) | 1st October 1996 | 1996/2402 |
| s. 189 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 190 to 193 | | |
| s. 194(6) (partially) | 1st October 1996 | 1996/2402 |
| s. 194 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 195 to 197 | | |
| s. 198(4) to (7) (partially) | 1st October 1996 | 1996/2402 |
| s. 198 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| s. 199(5) | 1st October 1996 | 1996/2402 |
| s. 199 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 200 to 202 | | |
| s. 203(1), (2) and (7) | 1st October 1996 | 1996/2402 |
| s. 203 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 204 to 206 | | |
| s. 207(4) to (6) (partially) | 1st October 1996 | 1996/2402 |
| s. 207 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 208 and 209 | | |
| s. 210(2) | 1st October 1996 | 1996/2658 |
| s. 210 (in so far as not already in force) | 20th January 1997 | 1996/2959 |
| ss. 211 to 214 | | |
| s. 215 | 1st October 1996 | 1996/2402 |
| s. 216 | 20th January 1997 | 1996/2959 |
| ss. 217 and 218 | 1st October 1996 | 1996/2402 |
| ss. 219 and 220 | 24th September 1996 | |
| s. 222 (partially) | | |

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> |
|--|--------------------------------------|--|
| s. 222 (in so far as not already in force) | 1st October 1996 | |
| s. 227 (partially) | 24th September 1996 | |
| s. 227 (partially) | 1st October 1996 | 1996/2212 and 2402 |
| s. 227 (partially) | 20th January 1997 and 1st April 1997 | 1996/2959 |
| s. 227 (partially) | 28th February 1997 | 1997/225 |
| s. 227 (partially) | 3rd March 1997 | 1997/350 |