



## EXPLANATORY NOTES

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# Self-build and Custom Housebuilding Act 2015

## Chapter 17

£4.25



# **SELF-BUILD AND CUSTOM HOUSEBUILDING ACT 2015**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These explanatory notes relate to the Self-build and Custom Housebuilding Act 2015 which received Royal Assent on 26 March 2015. They have been prepared by the Department for Communities and Local Government in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

### **BACKGROUND AND SUMMARY**

3. The purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically the Act makes provision for:

- a) relevant authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and
- b) certain authorities (broadly, local authorities) to have regard to the demand for custom build housing as evidenced by the registers when exercising certain functions including those relating to planning and housing.

### **TERRITORIAL EXTENT AND APPLICATION**

4. The Act extends to England and Wales but only applies in relation to England.

### **COMMENTARY**

#### **Section 1: Registers of persons seeking to acquire land to build a home**

5. *Section 1* imposes a duty on relevant authorities to maintain a register of individuals (either acting alone or organised into groups) who have expressed an interest in acquiring a serviced plot of land in order to build a house for such an individual to occupy as a home.

6. *Section 1* goes on to define what constitutes a ‘relevant authority’ (the definition reflects the definition of local planning authority in section 37 of the Planning and Compulsory Purchase Act 2004) but it also confers on the Secretary of State a regulation-making power allowing the Secretary of State to provide for other public authorities to be considered as the relevant authorities for specified areas. The regulation-making power can also be used to provide that any newly-specified relevant authority can be designated as the authority for its area to the exclusion of any other authority, in order to avoid the existence of multiple registers for an area.

#### **The Schedule: Registers under section 1**

7. The Secretary of State may use regulations in order to specify how a relevant authority can comply with its duty to keep a register. The relevant provisions are set out in the Schedule to the Act and cover the following aspects:

- a) *Paragraph 2* (the registers) – The Secretary of State can provide in regulations details of how the registers should be kept including form, content, and how to amend the register (including renewal and possible removal of entries).
- b) *Paragraph 3* (eligibility) – The Secretary of State can make provision in regulations about eligibility criteria which an individual or group of individuals must meet before they can be added to the register. These may include criteria about age and nationality, information about how an individual intends to occupy the home (eg as a primary residence), and additional criteria for those registering in groups as to the constitution and financial arrangements of any group.
- c) *Paragraph 4* (applications to be registered) - The Secretary of State can make provision in regulations as to the information to be contained in applications for individuals and groups of individuals to be entered onto the register, and for applications to renew entries on the register. Regulations may specify that the applicant has to provide information on matters such as the size, location and price of the plot they may wish to acquire. If a group of individuals is applying to be entered onto the register, regulations may provide that information about the individuals comprising the group should be submitted.
- d) *Paragraph 5* (right to review) – The Secretary of State can provide in regulations for a right of review for persons who have been refused entry onto the register (either first entry or on renewal) or have been removed from the register, on grounds relating to eligibility.
- e) *Paragraph 6* (fees) – The Secretary of State may make provision in regulations as to the payment of fees to relevant authorities in connection with their duty to maintain a register. The regulations may specify that the Secretary of State can specify a fee payable, or that the relevant authorities can fix the level of fee payable to them.

## **Section 2: Duty as regards registers**

8. *Section 2* imposes a duty on the authorities referred to in *subsection (2)* to have regard to the registers when carrying out certain functions. These functions are specified in *subsection (4)* as functions relating to planning, housing, the disposal of any land of the authority and regeneration.

9. The Secretary of State also has a regulation-making power allowing the Secretary of State to provide for other public authorities to be required to have regard to the registers and to be considered as the authorities for specified areas. This means that an authority so specified may not necessarily be required to have regard to the register for its entire geographic areas of competence.

## **Section 3: Guidance**

10. *Subsection (1)* provides that a relevant authority must have regard to any guidance issued by the Secretary of State in connection with the operation of the registers as set out in section 1 and in regulations made under the Schedule.

11. *Subsection (2)* provides that an authority must have regard to any guidance issued by the Secretary of State in connection with its duty under section 2 to have regard to the registers.

## **Section 4: Regulations**

12. *Section 4* sets out the parliamentary procedures by which different regulations must be made. Regulations concerning how a relevant authority may charge fees in connection with the registers (as set out in paragraph 6 of the Schedule), and regulations which make provision for other public authorities to be specified as a relevant authority for the purposes of the requirement to keep a register or as an authority that has regard to registers when carrying out certain functions (as set out in sections 1 and 2), are subject to the affirmative procedure. All other regulation-making powers (other than the commencement power) are subject to the negative procedure.

## **Section 5: Interpretation**

13. *Section 5* sets out definitions of terms used in the Act. These include the definition of ‘house’ which covers any dwelling that is part of a building and ‘serviced plot of land’ which covers any plot of land that satisfies any requirements about utilities and other matters as specified by the Secretary of State in regulations.

## **COMMENCEMENT**

14. *Section 6(2) and 6(3)* of the Act provides for commencement. Section 6 comes into force on the day the Act is passed. The remaining provisions of the Act come into force on a day or days appointed by the Secretary of State by regulations.

## HANSARD REFERENCES

15. The table below sets out the dates and Hansard references for each stage of the Bill's passage through Parliament.

Stage	Date	Hansard Reference
<b>House of Commons</b>		
Introduction	2 July 2014	Vol. 583 Col. 896
Second Reading	24 October 2014	Vol. 586 Cols. 1154-1190
Committee	17 December 2014	Hansard Public Bill Committee
Report and Third Reading	9 January 2015	Vol. 590 Col. 527
<b>House of Lords</b>		
Introduction	12 January 2015	Vol. 758 Col. 558
Second Reading	6 February 2015	Vol. 760 Cols. 970-978
Order of Commitment discharged	4 March 2015	Vol. 760 Col. 221
Third Reading	11 March 2015	Vol. 760 Col. 663
Royal Assent	26 March 2015	Lords: Vol. 760 Col. 1590  Commons: Vol. 594 Col. 1682

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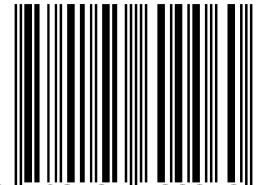
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