

2005 No. 1729 (C.74)

HOUSING, ENGLAND

The Housing Act 2004 (Commencement No. 4 and Transitional Provisions)(England) Order 2005

Made - - - -

29th June 2005

The First Secretary of State, in exercise of the powers conferred upon him by section 270(4), (5) and (9) of the Housing Act 2004^(a) hereby makes the following Order:

Citation, application and interpretation

1.—(1) This Order may be cited as the Housing Act 2004 (Commencement No. 4 and Transitional Provisions)(England) Order 2005.

(2) This Order applies to England only.

(3) In this Order—

“the Regulations” means the Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005^(b);

“Schedule 5” means Schedule 5 to the Housing Act 1985^(c).

Commencement

2. Subject to article 3 the following provisions of the Housing Act 2004 shall come into force on 4th July 2005—

(a) sections 181, 230, and 231; and

(b) section 229 and Schedule 13 insofar as they are not already in force^(d).

Transitional provisions

3.—(1) Where an application made to the Secretary of State under paragraph 11(4) of Schedule 5 on or after 6th June 2005 but before 4th July 2005 is determined by a residential property tribunal^(e), the Regulations shall apply to the proceedings of the residential property tribunal to determine that application.

(2) Where an application for the purpose mentioned in paragraph 11(4) of Schedule 5 is made, on or after 4th July 2005 but before 29th August 2005, to the Secretary of State instead of to a residential property tribunal it shall be deemed to have been made to such a tribunal.

(a) 2004 c.34. The powers conferred by section 270(4), (5) and (9) are exercisable by the National Assembly for Wales where a provision is to come into force in relation only to Wales.

(b) S.I.2005/1509.

(c) 1985 c.68.

(d) Section 229 so far as it confers a power to make orders and Schedule 13 so far as it confers a power to make regulations are already in force by virtue of section 270(2)(b) of the Housing Act 2004.

(e) See section 181(4) to (6) of the Housing Act 2004.

Signed by the authority of the First Secretary of State

29th June 2005

Yvette Cooper
Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the following provisions of the Housing Act 2004 (“the 2004 Act”) into force in England on 4th July 2005:

section 181, which amends paragraph 11 of Schedule 5 to the Housing Act 1985 (“the 1985 Act”) by providing that applications questioning the exclusion of a property from the right to buy on the ground that it is particularly suitable for elderly persons shall be determined by a residential property tribunal instead of the Secretary of State; and by providing that section 231 of the 2004 Act does not apply to any decision of a residential property tribunal in relation to such applications;

section 229, which provides that jurisdiction given under the 2004 Act or any other enactment to a residential property tribunal shall be exercised by a rent assessment committee constituted under the Rent Act 1977;

section 230, which confers a general power on residential property tribunals to give directions by order;

section 231, which sets out the right of appeal from a decision of a residential property tribunal to the Lands Tribunal; and

Schedule 13, which confers on the Secretary of State power to make regulations relating to the procedure of residential property tribunals (*see* the Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005 (S.I.2005/1509)) (“the Regulations”).

The transitional provision in article 3(1) provides that where a residential property tribunal determines an application under paragraph 11(4) of Schedule 5 to the 1985 Act made during the period of 28 days before 4th July 2005, the Regulations shall apply to that application.

The transitional provision in article 3(2) provides that in the period of 56 days after 4th July 2005, an application purporting to be made under paragraph 11(4) of Schedule 5 to the 1985 Act, but made in error to the Secretary of State, will be deemed to have been made to a residential property tribunal.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Housing Act 2004 have been brought into force in England by commencement order 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
Section 179	6.06.05	2005/1451
Sections 191 to 194	6.06.05	2005/1451
In section 55, subsections (1), (2), and paragraphs (a) and (b) of subsection (5)	15.06.05	2005/1451
Sections 56 and 57	15.06.05	2005/1451
Sections 79 and 80 to the extent that they were not already in force	15.06.05	2005/1451
Section 81	15.06.05	2005/1451
Section 237	15.06.05	2005/1451

STATUTORY INSTRUMENTS

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£3.00

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E1009 7/2005 151009T 19585

ISBN 0-11-073026-7



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