
STATUTORY INSTRUMENTS

2005 No. 1451 (C.65)

HOUSING, ENGLAND

**The Housing Act 2004 (Commencement
No.3) (England) Order 2005**

Made - - - - *25th May 2005*

The Secretary of State, in exercise of the powers conferred upon him by section 270(4) and (5) of the Housing Act 2004⁽¹⁾, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing Act 2004 (Commencement No.3) (England) Order 2005.

(2) This Order applies to England only.

Provisions coming into force on 6th June 2005

2. The following provisions shall come into force on 6th June 2005—

- (a) section 179, and
- (b) sections 191 to 194.

Provisions coming into force on 15th June 2005

3. The following provisions shall come into force on 15th June 2005—

- (a) in section 55, subsections (1), (2) and paragraphs (a) and (b) of subsection (5);
- (b) sections 56 and 57;
- (c) sections 79 and 80, to the extent that they are not already in force;
- (d) section 81; and
- (e) section 237.

(1) 2004 c. 34. The powers conferred by section 270(4) and (5) are exercisable by the National Assembly for Wales, where a provision is to come into force in relation only to Wales.

Status: This is the original version (as it was originally made).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

Signed by authority of the First Secretary of State

25th May 2005

Kay Andrews
Parliamentary Under Secretary of State Office of
the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Housing Act 2004 (“the Act”) in England.

The following provisions come into force on 6th June 2005—

section 179 (which amends the Housing Act 1985 by inserting new sections 125A and 125B which allow an introductory tenancy to be extended by up to six months);

section 191 (which amends Schedule 3 to the Housing Act 1985 by inserting a new ground 2A which allows a landlord to withhold consent to a mutual exchange of secure tenancies if a specified type of injunction, a demotion order, an anti-social behaviour order or a possession order granted on the grounds of nuisance is in force or if court action to obtain such an order is pending);

section 192 (which amends the Housing Act 1985 by inserting a new section 121A which enables landlords of secure tenants to seek an order from the court suspending the right to buy for a specified period on the grounds of anti-social behaviour);

section 193 (which amends section 138 of the Housing Act 1985 by inserting new subsections (2A) to (2D) which prevent a tenant being able to compel completion of a right to buy sale if an application is pending for a demotion order, a suspension order, or a possession order sought on the grounds of anti-social behaviour); and

section 194 (which allows any person to provide relevant information to the landlord of a secure tenant to enable the landlord to exercise functions connected with the provisions inserted by sections 191 to 193 of the Act).

The following provisions come into force on 15 June 2005—

section 55 (subsections (1) and (2) of which set out the scope of the licensing provisions for houses in multiple occupation (“HMOs”) under Part 2 of the Act);

section 56 (which enables local authorities to designate an area to be subject to additional licensing in respect of specified HMOs);

section 57 (which sets out the matters that a local housing authority must consider before exercising the powers in section 56 of the Act);

section 79 (which sets out the scope of the licensing provisions for houses in Part 3 of the Act);

section 80 (which enables a local housing authority to designate an area as subject to selective licensing if it is, or may become, in area of low housing demand or has a significant and persistent problem with anti social behaviour);

section 81(which sets out the matters the local housing authority must consider before exercising the powers under section 80 of the Act); and

section 237(which enables a local housing authority to use information which it has obtained for housing benefit or council tax purposes in order to carry out its functions under Parts 1 to 4 of the Act).

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in England by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 220 (remainder)	17.02.05	2005/326
Section 221	17.02.05	2005/326
Section 227	17.02.05	2005/326
Section 223	27.04.05	2005/1120