

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^(a), 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).

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^(b) within the meaning of Part 1 of the Leasehold Reform Act 1967 (enfranchisement and extension of long leaseholds)—

(a) 2008 c.17.

(b) For the meaning of “long tenancy” see section 3 of the 1967 Act.

- (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)(a) 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(b),
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(c) 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

4th August 2009

Department for Communities and Local Government

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

- (a) 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).
- (b) S.I.2009/2098, being an order made under paragraph 4A of Schedule 4A to the 1967 Act.
- (c) 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.

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
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
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

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