
STATUTORY INSTRUMENTS

1986 No. 2262 (C.92)

**HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND TOWN AND
COUNTRY PLANNING, ENGLAND AND
WALES TOWN AND COUNTRY PLANNING,
SCOTLAND URBAN DEVELOPMENT**

The Housing and Planning Act 1986
(Commencement No. 1) Order 1986

Made - - - - 17th December 1986

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by section 57(2) of the Housing and Planning Act 1986 and of all other powers enabling them in that behalf, hereby make the following order:—

1. This order may be cited as the Housing and Planning Act 1986 (Commencement No. 1) Order 1986.
2. The following provisions of the Housing and Planning Act 1986 shall come into force on 7th January 1987 (“the commencement date”)—
 - (a) the provisions of Part I of the Act (housing) specified in Schedule 1 to this order, subject to the transitional provisions specified in that Schedule;
 - (b) the provisions of Part III of the Act (financial assistance for urban regeneration); and
 - (c) the provisions of Part VI of the Act (miscellaneous provisions) specified in Schedule 2 to this order, subject to the transitional provisions specified in that Schedule.

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SCHEDULE 1

HOUSING

Provisions coming into force

1. Sections 1 to 4.
2. Sections 10 to 14.
3. Sections 16 and 17.
4. Sections 19 and 20.
5. Sections 22 and 23.
6. The following provisions of section 24—
 - (a) Section 24(1), insofar as it relates to paragraphs 1 to 7 of Schedule 5;
 - (b) Section 24(2), insofar as it relates to paragraphs 14, 15, 17, 21 to 26, 28, 30, 32, 33, 39, 41 and 42 of Schedule 5; and
 - (c) Section 24(3) insofar as it relates to the repeals specified in the Table below.

TABLE

HOUSING REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1975 c.28.	Housing Rents and Subsidies (Scotland) Act 1975.	Section 5(6).
1977 c.42.	Rent Act 1977.	In section 70(1), the word “and” before paragraph (b).
1980 c.51.	Housing Act 1980.	Section 56(3).
1981 c.64.	New Towns Act 1981.	Section 43(3) and (4).
1985 c.68.	Housing Act 1985.	Section 49(b) and (c).
		Section 30(2).
1985 c.71.	Housing (Consequential Provisions) Act 1985.	Section 46.
		In section 127, the word “and” at the end of paragraph (a). In Schedule 4, in paragraph 7(1), the words from “a housing co-operative” to “management functions”. In Schedule 6, in paragraph 14(2), the words following paragraph (c).
		In Schedule 2, paragraphs 27, 35(3), and 45(2).

Transitional provisions

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Paragraph 11 of Schedule 5 to the Housing Act 1985 shall have effect as originally enacted (and not as substituted by section 1 of the Housing and Planning Act 1986) in relation to:—

(1) the exercise of the right to buy in pursuance of a notice under section 122 of the Housing Act 1985 served before the commencement date;

(2) the determination of whether a tenant is a tenant to whom section 45 of the Housing Associations Act 1985 applies where that tenant has, before the commencement date, made application to a registered housing association for that association to make a disposal to him at a discount under such a project as is mentioned in section 45(1) of that Act.

SCHEDULE 2

MISCELLANEOUS PROVISIONS

Provisions coming into force

1. Sections 44 to 48.
2. Section 49, insofar as it relates to paragraphs 1 to 7, 10 to 14, 16 to 18, 20 to 22, 24 and 25 in Part I of Schedule 11 and the repeals specified in Part I of the Table below.
3. Section 53, insofar as it relates to paragraphs 28 to 38, 41 to 56 and 59 to 62 in Part II of Schedule 11 and the repeals specified in Part II of the Table below.
4. Sections 54 and 55.

TABLE

MISCELLANEOUS REPEALS

PART I ENGLAND AND WALES

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
62 & 63 Vict. c. 19.	Electric Lighting (Clauses) Act 1899.	In the Schedule, in section 10(b), the words “and the express consent of the local authority also”.
16 & 17 Geo. 5 c. 51.	Electricity (Supply) Act 1926.	In Schedule 6, the entry relating to section 21 of the Electricity (Supply) Act 1919.
8 & 9 Geo. 6 c. 43.	Requisitioned Land and War Works Act 1945.	Section 52.
10 & 11 Geo. 6 c. 51.	Town and Country Planning Act 1947.	In Schedule 8, the entry relating to section 21 of the Electricity (Supply) Act 1919.
10 & 11 Geo. 6 c. 54.	Electricity Act 1947.	In Part I of Schedule 4, the entry relating to section 21 of the Electricity (Supply) Act 1919.
11 & 12 Geo. 6 c. 17	Requisitioned Land and War Works Act 1948	In the Schedule, paragraph 10.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
5 & 6 Eliz. 2 c. 48.	Electricity Act 1957.	In section 33(3), the words “and the next following”.
1971 c. 78.	Town and Country Planning Act 1971.	<p>In section 29A—</p> <p>(a) in subsection (2), the definition of “the Code of Practice for Access of the Disabled to Buildings” ;</p> <p>(b) subsection (3).</p> <p>Section 29B(2) and (3).</p> <p>In section 32(2), in the proviso, the words “of sections 66 to 86”.</p> <p>Sections 66 to 86.</p> <p>Section 88B(4).</p> <p>Section 105(1)(c).</p> <p>In section 147(3), the words from “or in respect of” to the end.</p> <p>Section 151.</p> <p>Section 165(4).</p> <p>In section 169—</p> <p>(a) subsection (5);</p> <p>(b) in subsection (7), the words from “and no compensation” to the end.</p> <p>In section 180(4), the words from “and no account” to the end.</p> <p>Section 185.</p> <p>Section 191(2).</p> <p>In section 237(5), the words from “and no compensation” to the end.</p> <p>Sections 250 to 252.</p> <p>In section 260(1)(d), the words “grants in accordance with regulations made under section 250 of this Act or”.</p> <p>In section 287—</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>(a) in subsection (4), the words “69, 73(6), 74(4), 75(8)”;</p> <p>(b) in subsection (5)(b), the words “69, 73(6), 75(8) or” and the words from “or an order under section 74(4)” to the end;</p> <p>(c) subsection (7).</p> <p>In section 290(1)—</p> <p>(a) in the definition of “building”, the words in parenthesis;</p> <p>(b) the definition of “industrial development certificate” .</p> <p>Schedules 12 and 13.</p> <p>In Schedule 21—</p> <p>(a) in Part I, the references to sections 250, 251(1) and 252;</p> <p>(b) in Part II, the references to sections 79 to 81;</p> <p>(c) in Part III, the references to sections 72 and 251(2) to (5);</p> <p>(d) in Part V, the references to sections 72 and 73 to 86.</p> <p>In Schedule 24, paragraphs 20A, 26 to 30 and 70.</p>
1972 c. 42.	Town and Country Planning (Amendment) Act 1972.	Sections 5 and 6.
1972 c. 70.	Local Government Act 1972.	In section 182(1), the words from “(2A)” to the end.
1974 c. 7.	Local Government Act 1974.	In Schedule 6, paragraph 25(4).
1974 c.32.	Town and Country Amenities Act 1974.	Section 3(1).
1977 c. 40.	Control of Office Development Act 1977.	The whole Act.
1980 c. 65.	Local Government, Planning and Land Act 1980.	<p>In section 134—</p> <p>(a) in subsection (1), the words “Subject to subsection (2) below,”;</p> <p>(b) subsection (2).</p> <p>In Schedule 14, paragraphs 6 to 8.</p> <p>In Schedule 15, paragraphs 1 and 16.</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1982 c. 52.	Industrial Development Act 1982.	In Part I of Schedule 29, in the entry relating to section 65, the word “waste” . Section 15(1)(b).
1985 c. 51.	Local Government Act 1985.	In Part II of Schedule 2, paragraph 7(1). Section 3(2).

PART II

SCOTLAND

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1972 c.52.	Town and Country Planning (Scotland) Act 1972.	In section 29(2), in the proviso, the words “of sections 64 to 83”. In section 63(1A), the words from “; and references” to “construed” . Sections 64 to 83. Section 85(8). In section 136(3) the words from “or in respect of” to the end. Section 140. Section 154(4). In section 158— (a) Subsection (5). (b) In subsection (7) the words from “and no compensation” to the end. In section 169(4) the words from “and no account” to the end. Section 174. Section 180(2). In section 226(5) the words from “and no compensation” to the end. Section 231(2)(e).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>In section 233(3), the words “(other than an order under section 203(1)(a) of this Act)”.</p> <p>Sections 237 to 239.</p> <p>In section 247(1)(d), the words from “in accordance” to “grants”.</p> <p>In section 273—</p> <p>(a) In subsection (4), the words “67, 71(6), 72(4), 73(8)”.</p> <p>(b) In subsection (5) the words “67, 71(6), 73(8)”.</p> <p>(c) Subsections (7) and (8).</p> <p>In section 275(1)—</p> <p>(a) In the definition of “building” the words “, except in sections 71 to 83 of this Act,”.</p> <p>(b) the definition of “industrial development certificate” .</p> <p>In Schedule 19—</p> <p>(a) in Part I, the reference to sections 237, 238(1) and 239;</p> <p>(b) in Part II, the references to sections 77 to 79 and 83;</p> <p>(c) in Part III, the reference to section 70.</p> <p>In Schedule 22, paragraphs 22 to 25 and 60.</p>
1980 c.65.	Local Government, Planning and Land Act 1980.	<p>In section 134(1) the words “Subject to subsection (2) below,”.</p> <p>In Part I of Schedule 30, in the entry relating to section 63, the word “waste”.</p>
1982 c.52.	Industrial Development Act 1982.	<p>Section 15(1)(b).</p> <p>Paragraph 10 of Part II of Schedule 2.</p>

Transitional Provisions

Section 21 of the Electricity Supply Act 1919 and section 34 of the Electricity Act 1957 shall continue to have effect as enacted immediately before the commencement date (and not as substituted or amended by section 44(1) and (2) of the Housing and Planning Act 1986) in relation to applications for consent or authorisation made before the commencement date.

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16th December 1986 *Nicholas Ridley*
Secretary of State for the Environment

16th December 1986 *Nicholas Edwards*
Secretary of State for Wales

17th December 1986 *Malcolm Rifkind*
Secretary of State for Scotland

EXPLANATORY NOTE

This order brings into operation on 7th January 1987 certain provisions of the Housing and Planning Act 1986, together with associated consequential amendments and repeals.

In Part I (housing) of the Act the provisions brought into force (by Schedule 1 to the order) are—
Sections 1 to 4, which concern the right to buy.

Sections 10 and 11, which concern the management and ownership of housing under Part II of the Housing Act 1985.

Sections 12 and 13, which concern assured tenancies under the Housing Act 1980.

Section 14, which amends Part III of the Housing Act 1985 (housing the homeless).

Section 16, which provides for housing management grants under Part XIII of the Housing Act 1985.

Section 17, which amends section 70 of the Rent Act 1977 (determination of fair rent).

Section 19, which amends section 4 of the Housing Associations Act 1985.

Section 20, which amends Part III of the New Towns Act 1981 (transfer of new town housing to district councils).

Section 22, which amends section 16 of the Consumer Credit Act 1974 (c.37) (exempt agreements). This section is not brought into force by this order as respects Northern Ireland.

Section 23, which amends the Leasehold Reform Act 1967 (c.88) (determination of price for leasehold enfranchisement).

Section 24(1) and certain minor amendments in Part I of Schedule 5.

Part III (financial assistance for urban regeneration) of the 1986 Act (brought into force by Article 2) empowers the Secretary of State to give financial assistance to persons who incur expenditure in the course of carrying out activities which contribute to the regeneration of urban areas.

In Part VI (miscellaneous provisions) of the 1986 Act the provisions brought into force in England and Wales by Schedule 2 to the order are—

Section 44 which concerns the hearing of objections into the placing of overhead electricity lines.

Section 45 which introduces a new provision into section 63 of the Town and Country Planning Act 1971 (the 1971 Act) enabling regulations to be made with respect to experimental areas.

Section 46 substituting a new section 65 in the 1971 Act (proper maintenance of waste land) which now applies to any land which adversely affects amenity whereas formerly it applied to gardens, vacant sites or open land which seriously injured amenity.

Section 47 which amends section 134 of the Local Government, Planning and Land Act 1980 (the 1980 Act) (power to designate urban development areas) by removing the restriction on the areas in England which may be designated.

Section 48 which repeals certain enactments relating to reimbursement of expense of restoring land affected by war works, special control over industrial development in Part IV of the 1971 Act, and, certain grants to local authorities for development of land.

Section 49 so far as it relates to the following paragraphs of Schedule 11—

- Paragraph 1 – operation of Use Classes Order on subdivision of planning unit,
- paragraph 2 – the making of development orders.
- paragraph 3 – updating of references to Codes of Practice relating to the design of buildings for the disabled,
- paragraph 4 – applications to vary or revoke conditions on existing planning permissions,
- paragraphs 5 to 7 – minor amendments to purchase notice procedure,
- paragraphs 10 to 12 – procedure relating to the determination of applications and appeals,
- paragraph 13 – updating daily penalties for offences,
- paragraphs 14, 16 to 18, 20 and 21 – minor amendments to the 1971 Act consequent on provisions commenced by this order,
- paragraphs 22, 24 and 25 – minor amendments to other legislation consequent on provisions commenced by this order.

Part III of Schedule 12 which brings about consequential repeals and repeals certain spent enactments.

Section 54 which amends the 1980 Act and provides that the termination of an enterprise zone scheme has the effect of terminating the effect of planning permission except in a case where development authorised by the scheme has been begun.

Section 55 which amends the Race Relations Act 1976 (c.74) by providing that it is unlawful for a planning authority to discriminate against a person in carrying out their planning functions.

In relation to Scotland, this order commences the provisions of Part VI in respect of which there are corresponding provisions for Scotland to the provisions mentioned above. In addition, it commences some minor provisions which have no equivalents for England and Wales—

- paragraphs 33 and 34 of Schedule 11 which are consequential and procedural provisions relating to waste land,
 - paragraph 38 which makes provision for the designation of National Scenic Areas,
 - paragraphs 45 to 53 of Schedule 11 which make various minor technical changes to the Town and Country Planning (Scotland) Act 1972,
 - paragraphs 59 and 61 of Schedule 11 which make amendments consequential on other provisions commenced by this order,
- certain consequential repeals in Part IV of Schedule 12.

There are transitional provisions in both Schedules to the order.