

2002 No. 367

DEREGULATION

The Deregulation (Disposals of Dwelling-houses by Local Authorities) Order 2002

Made - - - - 19th February 2002

Coming into force 20th February 2002

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, are of the opinion that certain provisions of the Leasehold Reform, Housing and Urban Development Act 1993^(a), which are the subject of this Order, impose burdens affecting the carrying on of any trade, business, profession or otherwise and that by amending or repealing the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) each of those Secretaries of State has consulted, in accordance with section 3(1) of the Deregulation and Contracting Out Act 1994^(b) (“the 1994 Act”), such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to those Secretaries of State that it is appropriate, following those consultations, to proceed with the making of the Order;
- (d) a document setting out the proposals of those Secretaries of State has been laid before Parliament as required by section 3 of the 1994 Act and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) those Secretaries of State have had regard to the representations made during that period;
- (f) a draft of this Order with a statement giving details of those representations has been laid before Parliament;
- (g) a draft of this Order has been approved by resolution of each House of Parliament;

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 upon them by section 1 of the 1994 Act hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Deregulation (Disposals of Dwelling-houses by Local Authorities) Order 2002 and shall come into force on the day after that on which it is made.

^(a) 1993 c.28.

^(b) 1994 c.40.

Amendment of section 135 of the Leasehold Reform, Housing and Urban Development Act 1993

2.—(1) In the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”) section 135 (programme for disposals)(a) is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) The Secretary of State may prepare a disposals programme for any financial year.”

(3) In subsections (3) the words “in any financial year” and “for that year” are omitted.

(4) After that subsection there is inserted—

“(3A) Where the Secretary of State has included a disposal in a disposals programme for a financial year, a local authority may make a qualifying disposal under that programme in that or the following financial year.”

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

15th February 2002

Falconer
Minister of State,
Department of Transport,
Local Government and the Regions

19th February 2002

Paul Murphy
Secretary of State for Wales

(a) The functions of the Secretary of State under section 135 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see the entry in Schedule 1 for the Leasehold Reform, Housing and Urban Development Act 1993.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 135 of the Leasehold Reform, Housing and Urban Development Act 1993.

Under section 135 of the Act the Secretary of State may make a disposals programme for the disposal of dwelling-houses by local authorities in a financial year. The local authorities included in the programme may only make disposals under a disposals programme in that financial year. Article 2 of the Order removes the restriction limiting the period for disposals to a single financial year and extends it to two financial years.

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