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STATUTORY INSTRUMENTS

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**2003 No. 986**

**HOUSING, ENGLAND  
REGULATORY REFORM**

The Regulatory Reform (Schemes under Section  
129 of the Housing Act 1988) (England) Order 2003

*Made* - - - - 31st March 2003

*Coming into force* - - 1st April 2003

Whereas:

- (a) The First Secretary of State, (“the Secretary of State”), consulted<sup>(1)</sup>—
  - (i) such organisations as appeared to him to be representative of interests substantially affected by his proposals for this Order,
  - (ii) the statutory bodies to whose functions those proposals relate,
  - (iii) the National Assembly for Wales, and
  - (iv) such other persons as he considered appropriate;
- (b) following the consultation mentioned in recital (a) the Secretary of State considered it appropriate to proceed with the making of this Order;
- (c) a document containing the proposals of the Secretary of State was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001<sup>(2)</sup> and the period for Parliamentary consideration under section 8 of that Act expired;
- (d) the Secretary of State had regard to the representations made during that period and, in particular, to the Seventh Report of Session 2002–03 of the Regulatory Reform Committee of the House of Commons and the Tenth Report of Session 2002–03 of the Delegated Powers and Regulatory Reform Committee of the House of Lords;
- (e) a draft of this Order was laid before Parliament with a statement giving details of those representations and the changes to the Secretary of State’s proposals in the light of them;
- (f) the draft was approved by resolution of each House of Parliament; and
- (g) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

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(1) A consultation paper “Removal of the Requirement for Local Authorities to obtain consent to run a Cash Incentive Scheme” was published by the Office of the Deputy Prime Minister and the Wales Office in August 2002. Copies may be obtained from the Office of the Deputy Prime Minister Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (tel: 0870 1226 236).

(2) 2001 c. 6.

Now, therefore, the Secretary of State in exercise of the powers conferred by section 1 of the Regulatory Reform Act 2001, hereby makes the following Order:—

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Regulatory Reform (Schemes under Section 129 of the Housing Act 1988)(England) Order 2003.

(2) This Order shall come into force on the day after the day on which it is made.

(3) This Order extends only to England and Wales.

**Amendment of section 129 of the Housing Act 1988**

2.—(1) Section 129 of the Housing Act 1988(3) shall be amended as follows.

(2) In subsection (1), after “and” insert “, where the authority is in Wales,”.

(3) In subsection (2), after “together with” insert “, where the authority is in Wales,”.

(4) In subsection (3)—

(a) after “housing authority” insert “in Wales”; and

(b) for “approved, the authority” substitute “made and, where the authority is in Wales, approved, a local housing authority”.

(5) In subsection (6), after “Where a scheme” insert “has been” and after the words “under this section” insert “and, where the authority is in Wales,”.

Signed by authority of the First Secretary of State

31st March 2003

*Jeff Rooker*  
Minister of State,  
Office of the Deputy Prime Minister

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(3) 1988 c. 50. Section 129 was amended by section 194(4) of and Schedule 12 to the Local Government and Housing Act 1989 (c. 42).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 129 of the Housing Act 1988 enables a local housing authority in England and Wales, with the approval of the Secretary of State, to make a scheme to pay grants to certain tenants or licensees of the authority to assist them to buy a dwelling-house or to carry out works to a dwelling-house. The Secretary of State may require a scheme to contain particular provisions as a condition of his approval.

This Order amends section 129 by removing the requirement for the approval of the Secretary of State to a scheme, which is made by a local housing authority in England. The Order also makes consequential amendments.