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STATUTORY INSTRUMENTS

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**1996 No. 2212 (C. 55)**

**HOUSING, ENGLAND AND WALES**

The Housing Act 1996 (Commencement  
No. 2 and Savings) Order 1996

Made - - - - 22 August 1996

The Secretary of State, in exercise of the powers conferred upon him by section 232(3) and (4) of the Housing Act 1996<sup>(1)</sup> and all other powers enabling him in that behalf, hereby makes the following Order—

**Citation and interpretation**

1.—(1) This Order may be cited as the Housing Act 1996 (Commencement No. 2 and Savings) Order 1996.

(2) In this Order:

“the Act” means the Housing Act 1996 and all reference to sections or Schedules (without more) are to sections of or Schedules to the Act; and

“the commencement date” means 1st October 1996.

**Commencement**

2.—(1) So much of the following provisions of the Act as confers on the Lord Chancellor or the Secretary of State the powers to make orders, regulations or rules shall come into force on 23 August 1996—

section 83(3),

section 86(4) and (5),

section 92 in so far as it relates to paragraph 7 of Part IV of Schedule 6,

section 96 in so far as it relates to the insertion by Schedule 7 of paragraphs 7(2)(a) and 9(2)(a) of Schedule 2A to the Housing Act 1988<sup>(2)</sup>,

section 106 in so far as it relates to paragraph 1 of Schedule 9, and

section 119.

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(1) 1996 c. 52.  
(2) 1988 c. 50.

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**Status:** This is the original version (as it was originally made).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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(2) The following provisions of the Act shall come into force on the commencement date subject to the savings in the Schedule to this Order—

section 84,

section 88,

sections 89 to 91

section 92 (in so far as it will not already be in force),

section 93,

section 105,

sections 107 to 109,

sections 111 to 117, and

section 227 in so far as it relates to the repeals to the Landlord and Tenant Act 1987<sup>(3)</sup> in Part III of Schedule 19 and to the repeals in Part V of that Schedule (except the repeal to section 39<sup>(3)</sup> of the Leasehold Reform, Housing and Urban Development Act 1993<sup>(4)</sup>).

Department of the Environment  
22 August 1996

*David Curry*  
Minister of State,

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<sup>(3)</sup> 1987 c. 31.  
<sup>(4)</sup> 1993 c. 28.

## SCHEDULE

Article 2(2)

### SAVINGS

#### **Compulsory acquisition of landlord's interest by qualifying tenants**

1. Section 88 (period after which acquisition order may be made) shall not have effect in a case where, before the commencement date,—

- (a) a notice under section 27 of the Landlord and Tenant Act 1987 (preliminary notice by tenants) has been served, or
- (b) an application to court for an order dispensing with the requirement to serve such a notice has been made.

#### **The right of first refusal**

2.—(1) Sections 89 to 93 and the repeals to the Landlord and Tenant Act 1987 in Part III of Schedule 19 (the right of first refusal) shall not have effect in a case where, before the commencement date,—

- (a) a disposal has been made, or
- (b) a notice under section 5 of the Landlord and Tenant Act 1987 (landlord's offer notice) has been served.

(2) In sub-paragraph (1), “disposal” has the same meaning as in Part I of the Landlord and Tenant Act 1987 as it will be amended by section 89.

#### **Enfranchisement and lease extension: houses**

3. The following sections shall not have effect in a case where, before the commencement date,

- (a) a notice has been given under section 8 or section 14 of the Leasehold Reform Act 1967<sup>(5)</sup> (notice of claim), or
- (b) an application has been made under section 27 of that Act (enfranchisement where landlord cannot be found),—
  - section 105(1) and (2) (nil rateable values),
  - section 114 (amendment to section 1 of the Leasehold Reform Act 1967), and
  - section 115 (power for leasehold valuation tribunal to determine costs).

#### **Collective enfranchisement and right to acquire new lease: flats**

4. The following sections shall not have effect in a case where, before the commencement date,—

- (a) a notice has been given under section 13 or 42 of the Leasehold Reform, Housing and Urban Development Act 1993 (notice of claim), or
- (b) an application has been made to court under section 26 or 50 of that Act (applications where landlord cannot be found)—
  - section 105(3) (nil rateable values),
  - sections 107 to 109 (multiple freeholders, removal of professional valuation requirement and valuation principles),
  - sections 111 to 113 (trusts, residence condition and powers of trustees), and

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(5) 1967 c. 88.

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section 227 in so far as it relates to the repeals in Part V of Schedule 19 (except the repeal of section 39(3) of the Leasehold Reform, Housing and Urban Development Act 1993).

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## EXPLANATORY NOTE

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

Article 2(2) of this Order brings into force, on 1st October 1996, the following provisions of the Housing Act 1996 (subject to the savings in the Schedule to the Order)—

- section 84 (right to appoint surveyor to advise on matters relating to service charges),
- section 88 (period after which acquisition order may be made),
- sections 89 to 93 (right of first refusal),
- section 105 (enfranchisement and lease extension collective enfranchisement and right to acquire new lease: nil rateable values),
- sections 107 to 109 (collective enfranchisement: multiple freeholders, removal of need for professional valuation requirement and valuation principles),
- sections 111 to 117 (collective enfranchisement and right to acquire new lease: trusts and miscellaneous amendments), and
- section 227 in so far as it relates to the repeals specified in article 3(2).

Article 2(1) brings into force, on 23 August 1996, a number of other provisions of the Housing Act 1996 conferring a power to make orders, regulations or rules.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by a commencement order made before the date of this Order.

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 2(7) and (8)	1st August 1996	1996/2048
s. 3(2) (partially)		
s. 5		
s. 7 (partially)		
s. 9(3)		
s. 17		
s. 24 (partially)		
s. 28(4)		

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 29 (partially)		
s. 36(1) to (6)		
s. 51 (partially)		
ss. 52 to 54		
s. 55(1) (partially)		
s. 55(2) and (3)		
ss. 56 to 64		