
STATUTORY INSTRUMENTS

2009 No. 2096 (C. 93)

HOUSING, ENGLAND AND WALES

The Housing and Regeneration Act 2008 (Commencement No.6 and Transitional and Savings Provisions) Order 2009

Made - - - - *4th August 2009*

The Secretary of State, in exercise of the powers conferred by sections 322 and 325(1) and (4) of the Housing and Regeneration Act 2008⁽¹⁾, makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Commencement No. 6 and Transitional and Savings Provisions) Order 2009.

(2) In this Order—

“the 2008 Act” means the Housing and Regeneration Act 2008; and

“the commencement date” means 7th September 2009.

Commencement of certain provisions of the Act

2.—(1) Section 114 of the 2008 Act (registration of local authorities), so far as not already in force, shall come into force, in relation to England, on the commencement date.

(2) The following provisions of the 2008 Act shall come into force, in relation to England, on the commencement date, subject to article 3(1) and (2)—

(a) section 300 (right to acquire freehold: abolition of low rent test);

(b) sections 301 (shared ownership leases: protection for certain leases) and 302 (shared ownership leases: protection for hard to replace houses), in so far as they are not already in force; and

(c) except as mentioned in section 325(2)(b) of the 2008 Act, section 321(1) (consequential amendments and repeals) and Schedule 16 (repeals and revocations), in so far as they relate to the repeal of such provisions of the 1967 Act as are listed in Schedule 16.

(3) Section 316 of the 2008 Act (amendments to Housing Act 1985: lending institutions) shall come into force on the commencement date, subject to article 3(3).

(1) 2008 c.17.

Transitional and savings provisions

3.—(1) Subject to paragraph (2), the amendments made in consequence of article 2(2)(a) and (c) shall not have effect as regards any long tenancy⁽²⁾ within the meaning of Part 1 of the Leasehold Reform Act 1967 (enfranchisement and extension of long leaseholds)—

- (a) granted before the commencement date; or
- (b) granted after the commencement date but arising from a written agreement for the grant of that tenancy made before the commencement date.

(2) Section 1AA of the Leasehold Reform Act 1967 (additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4)⁽³⁾ shall continue to have effect as regards a tenancy granted—

- (a) before the commencement date; and
- (b) in respect of a house that is within an area described in the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009⁽⁴⁾,

and for the purpose of the application of that section the areas described in that Order shall be treated as areas designated as rural areas under subsection (3)(a) of that section.

(3) The amendments made by section 316 of the 2008 Act shall not have effect for the purpose of defining “approved lending institutions” in sections 36(4), 151B(5) and 156(4) of the Housing Act 1985⁽⁵⁾ where the advance concerned was made before the commencement date.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister for Housing and Planning
Department for Communities and Local
Government

4th August 2009

(2) For the meaning of “long tenancy” see section 3 of the 1967 Act.
(3) Section 1AA of the 1967 Act was inserted by section 106 of, and paragraph 1 of Schedule 9 to, the Housing Act 1996 (c. 56) and was subsequently amended by sections 141(1) and 180 of, and Schedule 14 to, the Commonhold and Leasehold Reform Act 2002 (c. 15).
(4) S.I. 2009/2098, being an order made under paragraph 4A of Schedule 4A to the 1967 Act.
(5) 1985 c. 68). Section 151B was inserted by section 118 the Leasehold Reform, Housing and Urban Development Act 1993 (c.28) and section 151B(5) was further amended by section 140 of and paragraph 5 of Schedule 16 to, the Government of Wales Act 1998 (c. 38) and by articles 1 and 299(3) of S.I. 2001/3649.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences certain provisions of Parts 2 and 3 of the Housing and Regeneration Act 2008 (“the 2008 Act”). Article 2(1) and (2) has effect in England only and article 2(3) has effect in England and Wales.

Article 2(1) commences the remainder of section 114 which gives the Secretary of State powers to make an order in relation to the registration of local authorities as providers of social housing

Article 2(2) commences the provisions on leasehold enfranchisement in sections 300 to 302 of the 2008 Act, so far as they are not already in force, subject to the transitional and savings provisions in article 3(1) and 3(2). Sections 300 to 302, which make amendments to the Leasehold Reform Act 1967, have effect only in respect of a tenancy granted after the commencement of these provisions, or granted after the commencement date where an agreement for that tenancy was entered into before the commencement date.

Article 2(3) commences section 316 of the 2008 Act, subject to the savings in article 3(3). Section 316 of the Act amends the definitions in section 622(1) of the Housing Act 1985 of “authorised deposit taker” and “authorised insurer”.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---------------------------------------|-----------------------------|---|
| Sections 1 to 3 and Schedule 1 | 08.09.2008 | 2008/2358 |
| Section 4 (partially) | 08.09.2008 and 01.12.2008 | 2008/2358 and 2008/3068 |
| Sections 5 to 18 and Schedules 2 to 4 | 01.12.2008 | 2008/3068 |
| Section 19 (partially) | 01.12.2008 | 2008/3068 |
| Sections 20 to 30 | 01.12.2008 | 2008/3068 |
| Section 32 (partially) | 01.04.2009 | 2009/803 |
| Section 33 (partially) | 01.04.2009 | 2009/803 |
| Section 34 | 01.04.2009 | 2009/803 |
| Section 36 | 01.04.2009 | 2009/803 |
| Section 37 | 08.09.2008 | 2008/2358 |
| Sections 38 to 43 | 01.12.2008 | 2008/3068 |
| Section 44 | 08.09.2008 | 2008/2358 |
| Section 45 | 01.12.2008 | 2008/3068 |
| Sections 46 and 47 | 08.09.2008 | 2008/2358 |
| Section 48 | 01.12.2008 | 2008/3068 |

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> |
|---|---------------------------------------|-----------------------------------|
| Section 49 | 08.09.2008 | 2008/2358 |
| Section 50 and Schedule 5 (partially) | 08.09.2008, 01.12.2008 and 01.04.2009 | 2008/2358, 2008/3068 and 2009/803 |
| Section 51 and Schedules 6 and 7 (partially) | 08.09.2008 | 2008/2358 |
| Sections 52 to 55 | 08.09.2008 | 2008/2358 |
| Section 56 and Schedule 8 (partially) | 08.09.2008, 01.12.2008 and 01.04.2009 | 2008/2358, 2008/3068 and 2009/803 |
| Section 57 | 08.09.2008 and 01.12.2008 | 2008/2358 and 2008/3068 |
| Section 58 (partially) | 08.09.2008, 01.12.2008 and 01.04.09 | 2008/2358, 2008/3068 and 2009/803 |
| Section 59 | 08.09.2008 | 2008/2358 |
| Section 64 (partially) | 16.02.2009 | 2009/363 |
| Sections 65 to 67 and Schedules 6 and 7 (partially) | 08.09.2008 | 2008/2358 |
| Sections 68 to 71 (partially) | 08.09.2008 | 2008/2358 |
| Section 72 | 08.09.2008 | 2008/2358 |
| Sections 73 to 80 (partially) | 08.09.2008 | 2008/2358 |
| Section 81 | 08.09.2008 | 2008/2358 |
| Sections 82 to 85 | 08.09.2008 | 2008/2358 |
| Section 86 (partially) | 08.09.2008 | 2008/2358 |
| Sections 87 to 92 | 08.09.2008 | 2008/2358 |
| Section 93 | 08.09.2008 and 01.04.2009 | 2008/2358 and 2009/803 |
| Section 95 (partially) | 08.09.2008 | 2008/2358 |
| Sections 96 to 98 (partially) | 08.09.2008 | 2008/2358 |
| Sections 99 to 104 | 08.09.2008 | 2008/2358 |
| Section 105 | 08.09.2008 | 2008/2358 |
| Section 112 (partially) | 08.09.2008 | 2008/2358 |
| Section 113 (partially) | 08.09.2008 | 2008/2358 |
| Section 114 (partially) | 08.09.2008 | 2008/2358 |
| Section 116 (partially) | 08.09.2008 | 2008/2358 |
| Section 117 (partially) | 08.09.2008 | 2008/2358 |
| Section 119 (partially) | 08.09.2008 | 2008/2358 |
| Section 127 (partially) | 08.09.2008 | 2008/2358 |
| Section 131 (partially) | 08.09.2008 | 2008/2358 |
| Section 144 (partially) | 01.04.2009 | 2009/803 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|---|--|
| Section 145 (partially) | 01.04.2009 | 2009/803 |
| Section 174 (partially) | 08.09.2008 | 2008/2358 |
| Sections 192 to 197 | 08.09.2008 | 2008/2358 |
| Section 198 (partially) | 08.09.2008 | 2008/2358 |
| Section 202 (partially) | 08.09.2008 | 2008/2358 |
| Section 212 (partially) | 08.09.2008 | 2008/2358 |
| Section 214 (partially) | 08.09.2008 | 2008/2358 |
| Section 215 (partially) | 08.09.2008 | 2008/2358 |
| Section 216 | 08.09.2008 | 2008/2358 |
| Section 228 (partially) | 01.04.2009 | 2009/803 |
| Section 234 (partially) | 01.04.2009 | 2009/803 |
| Section 240 (partially) | 01.04.2009 | 2009/803 |
| Section 244 (partially) | 01.04.2009 | 2009/803 |
| Section 275 (partially) | 08.09.2008 | 2008/2358 |
| Section 276 (partially) | 08.09.2008 | 2008/2358 |
| Section 277 and Schedule 9 (partially) | 08.09.2008, 01.12.2008 and 01.04.2009 | 2008/2358, 2008/3068 and 2009/803 |
| Sections 295 and 296 | 01.12.2008 | 2008/3068 |
| Section 297 | 01.01.2009 | 2008/3068 |
| Section 298 | 01.12.2008 and 01.01.2009 | 2008/3068 |
| Section 299 and Schedule 11 (partially) | 01.12.2008 and 20.05.2009 | 2008/3068 and 2009/1261 |
| Sections 301 and 302 (partially) | 01.12.2008 | 2008/3068 |
| 303 and Schedule 12 (partially) | 01.12.2008 | 2008/3068 |
| Section 308 | 01.12.2008 | 2008/3068 |
| Section 309 | 01.12.2008 and 06.04.2009 | 2008/2068 and 2009/803 |
| Section 311 and Schedule 14 | 01.12.2008 | 2008/3068 |
| Section 314 and Schedule 15 (partially) | 02.03.09 | 2009/415 |
| Section 315 (partially) | 01.12.2008 | 2008/3068 |
| Section 317 | 22.09.2008 | 2008/2358 |
| Section 321 and Schedule 16 (partially) | 22.09.2008, 01.12.08, 02.03.09, 01.04.2009 and 20.05.2009 | 2008/2358, 2008/3068, 2009/415, 2009/803 and 2009/1261 |