

2018 No. 251 (C. 24)

ACQUISITION OF LAND, ENGLAND AND WALES

HOUSING, ENGLAND

**The Housing and Planning Act 2016 (Commencement No. 7 and
Transitional Provisions) Regulations 2018**

Made - - - -

26th February 2018

The Secretary of State, in exercise of the powers conferred by section 212 and section 216(3) and (4) of the Housing and Planning Act 2016(a), makes the following Regulations:

Citation

1. These Regulations may be cited as the Housing and Planning Act 2016 (Commencement No. 7 and Transitional Provisions) Regulations 2018.

Interpretation

2. In these Regulations—

“the Act” means the Housing and Planning Act 2016;

“confirming authority” has the same meaning as in section 7(1) of the Acquisition of Land Act 1981(b);

“special enactment” means—

(a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act; or

(b) a provision which—

(i) is contained in an Act other than a local or private Act, and

(ii) authorises the compulsory purchase of land specifically identified in that Act.

Provisions coming into force on 19th March 2018

3. The following provisions of the Act come into force on 19th March 2018—

(a) section 133 (Power to require property agents to join client money protection schemes);

(b) section 134 (Client money protection schemes: approval or designation);

(c) section 135 (Enforcement of client money protection scheme regulations).

(a) 2016 c. 22.

(b) 1981 c. 67.

Provisions coming into force on 6th April 2018

4. The following provisions of the Act come into force on 6th April 2018—
- (a) section 180 (Timetable for confirmation of compulsory purchase order);
 - (b) section 181 (Confirmation by inspector) except in relation to a compulsory purchase order for which the confirming authority is the Welsh Ministers;
 - (c) section 192 (Making a claim for compensation);
 - (d) section 193 (Compensation after withdrawal of notice to treat);
 - (e) section 194 (Making a request for advance payment of compensation);
 - (f) section 195 (Power to make and timing of advance payment);
 - (g) section 196(1) to 196(2)(a) (Interest on advance payments of compensation)
 - (h) section 197 (Repayment of advance payment where no compulsory purchase);
 - (i) section 198 (Repayment of payment to mortgagee if land not acquired).

Transitional provisions: Confirmation and time limits for compulsory acquisition

5. The amendments made by section 180 and section 181 of the Act only apply to a compulsory purchase order which is submitted to a confirming authority for confirmation on or after 6th April 2018.

Transitional provisions: Compensation for compulsory acquisition

6.—(1) The amendments made by sections 193, 194(1) to (3), section 195, section 196(1) to (2)(a), section 197, and section 198 of the Act only apply in relation to a compulsory purchase of land which is authorised on or after 6th April 2018.

- (2) For the purposes of this regulation, a compulsory purchase of land is authorised—
- (a) by a compulsory purchase order, on the day on which the order is—
 - (i) confirmed by a Minister, the Welsh Ministers or another authority; or
 - (ii) made by a Minister or the Welsh Ministers;
 - (b) by an order under section 1 or 3 of the Transport and Works Act 1992(a), on the day on which the Secretary of State or the Welsh Ministers determine under section 13(1) of that Act to make the order;
 - (c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(b), on the day on which the order is made by a Minister, the Welsh Ministers or a person who is designated in an order made under section 42A(c) of that Act;
 - (d) by any other order, on the day on which the order is made by a Minister or the Welsh Ministers; or
 - (e) by a special enactment, on the day on which the special enactment is enacted.

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

Dominic Raab
Minister of State

26th February 2018

Ministry of Housing, Communities and Local Government

(a) 1992 c. 42.

(b) 1964 c. 40.

(c) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force various provisions of the Housing and Planning Act 2016 (c. 22) (“the Act”).

Regulation 3(a) brings into force section 133 of the Act which enables the Secretary of State to by regulations require a property agent to be member of an approved or designated client money protection scheme.

Regulation 3(b) brings into force section 134 of the Act which enables the Secretary of State to by regulations make provision about the approval or designation of client money protection schemes for the purposes of regulations under section 133 of the Act.

Regulation 3(c) brings into force section 135 of the Act which enables the Secretary of State to by regulations make provision for the enforcement of a duty imposed by regulations under section 133 of the Act.

Regulation 4(a) brings into force section 180 of the Act which inserts new sections 14B and 14C into the Acquisition of Land Act 1981 (c. 67) (the “1981 Act”) to require the Secretary of State to publish one or more timetables setting out the steps to be taken by confirming authorities in confirming a compulsory purchase order and to enable the Welsh Ministers to act similarly.

Regulation 4(b) brings into force section 181 of the Act which inserts new section 14D into the 1981 Act to enable a confirming authority (except in relation to a compulsory purchase order for which the confirming authority is the Welsh ministers) to appoint an inspector to act instead of it in relation to the confirmation of a compulsory purchase order to which section 13A of the 1981 Act applies.

Regulation 4(c) brings into force section 192 of the Act which inserts new section 4A into the Land Compensation Act 1961 (c. 33) (the “1961 Act”) to enable the “appropriate national authority” (Secretary of State in England and the Welsh Ministers in Wales) to make regulations specifying the information required from a claimant when giving notice of a claim for compensation under section 4 of the 1961 Act.

Regulation 4(d) brings into force section 193 of the Act which amends section 31 of the 1961 Act (withdrawal of notices to treat) to clarify that the right to claim compensation for any loss or expenses caused by the giving and withdrawal of a notice to treat applies to a person who acquired the interest to which the notice to treat applies and has not subsequently been given a notice to treat. This amendment enables a successor in title to the original claimant to claim compensation.

Regulation 4(e) brings into force section 194 of the Act which: (1) amends section 52(2) of the Land Compensation Act 1973 (c. 26) (the “1973 Act”) to clarify the information that must be included by the claimant in a request for an advance payment to enable the acquiring authority to estimate the amount of the advance payment; (2) inserts new section 52(2A) into the 1973 Act placing an acquiring authority under a duty to determine within 28 days of receiving a request whether they have sufficient information to estimate the amount of compensation and, if needed, to require the claimant to provide it; (3) makes a corresponding amendment to section 52ZC of the 1973 Act for land subject to mortgage; and (4) inserts new section 52ZD into the 1973 Act enabling the “appropriate national authority” (Secretary of State in England and the Welsh Ministers in Wales) to make regulations relating to the form and content of a request for an advance payment of compensation.

Regulation 4(f) brings into force section 195 of the Act which: (1) amends section 52 of the 1973 Act to enable an acquiring authority to make an advance payment at any time after a request has been submitted and the compulsory acquisition has been authorised; (2) requires the acquiring authority to make an advance payment if, before or after a request has been made, a notice of entry is given or a general vesting declaration is executed; (3) requires payment to be made on or before the date on which notice of entry is given or a general vesting declaration is executed, or if a request is made later, within 2 months; (4) makes special provision where the compulsory

acquisition is one to which the Land Clauses Consolidation Act 1845 (c. 18) applies; and (5) makes corresponding amendments to sections 52ZA, 52ZB, and 52ZC of the 1973 Act where the land is subject to a mortgage.

Regulation 4(g) brings into force section 196(1) to section 196(2)(a) of the Act which clarifies that interest under section 52A of the 1973 Act accrues where an advance payment is made under section 52(1) of the 1973 Act after the date of entry.

Regulation 4(h) brings into force section 197 of the Act which repeals section 52(5) of the 1973 Act and amends section 52(9) of the 1973 Act to clarify that, where the claimant's interest in some or all of the land has been acquired by another person, the amount of the advance payment (together with any amount paid under section 52A of the 1973 Act) is to be set off against any sum payable by the acquiring authority to that other person in respect of the compulsory acquisition of the interest acquired.

Regulation 4(i) brings into force section 198 of the Act which inserts new section 52ZE into the 1973 Act to provide for the recovery of an advance payment to a mortgagee if the notice to treat has been withdrawn or ceases to have effect.

Regulation 5 makes transitional provisions in relation to the coming into force of section 180 and section 181 of the Act. The amendments made by these provisions only apply in relation to a compulsory purchase order which is submitted to a confirming authority for confirmation on or after 6th April 2018.

Regulation 6 makes transitional provisions in relation to the coming into force of sections 193, 194(1) to (3), section 195, section 196(1) to (2)(a), section 197, and section 198 of the Act. The amendments made by these provisions only apply in relation to a compulsory purchase of land which is authorised on or after 6th April 2018.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 9 to 11	31st October 2016	2016/733
Section 12	13th July 2016	2016/733
Section 14(3) and (4) (partially)	3rd November 2017	2017/1052
Section 23(8)	3rd November 2017	2017/1052
Section 26 (partially)	3rd November 2017	2017/1052
Section 33	3rd November 2017	2017/1052
Section 40 to 46 (partially)	6th April 2017	2017/281
Section 47(1) and (2)	6th April 2017	2017/281
Section 47(3)	10th March 2017	2017/281
Section 48 (partially)	6th April 2017	2017/281
Section 49 to 52	6th April 2017	2017/281
Section 53	6th April 2017	2017/281
Sections 54 to 56	6th April 2017	2017/281
Sections 64 and 65	26th May 2016	2016/609
Section 66	13th July 2016	2016/733
Sections 67 and 68	26th May 2016	2016/609
Sections 80 to 91	1st October 2016	2016/956
Section 92	6th April 2017	2017/75
Sections 93 and 94	3rd February 2017	2017/75
Section 102(2) to (6)	3rd February 2017	2017/75
Section 126 (partially)	10th March 2017	2017/281
Section 126	6th April 2017	2017/281
Sections 128 and 129	6th April 2017	2017/281

Section 131	6th April 2017	2017/281
Section 132	1st October 2016	2016/733
Sections 141 and 142	1st October 2016	2016/733
Sections 143 and 144	13th July 2016	2016/733
Sections 145(1) to 145(4)	1st October 2016	2016/733
Section 145(5)	26th May 2016	2016/609
Sections 146 to 148	1st October 2016	2016/733
Sections 150(4) and 150(5)	13th July 2016	2016/733
Sections 152(2) to 152(4)	13th July 2016	2016/733
Section 154	13th July 2016	2016/733
Section 156	1st October 2016	2016/733
Section 160	6th April 2017	2017/281
Sections 169 and 170	13th July 2016	2016/733
Section 171	1st October 2016	2016/733
Sections 172 to 179	13th July 2016	2016/733
Section 182	13th July 2016	2016/733
Section 183 (partially)	1st October 2016	2016/956
Section 183 (partially)	3rd February 2017	2017/75
Section 183	6th April 2017	2017/281
Sections 184 to 189	3rd February 2017	2017/75
Section 190	13th July 2016	2016/733
Section 191	3rd February 2017	2017/75
Section 196(3) (partially)	6th April 2017	2017/281
Section 199(1)	3rd February 2017	2017/75
Section 199(2) (partially)	3rd February 2017	2017/75
Section 200	3rd February 2017	2017/75
Sections 201 to 206	13th July 2016	2016/733
Schedule 3- paragraphs 5(3) and 9	3 rd November 2017	2017/1052
Schedule 4	6th April 2016	2017/75
Schedule 9 – paragraph 7	10th March 2017	2017/281
Schedule 9	6th April 2017	2017/281
Schedule 11	1st October 2016	2016/733
Schedule 12 (excluding paragraph 27)	13th July 2016	2016/733
Schedule 14	13th July 2016	2016/733
Schedule 15 – paragraphs 1, 2(1), 2(2), 3(1), 3(2) (partially)	1st October 2016	2016/956
Schedule 15 – paragraphs 1 to 7 (partially)	3rd February 2017	2017/75
Schedule 15 – paragraph 8	1st October 2016	2016/956
Schedule 15 – paragraphs 1 to 7	6th April 2017	2017/281
Schedule 16	13th July 2016	2016/733
Schedule 17	3rd February 2017	2017/75
Schedule 18– paragraphs 1 to 9	3rd February 2017	2017/75
Schedule 19	13th July 2016	2016/733

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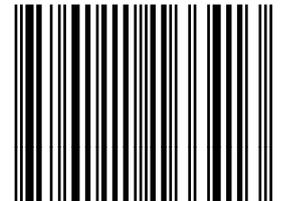
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