
STATUTORY INSTRUMENTS

1989 No. 2445 (C.75)

**LOCAL GOVERNMENT, ENGLAND AND WALES
LOCAL GOVERNMENT, SCOTLAND
HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND
LANDLORD AND TENANT,
ENGLAND AND WALES
LANDLORD AND TENANT, SCOTLAND
NEW TOWNS**

The Local Government and Housing Act
1989 (Commencement No. 3) Order 1989

Made - - - - 20th December 1989

The Secretary of State in exercise of the powers conferred upon him by section 195(2) and (3) of and paragraph 79(2) of Schedule 5 to the Local Government and Housing Act 1989⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Local Government and Housing Act 1989 (Commencement No. 3) Order 1989.
2. In this Order “the Act” means the Local Government and Housing Act 1989.
3. The following provisions of the Act shall come into force on 16th January 1990—
section 18,
section 20,
section 22,
section 31,
Part IV, subject to the transitional provisions in Schedule 1 to this Order,

(1) 1989 c. 42.

section 99,
section 137,
section 138,
section 160,
section 162,
section 165(1) in so far as it relates to paragraphs 56(1) and (2) of Schedule 9 and, for the purposes only of section 369 of the Housing Act 1985(2), paragraph 44 of that Schedule,
section 167 and 168,
section 171,
section 172(6), (7) and (8),
section 175,
section 180,
section 182,
section 194 in so far as it relates to paragraphs 28(4), 35(4), 37, 42, 49, 53(1), 58, 77 to 84, 89, 103, 107 and 109 to 112 of Schedule 11 and to the repeals in Part II of Schedule 12 specified in Schedule 2 to this Order, and
paragraphs 49(3), 60 and 63 of Schedule 5.

4. So much of the following provisions of the Act as confers on the Secretary of State a power to make orders, regulations or determinations, to give or make directions, to specify matters, to require information, to impose conditions or to give guidance or approvals, or makes provision with respect to the exercise of any such power, shall come into force on 16th January 1990—

section 9,
section 13,
section 14,
section 15,
section 17,
section 19,
section 30,
sections 33 to 36,
sections 67 to 72,
sections 89 to 92,
sections 95 and 96,
section 98,
section 102,
section 104,
sections 109 and 110,
section 115,
section 121,
section 127,
section 130 to 132

section 165(1) in so far as it relates to paragraph 84 of Schedule 9, and
section 194 in so far as it relates to paragraphs 28(3), 35(3) and 88 of Schedule 11.

5. The following provisions of the Act shall come into force on 1st March 1990—
section 1(1) to (4), (7) and (8),
section 172 in so far as it is not brought into force by article 3, and
section 173.

20th December 1989

Chris Patten
One of Her Majesty's Principal Secretaries of
State

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SCHEDULE 1

TRANSITIONAL PROVISIONS

1. In relation to any credit arrangement which, by virtue of section 52 of the Act, is a transitional credit arrangement, and which came into being on or after 7th July 1988 and before 16th January 1990, the estimate required to be made under section 48(1)(b) of the Act shall be made on 1st April 1990.

2. Where consideration to which section 61 of the Act applies is received in respect of a disposal, repayment or payment and the disposal or the assignment or waiver of the repayment or payment occurs before 1st April 1990, any amount falling to be set aside by a local authority under section 61(4) of the Act shall be set aside on 1st April 1990.

SCHEDULE 2

REPEALS

chapter	Short title	Extent of repeal
1976 c. 74.	The Race Relations Act 1976.	The repeals in section 47.
1985 c. 68.	The Housing Act 1985.	Sections 107 and 417 to 420, Schedule 14 and the repeals in sections 423(2), 434 and 459.
1986 c. 50.	The Social Security Act 1986.	The repeal in section 30(10).
1986 c. 63.	The Housing and Planning Act 1986.	Section 1.
1987 c. 26.	The Housing (Scotland) Act 1987.	Section 80.
1988 c. 50.	The Housing Act 1988.	Section 129(5)(b).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order brings into force on the 16th January 1990 Part IV of the Local Government and Housing Act 1989 which relates to the revenue accounts and capital finance of local authorities (subject to the transitional provisions in Schedule 1) and the following provisions of that Act—

section 18 (regulations relating to schemes for basic attendance and special responsibility allowances for local authority members);

section 20 (regulations requiring relevant authorities to adopt certain procedural standing orders);

section 22 (Advisory Commissioners);

section 31 (National Code of Local Government Conduct);
section 99 (directions or guidance under Part VIII (grants towards cost of improvements and repairs));
section 137 (orders or regulations under Part VIII);
section 138 (interpretation of Part VIII);
section 160 (Welsh language names for local authorities);
section 162 (principle to be considered by a local authority when determining rents);
section 165(1) in relation to provisions in Schedule 9 which extend the Secretary of State's power to make management regulations under the Housing Act 1985 in relation to houses in multiple occupation;
section 167 (reports to tenants etc. on local housing authority functions);
section 168 (contributions towards costs of housing mobility arrangements);
section 171 (winding up the home purchase assistance scheme);
section 172(6), (7) and (8) (transfer of new town housing stock);
section 175 (repeal of Town Development Act 1952 (c. 54));
section 180 (codes of race relations practice in the housing field);
sections 182 (power to monitor the activities of registered housing associations);
section 194 in relation to certain minor and consequential amendments in Schedule 11 and repeals in Schedule 12;
paragraphs 49(3), 60 and 63 of Schedule 5 (items to be taken into account in issuing a precept and in the making of calculations under section 95 of the Local Government Finance Act 1988 (c. 41)).
Article 4 of the order brings into force on the 16th January 1990 a number of other provisions of the Local Government and Housing Act 1989 for the limited purposes specified in that article.
Article 5 of the Order brings into force on the 1st March 1990 the following provisions of the Act—
section 1(1) to (4), (7) and (8) (political restriction of officers and staff of local authorities);
sections 172(1) to (5) and (9) and 173 (transfer of new town housing stock).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been or will be brought into force by commencement orders made before the date of this Order—

Provision	Date of commencement	S.I. No.
s. 140 (partially)	1st December 1989	1989/2180.
s. 142 (partially)		
ss. 143 and 144		
s. 145 (partially)		
s. 159		
s. 179		
s. 194(1) and (4) (partially)		

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Provision	Date of commencement	S.I. No.
Sch. 6 (partially)		
Sch. 11 (partially)		
Sch. 12 (partially)	ss. 176 to 178	16th January 1990
s. 185		
s. 194(1) and (4) (partially)		
Sch. 11 (partially)		
Sch. 12 (partially)		
s. 145 (partially)	1st April 1990	
s. 170		
s. 194(4) (partially)		
Sch. 6 (partially)		
Sch. 12 (partially)		
s. 1(5) and (6)	29th November 1989	1989/2186
s. 2.		