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STATUTORY INSTRUMENTS

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**1988 No. 2152 (C.81)**

**HOUSING, ENGLAND AND WALES LANDLORD  
AND TENANT, ENGLAND AND  
WALES HOUSING, SCOTLAND**

**The Housing Act 1988 (Commencement No. 2) Order 1988**

*Made - - - - 8th December 1988*

The Secretary of State, in exercise of the powers conferred on him by section 141(2) and (4) of the Housing Act 1988<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Housing Act 1988 (Commencement No. 2) Order 1988.
2. The following provisions of the Housing Act 1988 shall come into force on 2nd January 1989 —
  - section 140(1) in so far as it relates to paragraphs 77, 78, 85 to 88 and 90 of Schedule 17,
  - section 140(2) in so far as it relates to the repeal by Schedule 18 of words in section 38 of the Housing (Scotland) Act 1988<sup>(2)</sup>.
3. The following provisions of the Housing Act 1988 shall come into force on 15th January 1989 —
  - section 49,
  - section 57,
  - section 59(1),
  - section 59(2) and (3) in so far as it relates to paragraphs 8(2), 25 and 26 (except paragraphs (b) and (c)) of Schedule 6 and, for the purposes only of section 59(1) of the Act and section 36A of the Housing Associations Act 1985<sup>(3)</sup>, paragraph 1 of that Schedule,
  - section 94,
  - section 106,
  - sections 111 to 114,

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(1) 1988 c. 50.

(2) 1988 c. 43.

(3) 1985 c. 69; section 36A was inserted by section 49 of the Housing Act 1988

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section 119, subject to the transitional provisions in paragraphs 2 and 3 of Schedule 1 to this Order,

section 140(1) in so far as it relates to paragraphs 1 to 16, 17(2), 18 to 37, 40, 42 to 65, 67 to 76 and 80 to 84 of Schedule 17, subject to the transitional provision for paragraph 21 in paragraph 1 of Schedule 1 to this Order,

section 140(2) in so far as it relates to the repeals in the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(4), the Rent (Agriculture) Act 1976(5), the Rent Act 1977(6), the Protection from Eviction Act 1977(7), the Housing Act 1980(8), the Local Government Act 1985(9), the Housing Act 1985(10) and to the repeals specified in Schedule 2 to this Order, subject, as the case may be, to the transitional provisions in that Schedule.

*Nicholas Ridley*  
One of Her Majesty's Principal Secretaries of  
State

8th December 1988

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(4) 1951 c. 65.  
(5) 1976 c. 80.  
(6) 1977 c. 42.  
(7) 1977 c. 43.  
(8) 1980 c. 51.  
(9) 1985 c. 51.  
(10) 1985 c. 68.

## SCHEDULE 1

### TRANSITIONAL PROVISIONS

#### **The Rent (Agriculture) Act 1976**

1. The amendment to the Rent (Agriculture) Act 1976 in paragraph 21 of Schedule 17 to the Housing Act 1988 does not have effect in relation to an offence committed more than six months before the 15th January 1989.

#### **The Landlord and Tenant Act 1987 (11)**

2. The amendments to the Landlord and Tenant Act 1987 ("the 1987 Act") in paragraphs 1, 2(2) and 3 of Schedule 13 to the Housing Act 1988 do not have effect in relation to a disposal (within the meaning of Part I of that Act) made in pursuance of a contract entered into before the 15th January 1989 or made under that Act where the offer notice was served, or treated as served, under section 5 of the 1987 Act before that date.

3. The amendments to the 1987 Act in paragraphs 4 to 6 of that Schedule do not apply in relation to an application made to the court before the 15th January 1989.

## SCHEDULE 2

### REPEALS

Chapter	Short title	Extent of repeal
<a href="#">1986 c. 63.</a>	The Housing and Planning Act 1986.	Section 7. Section 12. In section 13, subsections (1) to (3) and (5). In Schedule 4, paragraphs 1(3) and 10.
<a href="#">1987 c. 31.</a>	The Landlord and Tenant Act 1987.	In section 3(1) (b) the word "or". Section 4(2) (a) (ii). Section 60(2).
<a href="#">1988 c. 43.</a>	The Housing (Scotland) Act 1988.	In Schedule 9, paragraph 6(b).

### TRANSITIONAL PROVISIONS

#### **Rent Act 1977**

1. The repeal of section 16A of the Rent Act 1977 ("the 1977 Act") does not apply in the case specified in section 37(2) of the Housing Act 1988.

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(11) [1987 c. 31.](#)

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2. The repeals in whole or in part of the provisions of the 1977 Act specified below do not apply in relation to an application under section 69(1) of the 1977 Act (certificate of fair rent) made before the 15th January 1989 or a certificate of fair rent issued pursuant to such an application —

section 67(7),  
section 69,  
section 87(2),  
Schedule 11, Part II,  
Schedule 12,  
Schedule 20, paragraph 2(2).

3. The repeal of section 68 of the 1977 Act (application to rent officer by local authority) does not apply in relation to an application under subsection (1) of that section made before the 15th January 1989.

4. The repeals in whole or in part of the provisions of the 1977 Act specified below do not apply in relation to an increase in rent up to, or towards, a registered rent —

(1) in relation to which the relevant date for the purposes of Schedule 8 to the Rent Act 1977 (phasing of rent increases: general provisions) falls before the 15th January 1989, or

(2) pursuant to the first application under section 67 or section 68 of the 1977 Act (applications for registration or consideration of fair rent) relating to a regulated tenancy which has been converted from a controlled tenancy and for which no rent was registered under Part IV of the 1977 Act before 4th May 1987 —

section 88(2),  
section 89,  
Schedule 8.

5. The repeal in section 103(1) of the 1977 Act (notice to quit served after reference of contract to rent tribunal) does not apply in relation to an application under section 77 or 80 of the 1977 Act made before the 15th January 1989.

#### **Local Government Act 1985**

6. The repeal in paragraph 21 of Schedule 13 to the Local Government Act 1985 does not apply with respect to any tenancy or licence entered into before the 15th January 1989 or entered into in pursuance of a contract made before then.

#### **The Housing Act 1985**

7. The repeal of sections 199 to 201 does not have effect in relation to any repair notice served before the 15th January 1989.

#### **Landlord and Tenant Act 1987**

8. The repeals in section 3(1)(b) and of sections 4(2)(a)(ii) and 60(2) do not apply in relation to a disposal made as mentioned in paragraph 2 of Schedule 1 to this Order.

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## EXPLANATORY NOTE

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

This Order brings into force on 2nd January 1989 section 140 of the Housing Act 1988 in relation to certain amendments to the Housing (Scotland) Acts 1987 and 1988. It brings into force on 15th January 1989 provisions of the Housing Act 1988 mentioned below —

in Part II (Housing Associations) —

section 49 which provides for the issue of guidance to registered housing associations,  
section 57 which enables the Secretary of State to delegate certain of his functions regarding grants,  
section 59(1) (interpretation),  
section 59(2) and (3) in relation to certain amendments to the Housing Associations Act 1985;

in Part IV (Change of Landlord: Secure Tenants)

section 94 which provides for the approval of persons by the Housing Corporation and for connected matters,  
section 106 which enables the Housing Corporation to provide information, advice and assistance to persons approved or seeking approval and to tenants,  
sections 111 to 114 (prescription of forms, making of orders and regulations, jurisdiction of the county court and interpretation);

in Part V (Miscellaneous and General) —

section 119 (and hence Schedule 13) which amends the Landlord and Tenant Act 1987 (subject to transitional provisions in Schedule 1 to the Order),  
section 140 in relation to certain minor and consequential amendments in Schedule 17 and repeals in Schedule 18 (subject to the transitional provisions in the Schedules to the Order).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

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Provision	Date of commencement	S.I. No.
section 46(1) and (2)	1st December 1988	1988/2056
section 47(2)		
section 47(6) (partially)		
section 140(1) (in so far as it relates to		

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Provision	Date of commencement	S.I. No.
paragraphs 91 to 96, 98 to 102, 104, 105 and 114 to 116 of Part II of Schedule 17)		

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