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STATUTORY INSTRUMENTS

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**1998 No. 1768 (C.35)**

**HOUSING, ENGLAND AND WALES**

**The Housing Act 1996 (Commencement No.  
12 and Transitional Provision) Order 1998**

Made - - - -

21st July 1998

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**

1. This Order may be cited as the Housing Act 1996 (Commencement No. 12 and Transitional Provision) Order 1998.

**Commencement**

2. Subject to article 3, section 83 of the Housing Act 1996, to the extent that it does not, because of paragraph 1 of the Schedule to the Housing Act 1996 (Commencement No. 11 and Savings) Order 1997<sup>(2)</sup>, already have effect, shall have effect from 11th August 1998 and come into force on that date.

**Transitional Provision**

3. No application may be made to a leasehold valuation tribunal under section 19(2A) or (2B) of, or paragraph 8 of the Schedule to, the Landlord and Tenant Act 1985<sup>(3)</sup> in respect of a matter in respect of which, before 1st September 1997,—

- (a) court proceedings have been begun, or
- (b) a reference to arbitration has been made,

but without prejudice to the operation of section 31C of that Act<sup>(4)</sup> (transfer of cases from county court) in relation to any question falling for determination in those court proceedings.

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(1) 1996 c. 52.

(2) S.I. 1997/1851 (C.75).

(3) 1996 c. 70; subsections (2A) and (2B) were inserted by section 83(1) of the Housing Act 1996 and the Schedule was inserted by section 43 of the Landlord and Tenant Act 1987 (c. 31) and paragraph 8 was substituted by section 83(2) of the 1996 Act.

(4) Section 31C was inserted by section 83(3) of the Housing Act 1996.

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**Status:** This is the original version (as it was originally made).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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Signed by authority of the Secretary of State

21st July 1998

*Hilary Armstrong*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

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## EXPLANATORY NOTE

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

This Order brings section 83 of the Housing Act 1996 (determination of reasonableness of service charge and right to challenge landlord's choice of insurers) into force on 11th August 1998 to the extent that it does not already have effect (and subject to the transitional provision in article 3). Section 83 was brought into force by S.I.1997/1851 (c. 75), subject to the savings in paragraph 1 of the Schedule to that instrument (cases where court proceedings or arbitration under way). The effect of this Order is to enable a court to refer matters which were the subject of court proceedings as at 1st September 1997 to a leasehold valuation tribunal.

## 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. 1	1st October 1996	1996/2402
s. 2(7) and (8)	1st August 1996	1996/2048
s. 2 (in so far as not already in force)	1st October 1996	1996/2402
s. 3(2) (partially)	1st August 1996	1996/2048
s. 3 (in so far as not already in force)	1st October 1996	1996/2402
s. 4		
s. 5	1st August 1996	1996/2048
s. 6 (subject to saving)	1st October 1996	1996/2402
s. 7 (partially)	1st August 1996	1996/2048
s. 7 (in so far as not already in force and subject to transitional provisions)	1st October 1996	1996/2402
s. 8		
s. 9(3)	1st August 1996	1996/2048
s. 9 (in so far as not already in force and subject to transitional provision)	1st October 1996	1996/2402
ss. 10 to 15		
s. 16 (subject to saving)	1st April 1997	1997/618

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 17	1st August 1996	1996/2048
s. 18(2) and (7) (partially)	1st October 1996	1996/2402
s. 18 (in so far as not already in force)	1st April 1997	1996/618
s. 19		
s. 20(3) (partially)	1st October 1996	1996/2402
s. 20 (in so far as not already in force)	1st April 1997	1997/618
s. 21(3) (partially)	1st October 1996	1996/2402
s. 21 (in so far as not already in force)	1st April 1997	1997/618
ss. 22 and 23	1st October 1996	1996/2402
s. 24 (partially)	1st August 1996	1996/2048
s. 24 (in so far as not already in force)	1st April 1997	1997/618
s. 25 (partially)	1st October 1996	1996/2402
s. 25 (in so far as not already in force)	1st April 1997	1997/618
s. 26		
s. 27 (partially)	1st October 1996	1996/2402
s. 27 (in so far as not already in force)	1st April 1997	1997/618
s. 28(3) (partially)	1st October 1996	1996/2402
s. 28(4)	1st August 1996	1996/2048
s. 28 (in so far as not already in force)	1st April 1997	1997/618
s. 29 (partially)	1st August 1996	1996/2048
s. 29 (in so far as not already in force)	1st April 1997	1997/618
ss. 30 to 34	1st October 1996	1996/2402
s. 35(1), (2) and (3)	1st April 1997	1997/618
s. 35(4)	1st April 1998	
s. 35(5)	1st April 1997	
s. 36(1) to (6)	1st August 1996	1996/2048
s. 36(7)	1st October 1996	1996/2402
ss. 37 to 50		
s. 51(1) (partially)	1st August 1996	1996/2048

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 51(1) (in so far as not already in force, but subject to saving)	1st April 1997	1997/618
s. 51(2) to (6)		
ss. 52 to 54	1st August 1996	1996/2048
s. 55(1) (partially and subject to saving)		
s. 55(1) (partially and subject to savings)	1st October 1996	1996/2402
s. 55(1) (in so far as not already in force)	1st April 1997	1997/618
s. 55(2) and (3)	1st August 1996	1996/2048
ss. 56 to 64	1st August 1996	1996/2048
ss. 65 and 66 (partially)	1st October 1996	1996/2402
ss. 65 and 66 (in so far as not already in force)	3rd March 1997	1997/350
ss. 67 to 71		
s. 72 (partially)	1st October 1996	1996/2402
s. 72 (in so far as not already in force)	3rd March 1997	1997/350
s. 74		
s. 75 (partially)	1st October 1996	1996/2402
s. 75 (in so far as not already in force)	3rd March 1997	1997/350
ss. 76 and 77	1st October 1996	1996/2402
ss. 78 and 79	3rd March 1997	1997/350
s. 80(3)	1st October 1996	1996/2402
s. 80 (in so far as not already in force)	3rd March 1997	1997/350
s. 83(3) (partially)	23rd August 1996	1996/2212
s. 83 (in so far as not already in force, but subject to saving)	1st September 1997	1997/1851
s. 84	1st October 1996	1996/2212
s. 86(4) and (5) (partially)	23rd August 1996	
s. 86 (in so far as not already in force, but subject to savings)	1st September 1997	1997/1851
s. 88 to 91 (subject to savings)	1st October 1996	1996/2212
s. 92 (partially)	23rd August 1996	

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 92 (in so far as not already in force, but subject to saving)	1st October 1996	
s. 93 (subject to saving)		
s. 96 (partially)	23rd August 1996	
s. 96 (in so far as not already in force)	28th February 1997	1997/225
ss. 97 to 100	28th February 1997	1997/225
ss. 101 to 102 (subject to savings)		
ss. 103 and 104		
s. 105 (subject to savings)	1st October 1996	1996/2212
s. 106 (partially)	23rd August 1996	
s. 106 (in so far as not already in force, but subject to savings)	1st April 1997	1997/618
ss. 107 to 109 (subject to savings)	1st October 1996	1996/2212
ss. 111 to 113 (subject to savings)		
ss. 114 to 117		
s. 118 (subject to saving)	1st April 1997	1997/618
s. 119	23rd August 1996	1996/2212
s. 121 (subject to transitional provision and saving)	1st April 1997	1997/618
ss. 122 and 123	1st April 1997	1997/618
ss. 124 to 128	4th February 1997	1997/66
s. 129(1), (2), (5) and (6)	4th February 1997	1997/66
s. 129(3) and (4)	1st October 1996	1996/2402
ss. 130 to 134	4th February 1997	1997/66
s. 135	1st October 1996	1996/2402
ss. 136 and 137	4th February 1997	1997/66
s. 138(1) to (3)	4th February 1997	1997/66
s. 138(4) to (6)	1st October 1996	1996/2402
ss. 139 and 140		
s. 141(1)	4th February 1997	1997/66
s. 141(2) and (3)	1st October 1996	1996/2402
ss. 142 and 143		

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
ss. 144 to 146 (subject to saving)	4th February 1997	1997/66
s. 147 (partially)	1st October 1996	1996/2402
s. 147 (so far as not already in force, but subject to saving)	4th February 1997	1997/66
ss. 148 to 151 (subject to savings)	28th February 1997	1997/225
ss. 152 to 154	1st September 1997	1997/1851
s. 155(1) and (2) (partially)		
ss. 157 and 158		
s. 159	1st April 1997	1996/2959
s. 160(1) to (3)		
s. 160(4) and (5)	1st October 1996	1996/2402
s. 161(2) and (3) (partially)		
s. 161 (in so far as not already in force)	1st April 1997	
s. 162(4) (partially)	1st October 1996	1996/2402
s. 162 (in so far as not already in force)	1st April 1997	
s. 163(7) (partially)	1st October 1996	1996/2402
s. 163 (in so far as not already in force)	1st April 1997	1996/2959
s. 164		
s. 165(1), (2) and (5)	1st October 1996	1996/2402
s. 165 (in so far as not already in force)	1st April 1997	1996/2959
s. 166		
s. 167(3) to (5)	1st October 1996	1996/2402
s. 167 (partially)	23rd October 1996	1996/2658
s. 167 (in so far as not already in force)	1st April 1997	1996/2959
s. 168		
s. 169	1st October 1996	1996/2402
ss. 170 and 171	1st April 1997	1996/2959
s. 172	1st October 1996	1996/2402
s. 173 (subject to saving)	1st April 1997	1996/2959
s. 174	1st October 1996	1996/2402

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
ss. 175 and 176	20th January 1997	1996/2959
s. 177(3)	1st October 1996	1996/2402
s. 177 (in so far as not already in force)	20th January 1997	1996/2959
ss. 178 to 181		
s. 182	1st October 1996	1996/2402
s. 183(2)		
s. 183 (in so far as not already in force)	20th January 1997	1996/2959
s. 184		
s. 185(2) and (3) (partially)	1st October 1996	1996/2402
s. 185 (in so far as not already in force)	20th January 1997	1996/2959
ss. 186 to 188		
s. 189(2) to (4)	1st October 1996	1996/2402
s. 189 (in so far as not already in force)	20th January 1997	1996/2959
ss. 190 to 193		
s. 194(6) (partially)	1st October 1996	1996/2402
s. 194 (in so far as not already in force)	20th January 1997	1996/2959
s. 195 to 197		
s. 198(4) to (7) (partially)	1st October 1996	1996/2402
s. 198 (in so far as not already in force)	20th January 1997	1996/2959
s. 199(5)	1st October 1996	1996/2402
s. 199 (in so far as not already in force)	20th January 1997	1996/2959
ss. 200 to 202		
s. 203(1), (2) and (7)	1st October 1996	1996/2402
s. 203 (in so far as not already in force)	20th January 1997	1996/2959
ss. 204 to 206		
s. 207(4) to (6) (partially)	1st October 1996	1996/2402
s. 207 (in so far as not already in force)	20th January 1997	1996/2959
ss. 208 and 209		



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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 210(2)	1st October 1996	1996/2658
s. 210 (in so far as not already in force)	20th January 1997	1996/2959
ss. 211 to 214		
s. 215	1st October 1996	1996/2402
s. 216	20th January 1997	1996/2959
ss. 217 and 218	1st October 1996	1996/2402
ss. 219 and 220	24th September 1996	1996/2402
s. 222 (partially)		
s. 222 (in so far as not already in force, but subject to savings and transitional provisions)	1st October 1996	1996/2402
s. 227 (partially)	24th September 1996	1996/2402
s. 227 (partially and subject to saving)	1st October 1996	1996/2212 and 2402
s. 227 (partially and subject to saving)	20th January 1997	1996/2959
s. 227 (partially)	28th February 1997	1997/225
s. 227 (partially)	3rd March 1997	1997/596
s. 227 (partially)	1st April 1997	1996/2959
s. 227 (partially and subject to saving)	1st April 1997	1997/618
s. 227 (partially)	1st September 1997	1997/1851