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STATUTORY INSTRUMENTS

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**2009 No. 1261 (C.66)**

**HOUSING, ENGLAND AND WALES**

**The Housing and Regeneration Act 2008  
(Commencement No.5) Order 2009**

*Made - - - - 19th May 2009*

The Secretary of State, in exercise of the powers conferred by section 325(1) of the Housing and Regeneration Act 2008(1), and having consulted the Welsh Ministers as required by section 325(5) of that Act, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Commencement No. 5) Order 2009.

(2) In this Order “the Act” means the Housing and Regeneration Act 2008.

**Commencement of provisions regarding possession orders relating to certain tenancies**

2. Section 299 of, and Schedule 11 to, the Act, with the exceptions specified in article 3, shall come into force on the day after this Order is made in so far as they are not already in force.

**Exceptions**

3. The excepted provisions of Schedule 11 mentioned in article 2 are paragraphs 3(3), 8(3) and 14(3).

**Commencement of a repeal**

4. Section 321 of, and Schedule 16 to, the Act shall come into force on the day after this Order is made so far as they relate to the repeal of section 14(1)(b) of the Anti-social Behaviour Act 2003 (c.38).

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(1) 2008 c.17. By section 325(5) the Secretary of State must consult the Welsh Ministers before making an order under subsection (1) in relation to section 299 and Schedule 11.

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

19th May 2009

*Iain Wright*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

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## EXPLANATORY NOTE

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

This Order brings into force, on the day after it is made, certain provisions of Parts 3 and 4 of the Housing and Regeneration Act 2008.

Article 2 brings further into effect (subject to the exceptions in article 3) section 299 and Schedule 11, concerning possession orders relating to certain tenancies. In summary, Part 1 of Schedule 11 amends the law relating to the termination of residential tenancies, so that a tenant subject to a possession order in favour of the landlord will not lose tenancy status while continuing to live in the property. Part 2 of Schedule 11 provides that, subject to conditions being met, new tenancies will arise for tenants subject to possession proceedings who have already lost tenancy status.

The provisions referred to in article 3, which relate to the court's discretionary powers under section 85(4) of the Housing Act 1985 (c.68) and section 9(4) of the Housing Act 1988 (c.50), are not commenced.

Article 4 commences a repeal in Schedule 16 consequential on the commencement of section 299 and Schedule 11.

## 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 7	01.12.2008	2008/3068
Sections 8 to 18 and Schedules 2 to 4	01.12.2008	2008/3068
Section 19(1) to (4) (partially)	01.12.2008	2008/3068
Section 19(5)	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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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, partially, Schedules 6 and 7	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 and 01.12.2008	2008/2358 and 2008/3068
Section 59	08.09.2008	2008/2358
Section 64 (partially)	16.02.2009	2009/363
Sections 65 to 67 and, partially, Schedules 6 and 7	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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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	2008/3068
Sections 301, 302, 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 315 (partially)	01.12.2008	2008/3068
Section 317	08.09.2008	2008/2358

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 321 and Schedule 16 (partially)	08.09.2008 and 01.04.2009	<a href="#">2008/2358</a> and <a href="#">2009/803</a>