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STATUTORY INSTRUMENTS

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**2012 No. 1008 (C. 32)**

**HOUSING, ENGLAND AND WALES  
LOCAL GOVERNMENT, ENGLAND AND WALES  
LONDON GOVERNMENT  
PUBLIC BODIES**

The Localism Act 2011 (Commencement No. 5 and  
Transitional, Savings and Transitory Provisions) Order 2012

*Made* - - - - *3rd April 2012*

The Secretary of State, in exercise of the powers conferred by section, 240(2) and (7) of the Localism Act 2011(1), makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Localism Act 2011 (Commencement No. 5 and Transitional, Savings and Transitory Provisions) Order 2012.

(2) In this Order—

“the Act” means the Localism Act 2011;

“the 1999 Act” means the Greater London Authority Act 1999(2);

“the 2000 Act” means the Local Government Act 2000(3).

**Provisions coming into force in relation to England and Wales the day after the day on which this Order is made**

2. Subject to articles 7 and 8, the following provisions of the Act come into force in relation to England and Wales the day after the day on which this Order is made—

(a) section 1(7);

(b) Schedule 1;

(c) Schedule 14;

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(1) 2011 c. 20.  
(2) 1999 c. 29.  
(3) 2000 c. 22.

(d) Part 1 of Schedule 25 and section 237 so far as it relates to that Part.

**Provisions coming into force in relation to England and Wales on 3rd May 2012**

3. Subject to articles 7, 9, 10 and 11, the following provisions of the Act come into force in relation to England and Wales on 3rd May 2012—

- (a) section 188;
- (b) section 192;
- (c) sections 225 to 229;
- (d) section 231;
- (e) Schedule 23;
- (f) Part 33 of Schedule 25 and section 237 so far as it relates to that Part.

**Provisions coming into force in relation to England and Wales on 4th May 2012**

4. The following provisions of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 4th May 2012—

- (a) sections 21 and 22;
- (b) Schedules 2 and 3;
- (c) Part 4 of Schedule 25 and section 237 so far as it relates to that Part.

**Provisions coming into force in relation to England, Wales, Scotland and Northern Ireland on 31st May 2012**

5. Sections 48 to 57 of the Act come into force in relation to England, Wales, Scotland and Northern Ireland on 31st May 2012

**Provision coming into force in relation to England and Wales on 15th January 2013**

6. Section 150(3) of the Act comes into force in relation to England and Wales on 15th January 2013.

**Transitional, transitory and savings provisions**

7. The following transitional, transitory and savings provisions have effect.

**Transitional etc provisions: general power of competence**

8.—(1) The amendment of section 2(1) of the 2000 Act by paragraphs 2 and 3 of Schedule 1 to the Act shall take effect subject to the following.

(2) A parish council that is an eligible parish council<sup>(4)</sup> for the purposes of Part 1 of the 2000 Act at the time of the coming into force of Schedule 1 shall continue to be able to exercise the power under section 2 of the 2000 Act (power to promote well-being)—

- (a) where eligible by virtue of article 4 of the Parish Councils (Power to Promote Well-being) (Prescribed Conditions) Order 2008 (transitional provisions), in accordance with that article;

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(4) See section 1 of the Local Government Act 2000. Conditions for eligibility are set out in the Parish Councils (Power to Promote Well-being) (Prescribed Conditions) Order 2008 (S.I. 2008/3095).

(b) where otherwise eligible, until the end of the day of its next annual meeting in a year of ordinary elections and after that day for the purpose of completing any activity—

- (i) undertaken in the exercise of section 2 of the 2000 Act, but
- (ii) not completed before the day of the meeting.

(3) The power under section 2 of the 2000 Act shall remain a function of the Greater Manchester Combined Authority<sup>(5)</sup>, and the constituent councils of the Greater Manchester Combined Authority shall continue to have the power under that section to the extent necessary for it to be a function of the Greater Manchester Combined Authority.

#### **Transitional etc provisions: Economic development strategy for London**

9.—(1) On the day on which section 333F of the 1999 Act<sup>(6)</sup> comes into force, the Economic development strategy for London is to consist of the London Development Agency strategy mentioned in paragraph (b) of section 41(1) of the 1999 Act which has been prepared and published before that day.

(2) The duties on the Mayor of London imposed by section 333F(1) to (3) of the 1999 Act are deemed to be satisfied in relation to that strategy by the provisions of this article.

#### **Transitional etc provisions: London Environment Strategy**

10.—(1) On the day on which section 351A of the 1999 Act<sup>(7)</sup> comes into force, the London Environment Strategy is to consist of the strategies mentioned in paragraphs (d) to (g) of section 41(1) of the 1999 Act which have been prepared and published before that day.

(2) The duties on the Mayor of London imposed by section 351A(1) to (4) of the 1999 Act are deemed to be satisfied in relation to that Strategy by the provisions of this article.

(3) Any guidance or direction given under powers in the 1999 Act repealed by Schedule 23 to the Act which is applicable in relation to any of the strategies specified in the paragraphs referred to in paragraph (1), remains effective as guidance or a direction in relation to the relevant part of the London Environment Strategy.

#### **Transitional etc provisions: London housing strategy**

11. Section 42B<sup>(8)</sup> of the 1999 Act does not apply in relation to the draft revision of the London housing strategy which was published for consultation in December 2011.

#### **Transitional etc provisions: tenancy strategies**

12. Where, on or before 14th January 2013, a local housing authority has published its tenancy strategy under section 150(1) of the Act, it must have regard to that strategy in exercising its housing management functions.

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(5) The Greater Manchester Combined Authority was established by the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908). The constituent council are the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan.

(6) Section 333F is inserted by section 192(2) of the Localism Act 2011.

(7) Section 351A is inserted by section 225(1) of the Localism Act 2011.

(8) Section 42B is inserted by section 229 of the Localism Act 2011.

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

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

*Grant Shapps*  
Minister of State  
Department for Communities and Local  
Government

3rd April 2012

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings into force, the day after the day on which the Order is made, the following provisions of the Act, in relation to England and Wales: section 1(7) and Schedule 1 (repeals related to general power of competence); Schedule 14 (grounds for landlords to refuse to surrender and grant tenancies under section 158); Section 237 and Schedule 25 (repeals, partially).

Article 3 of this Order brings into force on 3rd May 2012 the following provisions of the Act, in relation to England and Wales: section 188 (London housing strategy); section 192 (Mayor's economic development strategy for London); sections 225 to 229 and Schedule 23 (the London Environment Strategy and other provisions relating to strategies); section 231 (Transport for London: access to meetings and documents etc); section 237 and Schedule 25 (repeals, partially).

Article 4 of this Order brings into force on 4th May 2012 the following provisions of the Act, in relation to England and Wales, so far as not yet in force: sections 21 and 22, Schedule 2 and 3, section 237 and Schedule 25 (partially) (governance).

Article 5 of this Order brings into force on 31st May 2012 the following provisions of the Act in relation to England, Wales, Scotland and Northern Ireland: sections 48 to 57 (EU financial sanctions).

Article 6 of this Order brings into force on 15th January 2013 in relation to England and Wales section 150(3) of the Act (tenancy strategies).

Articles 7 to 12 of the Order make transitional, savings and transitory provision.

## 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>
Section 1 partially as to England	18th February 2012	<a href="#">2012/411</a>
Sections 2 to 7 as to England	18th February 2012	<a href="#">2012/411</a>
Section 8(2) partially as to England and Wales	3rd December 2011	<a href="#">2011/2896</a>
Section 8 (so far as not yet in force) as to England and Wales	18th February 2012	<a href="#">2012/411</a>
Sections 9 and 10 partially as to England and Wales	18th February 2012	<a href="#">2012/411</a>
Sections 11 to 14 as to England and Wales	18th February 2012	<a href="#">2012/411</a>
Section 15 as to England and Wales	3rd December 2011	<a href="#">2011/2896</a>
Section 16 to 18 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 19 as to England and Wales	3rd December 2011	<a href="#">2011/2896</a>
Section 20 partially as to England and Wales	3rd December 2011	<a href="#">2011/2896</a>
Section 20 as to England and Wales so far as not yet in force	15th January 2012	<a href="#">2012/57</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Chapter 4 of Part 1 as to England and Wales, so far as not yet in force	15th January 2012	<a href="#">2012/57</a>
Section 21 and Schedule 2 partially as to England and Wales	3rd December 2011	<a href="#">2011/2896</a>
Section 21 and Schedule 2 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 21 and Schedule 2 partially as to England and Wales	9th March 2012	<a href="#">2012/628</a>
Section 22 and Schedule 3 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 22 and Schedule 3 partially as to England and Wales	9th March 2012	<a href="#">2012/628</a>
Section 24 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 26 and Schedule 4 partially as to England and Wales	31 January 2012	<a href="#">2012/57</a>
Section 26 and Schedule 4 partially as to England and Wales	1st April 2012	<a href="#">2012/628</a>
Section 30 partially as to England and Wales	31st January 2012	<a href="#">2012/57</a>
Section 36 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 46 as to England	1st April 2012	<a href="#">2012/628</a>
Section 68 as to England	15th January 2012	<a href="#">2012/57</a>
Section 69(8) as to England	3rd December 2011	<a href="#">2011/2896</a>
Section 69(1) to (7) partially as to England	15th January 2012	<a href="#">2011/57</a>
Section 69 as to England so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 70 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 72 to 79 and Schedules 5 to 7 as to England and Wales	3rd December 2011	<a href="#">2011/2896</a>
Section 115 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 116 and 121 and Schedules 10 to 12 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 116 and 121 and Schedules 9 to 12 partially as to England and Wales	6th April 2012	<a href="#">2012/628</a>
Section 123 as to England and Wales	6th April 2012	<a href="#">2012/628</a>
Section 124(2) partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 124 as to England and Wales so far as not yet in force	6th April 2012	<a href="#">2012/628</a>
Sections 125 to 127 as to England and Wales	6th April 2012	<a href="#">2012/628</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 128(2) and Schedule 13 partially as to England, Wales and Scotland	15th January 2012	<a href="#">2012/57</a>
Section 128 and Schedule 13 as to England, Wales and Scotland so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 129 partially as to England, Wales and Scotland	15th January 2012	<a href="#">2012/57</a>
Section 129 as to England, Wales and Scotland so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Sections 130 to 137 as to England, Wales and Scotland	1st April 2012	<a href="#">2012/628</a>
Section 138(5) partially as to England, Wales and Scotland	15th January 2012	<a href="#">2012/57</a>
Section 138 as to England, Wales and Scotland so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Sections 139 to 141 as to England, Wales and Scotland	1st April 2012	<a href="#">2012/628</a>
Section 142(3) partially as to England, Wales and Scotland	15th January 2012	<a href="#">2012/57</a>
Section 142 as to England, Wales and Scotland so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 145 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 146 and 147(2)(3)(4) and (5) partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 147(1) and (6) partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 150 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 151 and 152 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 153 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 154 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 154 to 157 as to England and Wales so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 158 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 158 to 161 as to England and Wales so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 162 partially as to England and Wales	1st April 2012	<a href="#">2012/628</a>
Sections 163 and 164	1st April 2012	<a href="#">2012/628</a>
Section 165 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 166 as to England and Wales	1st April 2012	<a href="#">2012/628</a>
Section 176 as to England and Wales	15th January 2012	<a href="#">2012/57</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 178 and Schedule 16 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 178 and 179 and Schedules 16 and 17 as to England and Wales so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 184 as to England and Wales	6th April 2012	<a href="#">2012/628</a>
Section 185 as to England and Wales	1st April 2012	<a href="#">2012/628</a>
Section 186 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 186 as to England and Wales so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 187(1) and (2) as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 187(3) and (4) partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 187 as to England and Wales so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 189 as to England and Wales	1st April 2012	<a href="#">2012/628</a>
Section 190 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 191 partially as to England and Wales and	15th January 2012	<a href="#">2012/57</a>
Section 191 as to England and Wales so far as not yet in force	31st March 2012	<a href="#">2012/628</a>
Sections 193 and 194 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 195 partially and Schedule 19 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 195 and Schedule as to England and Wales so far as not yet in force	1st April 2012	<a href="#">2012/628</a>
Section 195 and Schedule 20 as to England and Wales so far as not yet in force	31st March 2012	<a href="#">2012/628</a>
Section 197 partially as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Sections 223 and 224 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 230 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 232 as to England and Wales	6th April 2012	<a href="#">2012/628</a>
Section 233 and Schedule 24 as to England and Wales	30th March 2012	<a href="#">2012/628</a>
Section 237 and Part 4 of Schedule 25 partially and Parts 11 to 13 and 25 of Schedule 25, as to England and Wales	15th January 2012	<a href="#">2012/57</a>
Section 237 partially and Part 9 of Schedule 25 as to England	15th January 2012	<a href="#">2012/57</a>



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 237 and Part 5 of Schedule 25 partially as to England and Wales	31 January 2012	<a href="#">2012/57</a>
Section 237 partially and Part 2 partially and Part 3 as to England and Wales	18th February 2012	<a href="#">2012/411</a>
Section 237 partially and Part 4 of Schedule 25 as to England and Wales	9th March 2012	<a href="#">2012/628</a>
Section 237 partially and Part 32 of Schedule 25 as to England and Wales	31st March 2012	<a href="#">2012/628</a>
Section 237 partially and Parts 7 and 10 of Schedule 25 as to England	1st April 2012	<a href="#">2012/628</a>
Section 237 partially and Parts 20 and 21 of Schedule 25 as to England, Wales and Scotland	1st April 2012	<a href="#">2012/628</a>
Section 237 partially and Parts 26 and 27 and 31 (partially) of Schedule 25 as to England and Wales	1st April 2012	<a href="#">2012/628</a>
Section 237 partially and Parts 18, 19, 30 and 34 of Schedule 25 as to England and Wales	6th April 2012	<a href="#">2012/628</a>