
STATUTORY INSTRUMENTS

2002 No. 1860

**HOUSING, ENGLAND AND WALES
REGULATORY REFORM**

**The Regulatory Reform (Housing
Assistance) (England and Wales) Order 2002**

*Made - - - - 18th July 2002
Coming into force in accordance with article 1(2) and
(3)*

Whereas:

- (a) The Secretary of State for Transport, Local Government and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, (“the Secretaries of State”) are each of the opinion that—
- (i) certain provisions of the Housing Act 1985⁽¹⁾, the Local Government and Housing Act 1989⁽²⁾, and the Housing Grants, Construction and Regeneration Act 1996⁽³⁾ impose burdens upon local housing authorities in the exercise of their functions in relation to the provision of financial and other assistance for, or in connection with, the improvement, repair and renovation of housing;
 - (ii) Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 contains an anomaly, in that it provides for grants under section 1(1)(c) of that Act to be available in relation to dwellings but not in relation to houseboats or park homes;
 - (iii) the provisions of this Order do not remove any necessary protection, or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;
 - (iv) the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by burdens created by this Order;
 - (v) the extent to which this Order removes or reduces the burdens referred to in subparagraph (i), or has other beneficial effects for persons affected by those burdens, makes it desirable for this Order to be made;
- (b) the Secretaries of State have consulted⁽⁴⁾—

(1) 1985 c. 68.

(2) 1989 c. 42.

(3) 1996 c. 53.

(4) By virtue of section 5(4) of the Regulatory Reform Act 2001 (c. 6), consultation undertaken before 10th April 2001 (the day on which the Act was passed) is treated as satisfying the consultation requirements of section 5(1) of that Act to the extent that, if it had been undertaken after that day, it would have satisfied those requirements. A consultation paper “Private sector housing renewal: Reform of the Housing Grants, Construction and Regeneration Act 1996, Local Government and Housing Act 1989 and Housing Act 1985” was published by the Department of the Environment, Transport and the Regions in March

- (i) such organisations as appear to them to be representative of interests substantially affected by the provisions of this Order,
 - (ii) such organisations as appear to them to be representative of statutory bodies to whose functions those provisions relate;
 - (iii) the National Assembly for Wales, and
 - (iv) such other persons as they consider appropriate;
- (c) the Secretaries of State, having undertaken that consultation, consider it appropriate to proceed with the making of this Order;
 - (d) the Secretaries of State have laid before Parliament a document containing proposals in the form of a draft of this Order, together with details of the matters specified in section 6(2) of the Regulatory Reform Act 2001;
 - (e) in relation to that document, the period for Parliamentary consideration (within the meaning of section 8 of that Act) has expired;
 - (f) the Secretaries of State have had regard to the representations made during that period and, in particular, to the Sixth Report (session 2001–2) of the Deregulation and Regulatory Reform Committee of the House of Commons and the Fifteenth Report (session 2001–2) of the Delegated Powers and Regulatory Reform Committee of the House of Lords with regard to that document;
 - (g) the Secretaries of State have laid with a draft of this Order a statement giving details of the matters specified in section 8(5) of the Regulatory Reform Act 2001; and
 - (h) the Secretaries of State have secured the agreement of the National Assembly for Wales to the making of this Order (which includes provision removing or modifying functions of the Assembly):

Now, therefore, the Secretary of State for Transport, Local Government and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 1 of the Regulatory Reform Act 2001, with the agreement of the National Assembly for Wales, hereby make the following Order, of which a draft has been laid before, and approved by resolution of, each House of Parliament: