
STATUTORY INSTRUMENTS

2010 No. 862

The Housing and Regeneration Act 2008 (Commencement No. 7 and Transitional and Saving Provisions) Order 2010

Citation and interpretation

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Commencement No. 7 and Transitional and Saving Provisions) Order 2010.

(2) In this Order—

“the 1988 Act” means the Housing Act 1988⁽¹⁾,

“the 1996 Act” means the Housing Act 1996⁽²⁾,

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

“the 2008 Order” means the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008⁽³⁾,

“the commencement date” means 1st April 2010,

“enactment” includes subordinate legislation (within the meaning given by section 21(1) of the Interpretation Act 1978⁽⁴⁾),

“English registered social landlord”, in relation to times, circumstances or purposes before the commencement date, means any person who, at the time in question—

(a) is a registered social landlord within the meaning of Part 1 of the 1996 Act as it then has effect and does not fall within section 56(2) of that Act as it then has effect, or

(b) has a corresponding registration under an earlier enactment,

“the HCA” means the Homes and Communities Agency, and

“the TSA” means the Regulator of Social Housing.

(3) References in this Order to repeals include revocations.

Commencement of provisions: Parts 1 and 2

2. Subject to the transitional and saving provisions in the Schedule to this Order, the following provisions of the 2008 Act shall come into force on the commencement date—

Section 4 (general powers of HCA), so far as it is not already in force

Section 19 (financial assistance), so far as it is not already in force

Section 31 (duties in relation to social housing)

Sections 32 and 33 (social housing), so far as they are not already in force

Section 35 (recovery etc. of social housing assistance)

(1) 1988 c.50.
(2) 1996 c.52.
(3) S.I. 2008/2839.
(4) 1978 c.30.

Section 56 and Schedule 8 (consequential amendments), so far as they are not already in force

Sections 57 and 58 (interpretation), so far as they are not already in force

Sections 60 to 63 (preliminary)

Section 64(3) (dissolution of Housing Corporation)

Section 67 (transitional arrangements), so far as it is not already in force

Sections 68 to 71 (social housing: basic principle and definitions), so far as they are not already in force

Sections 73 to 80 (social housing stock, and other key concepts relating to the regulator), so far as they are not already in force

Section 86 (fundamental objectives of the regulator), so far as it is not already in force

Section 94 (studies)

Section 95 (financial assistance) and sections 96 to 98 (powers of the regulator under Part 2), so far as they are not already in force

Section 106 (direction to the HCA)

Sections 107 to 109 (information)

Sections 110 and 111 (registration)

Section 112 (eligibility for registration), so far as it is not already in force

Section 113 (local authority non-registrable bodies), so far as it is not already in force

Section 115 (profit-making and non-profit organisations)

Section 116 (entry), so far as it is not already in force

Section 117 (fees), so far as it is not already in force

Section 118 (compulsory de-registration)

Section 119 (voluntary de-registration), so far as it is not already in force

Sections 120 and 121 (notice of, and appeals from, registration decisions)

Sections 122 to 126 (general provisions relating to registered providers)

Section 127 (directions), so far as it is not already in force

Sections 128 to 130 (accounts)

Section 131 (exempt companies: reporting accountant), so far as it is not already in force

Section 132 (application of Companies Act)

Section 133 (exempt companies: extraordinary audit)

Section 134 (non-audited industrial and provident societies)

Sections 135 to 140 (audit of charities etc.)

Sections 141 and 142 (offences etc.)

Section 143 (disclosure)

Sections 144 and 145 (insolvency), so far as they are not already in force

Sections 146 to 159 (insolvency)

Sections 160 to 169 (restructuring and dissolution)
Sections 170 to 173 (disposal of property)
Section 174 (procedure), so far as it is not already in force
Sections 175 to 191 (disposal of property)
Section 198 (supplemental), so far as it is not already in force
Sections 199 to 201 (surveys and inspections)
Section 202 (inspections: supplemental), so far as it is not already in force
Sections 203 to 210 (monitoring)
Section 211 (management and constitution)
Section 212 (industrial and provident society: change of rules), so far as it is not already in force
Section 213 (charities: change of objects)
Section 214 (companies: change of articles), so far as it is not already in force
Section 215 (use of intervention powers), so far as it is not already in force
Section 217 (accreditation)
Section 218 (exercise of enforcement powers)
Sections 219 to 227 (enforcement powers: enforcement notices)
Section 228 (enforcement notices: imposition), so far as it is not already in force
Sections 229 to 233 (enforcement powers: penalty notices)
Section 234 (penalty notices: enforcement), so far as it is not already in force
Section 235 (penalty notices: appeal)
Sections 236 to 239 (enforcement powers: compensation notices)
Section 240 (Compensation notices: award), so far as it is not already in force
Sections 241 to 243 (enforcement powers: compensation notices)
Section 244 (compensation notices: enforcement), so far as it is not already in force
Section 245 (compensation notices: appeal)
Sections 246 to 269 (management)
Sections 270 to 274 (Part 2: general)
Sections 275 and 276 (interpretation etc. of Part 2), so far as they are not already in force
Section 277 (consequential amendments) and Schedule 9, so far as they are not already in force
Section 278 (transitional).

Repeals

3. Subject to the transitional and saving provisions in the Schedule to this Order, section 321(1) of, and Schedule 16 (repeals and revocations) to, the 2008 Act shall come into force on the commencement date so far as they relate to the repeals of the following.

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

<i>Title</i>	<i>Repeal</i>
Housing Associations Act 1985 (c.69)	In section 10(2), paragraph (e) and the word “or” before it. Section 33A.
Housing Act 1988 (c.50)	In the italic heading before section 50, the words “: functions of Relevant Authority”. Sections 50 and 51. Section 81(6). Section 133(6). In Schedule 6, paragraphs 7(3) and 24.
Local Government and Housing Act 1989 (c.42)	Section 173(6).
Housing Act 1996 (c.52)	Section 1(1A) and (1B). Section 28(1), (2), (5) and (6). Section 56. In Schedule 2, in paragraph 11(4)— (a) the words “or the Housing Corporation”, (b) the words “or, as the case may be, the Housing Corporation”.
Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325)	In Schedule 2, paragraphs 15(19), 18(4) to (7), (10)(a) and (12)(a), and 19(7)(a).
Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74)	In the Schedule, paragraph 9(c).
Audit Commission Act 1998 (c.18)	Sections 41 to 41B and 43. In Schedule 1, paragraphs 8(2)(c) and (ca), and 8A. In Schedule 2A, in paragraph 3— (a) paragraph (a) of the definition of “Audit Commission inspection”, (b) paragraph (e) of the definition of “national studies functions”.
Government of Wales Act 1998 (c.38)	In Schedule 16, paragraphs 24 to 26, 61(1), 64, 65, 68(a), 83(3), 94 and 97(3).
Local Government Act 2003 (c.26)	Section 109.
Public Audit (Wales) Act 2004 (c.23)	In Schedule 2, paragraphs 27 to 30 and 37.
Charities Act 2006 (c.50)	In Schedule 8, paragraph 190.

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<i>Title</i>	<i>Repeal</i>
Local Government and Public Involvement in Health Act 2007 (c.28)	Section 155(2) and (5).
Housing and Regeneration Act 2008 (c.17)	Section 53(2).

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

17th March 2010

John Healey
Minister of State
Department for Communities and Local
Government