
WELSH STATUTORY INSTRUMENTS

2007 No. 578 (W.50)

HOUSING, WALES

Approval of Code of Practice (Private Retirement Housing) (Wales) Order 2007

Made - - - - 27 February 2007

Coming into force - - 2 March 2007

The National Assembly for Wales, in exercise of the powers conferred by sections 87 and 100 of the Leasehold Reform, Housing and Urban Development Act 1993⁽¹⁾ on the Secretary of State and now vested in the National Assembly for Wales⁽²⁾, and being satisfied that appropriate arrangements have been made for publishing the code approved by this Order, hereby makes the following Order:

Title, commencement, and application

1.—(1) The title of this Order is the Approval of Code of Practice (Private Retirement Housing) (Wales) Order 2007 and it comes into force on 2nd March 2007.

(2) This Order applies in relation to the management of residential properties in Wales.

Approval of code of practice

2. With the exception of Appendices 4 to 6, *The Code of Practice for Private Retirement Housing (Wales)* (ISBN 095266 9137), which was submitted for approval on 22 December 2006 by the Association of Retirement Housing Managers and is to be published by Chain and Pyle, Unit 3, King James Court, King James Street, London SE1 0DH, is approved.

Revocation of orders and withdrawal of approvals

3. The Approval of Codes of Management Practice (Residential Property) (No 2) Order 1995⁽³⁾ and the Approval of Codes of Management Practice (Residential Property) Order 1998⁽⁴⁾ are revoked; and the approvals given by those Orders are withdrawn.

(1) 1993 c. 28; section 87 was amended by section 150 of, and Schedule 9 to, the Commonhold and Leasehold Reform Act 2002 (c. 15).

(2) The functions of the Secretary of State under sections 87 and 100 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 177 of the Commonhold and Leasehold Reform Act 2002

(3) S.I. 1995/3149

(4) S.I. 1998/106

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transitional provision

4. Articles 2 and 3 do not apply for the purposes of section 87(7)(a) and (b) of the Leasehold Reform, Housing and Urban Development Act 1993 (use of code in proceedings) in relation to an act or omission occurring before this Order comes into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

27 February 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the National Assembly for Wales approves, subject to the exception mentioned below, a code of practice relating to the management of private retirement housing by landlords and others who discharge the management function. The approved code is The Code of Practice for Private Retirement Housing (Wales) (ISBN 095266 9137) and is to be published by Chain and Pyle, Unit 3, King James Court, King James Street, London SE1 0DH. Appendices 4 to 6 of the Code have not been approved as they are not relevant for the purposes of section 87 of the 1993 Act.

By this Order the National Assembly for Wales also withdraws approval for The Association of Retirement Housing Managers' Code of Practice for the Management of Leasehold Sheltered Housing (ISBN 0-9526691-0-2) which was given by the Approval of Codes of Management Practice (Residential Property) (No 2) Order 1995 and for modifications to The Association of Retirement Housing Managers' Code of Practice for the Management of Leasehold Sheltered Housing (ISBN 0-9526691-1-0) which was given by the Approval of Codes of Management Practice (Residential Property) Order 1998. Those Orders are also revoked.

Section 87(7) of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”) provides that failure to comply with any provision of an approved code of practice does not of itself render any person liable to any proceedings, but in any proceedings the code of practice is admissible as evidence and any provision which appears to be relevant to any question arising in the proceedings will be taken into account.

The approval and withdrawal provided for in this Order apply to the management of private retirement housing in Wales and are subject to the transitional provision in article 4. The Code that was approved in 1995 and modified in 1998 continues to have effect for the purpose of proceedings relating to acts or omissions that are alleged to have occurred before this Order comes into force.

A Regulatory Appraisal has been prepared in connection with this Order. A copy may be obtained from the National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ (Tel 0845 010 3300).