
STATUTORY INSTRUMENTS

1996 No. 2402 (C. 62)

HOUSING, ENGLAND AND WALES

**The Housing Act 1996 (Commencement No.
3 and Transitional Provisions) Order 1996**

Made - - - - 16th September 1996

The Secretary of State, in exercise of the powers conferred on him by section 232(3) and (4) of the Housing Act 1996⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing Act 1996 (Commencement No. 3 and Transitional Provisions) Order 1996.

(2) In this Order—

“landlord” means a registered social landlord within the meaning of Part I of the 1996 Act;

“the 1985 Act” means the Housing Associations Act 1985⁽²⁾;

“the 1988 Act” means the Housing Act 1988⁽³⁾;

“the 1996 Act” means the Housing Act 1996.

Coming into force

2. The following provisions of the 1996 Act shall come into force on 24th September 1996—
section 219,
section 220,
section 222 in so far as it relates to paragraph 30 of Schedule 18, and
section 227 in so far as it relates to the entry in Part XIV of Schedule 19 for the Local Government (Wales) Act 1994⁽⁴⁾.

3. Subject to the transitional provisions and savings in the Schedule to this Order, the following provisions of the 1996 Act shall come into force on 1st October 1996—

(1) 1996 c. 52.
(2) 1985 c. 69.
(3) 1988 c. 50.
(4) 1994 c. 19.

section 1,
section 2 to the extent that it is not already in force,
section 3 to the extent that it is not already in force,
section 4,
section 6,
section 7 to the extent that it is not already in force,
section 8,
section 9 to the extent that it is not already in force,
sections 10 to 15 inclusive,
sections 22 and 23,
sections 30 to 34 inclusive,
section 36(7),
sections 37 to 50 inclusive,
section 55(1) in so far as it relates to paragraphs 1(1) to (4), 2 to 5 inclusive, 7 (to the extent it is not already in force), 8, 10 and 11 of Schedule 3,
section 76,
section 77,
section 80(3),
section 129(3) and (4),
section 135,
section 138(4) to (6),
section 139,
section 140,
section 141(2) and (3),
section 142,
section 143,
section 160(4) and (5),
section 165(1), (2) and (5),
section 167(3) to (5),
section 169,
section 172,
section 174,
section 177(3),
section 182,
section 183(2),
section 189(2) to (4),
section 199(5),
section 203(1), (2) and (7),
section 210(2),
section 215,

section 217,

section 218,

section 222 in so far as it relates to paragraphs of Schedule 18 not already in force, and section 227 in so far as it relates to—

(a) Part I of Schedule 19,

(b) Part IX of that Schedule except for the repeal in section 79(2)(a) of the 1988 Act, and

(c) Parts X to XIII of that Schedule.

4. So much of the following provisions of the 1996 Act as confer on the Corporation or the Secretary of State a power to consult, to make determinations, directions, orders or regulations or prepare schemes shall come into force on 1st October 1996—

section 18(2) and (7),

section 20(3),

section 21(3),

section 25,

section 27,

section 65,

section 66,

section 72,

section 75,

section 147,

section 161(2) and (3),

section 162(4).

section 163(7),

section 185(2) and (3),

section 194(6),

section 198(4) to (7), and

section 207(4) to (6).

5. Section 28(3) of the 1996 Act shall come into force on 1st October 1996 for the purpose of enabling a determination to be made under section 52(2) of the 1988 Act as amended by the 1996 Act.

Signed by authority of the Secretary of State

16th September 1996

Paul Beresford
Parliamentary Under-Secretary of State,
Department of the Environment

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SCHEDULE

Article 3

TRANSITIONAL PROVISIONS AND SAVINGS

1.—(1) In accordance with article 3 of the Housing Act 1996 (Consequential Provisions) Order 1996⁽⁵⁾ and subject as follows, the provisions of Part I of the 1996 Act brought into force by this Order apply in relation to matters occurring before the commencement of the provisions as they apply in relation to matters arising on or after their commencement.

(2) Sub-paragraph (1) does not apply in relation to sections 39 to 50 of the 1996 Act.

2. The repeal of section 4(6) of the 1985 Act does not affect the priority of mortgages entered into before 1st October 1996.

3. The right of appeal under section 6 of the 1996 Act against a decision of the Corporation not to register a landlord or not to remove a landlord from the register does not apply to a decision made before 1st October 1996.

4. The repeal of section 24 of the 1985 Act does not affect the application of an order made under that section in relation to periods ending on or before 30th September 1996.

5. Paragraphs 16(3) to (5) and 19 of Schedule 1 to the 1996 Act apply in relation to accounts which relate to periods ending on or before 30th September 1996 and requirements under section 24 of the 1985 Act as they apply in relation to periods ending after that date and requirements under that paragraph 16.

6. Section 9(6) of the 1996 Act applies in relation to a body which was removed from the register under section 6(2) of the 1985 Act before 1st October 1996 as it applies in relation to a body removed from the register under section 4 of the 1996 Act.

7. The repeal of section 69(1)(e) and (g) of the 1985 Act does not affect applications made under section 69(2) of that Act before 1st October 1996.

8. The repeal of section 58 of the 1988 Act does not affect the application of section 79(2) of the 1985 Act, section 130 of the Housing Act 1985 or sections 11 to 15 of the 1996 Act in relation to a disposal made under section 58.

9. The amendment of section 79(2)(a) of the 1988 Act does not affect the power under section 79 of a housing action trust established under Part III of that Act to dispose of a house subject to a secure tenancy to a person approved under that section or section 94 of that Act.

10. The repeal of section 79(6) to (10) of the 1988 Act and of the words from “but” to the end in section 92(2) of that Act does not affect the application of these sections in relation to approvals given by the Corporation before 1st October 1996.

11. Sections 11 to 15 of the 1996 Act apply in relation to covenants and charges arising under Schedule 2 to the 1985 Act as they apply in relation to those arising under sections 11 to 15.

12.—(1) Part IV of the 1988 Act (change of landlords: secure tenants) and the provisions contained in Part IX of Schedule 19 shall continue to have effect in relation to applications under section 96 of that Act which have not been disposed of before 1st October 1996.

(2) That Part and those provisions shall also continue to have effect, as far as applicable, in relation to acquisitions made before that date, or by virtue of sub-paragraph (1).

(3) In its continued effect by virtue of this paragraph, section 105 of the Housing Act 1988 (consent for subsequent disposals) shall be construed as if in subsections (5) and (6) for the words

(5) [S.I. 1996/2325](#).

“section 9 of the Housing Associations Act 1985” there were substituted “section 9 of the Housing Act 1996”.

EXPLANATORY NOTE

(This note does not form part of the Order)

Article 2 of this Order brings into force on the 24th September 1996 the following provisions of the Housing Act 1996—

sections 219 and 220 (directions as to certain charges by social landlords),
paragraph 30 of Schedule 18 and the related repeal in Part XIV of Schedule 19 (amendments relating to the Residuary Body for Wales) together with sections 222 and 227 in so far as they relate to that paragraph.

Article 3 brings into force on 1st October 1996 subject to the transitional provisions and savings in the Schedule the following provisions of the Act—

In Part I—

sections 1 to 15 (registration of social landlords and disposal of their land) (sections 2, 3, 7 and 9 have already been partially commenced),
section 22 (assistance from local authorities),
section 23 (loans by the Public Works Board),
sections 30 to 34 (provisions regarding information and standards of performance),
section 36(7) (guidance),
sections 37 and 38 (powers of entry),
sections 39 to 50 (insolvency etc. of registered social landlords),
section 55(1) and Schedule 3 (partially) (minor and consequential amendments).

In Part II—

sections 76, 77 and 80(3) (powers for the Secretary of State to make orders).

In Part V—

sections 129(3) and (4), 135, 141(2) and (3) and 142 (powers for the Secretary of State to make regulations and orders),
section 138(4) to (6) (powers for the Lord Chancellor to make rules and directions),
sections 139, 140 and 143 (definitions and an index of defined expressions).

In Part VI—

sections 160(4) and (5), 165(1), (2) and (5), 167(3) to (5), 169 and 172 (powers for the Secretary of State to make regulations and give guidance),
section 174 (index of defined expressions).

In Part VII—

sections 177(3), 182, 189(2) to (4), 199(5), 203(1), (2) and (7), 210(2) and 215 (powers for the Secretary of State to make regulations and orders and give guidance),

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sections 183(2), 217 and 218 (definitions and an index of defined expressions).

In Part VIII—

section 222 and Schedule 18 (to the extent not already in force),

section 227 (repeals related to provisions of the Act commenced).

Articles 4 and 5 bring into force on 1st October 1996 certain other provisions in so far as they confer a power to consult, to make determinations, directions, orders or regulations or prepare schemes.

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. 2(7) and (8)	1st August 1996	1996/2048
s. 3(2) (partially)		
s. 5		
s. 7 (partially)		
s. 9(3)		
s. 17		
s. 24 (partially)		
s. 28(4)		
s. 29 (partially)		
s. 36(1) to (6)		
s. 51 (partially)		
ss. 52 to 54		
s. 55(1) (partially)		
s. 55(2) and (3)		
ss. 56 to 64		
s. 83(3) (partially)	23rd August 1996	1996/2212
s. 84	1st October 1996	
s. 86(4) and (5) (partially)	23rd August 1996	
ss. 88 to 91	1st October 1996	
s. 92 (partially)	23rd August 1996	
s. 92 (in so far as not already in force)	1st October 1996	
s. 93		
s. 96 (partially)	23rd August 1996	

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 105	1st October 1996	
s. 106 (partially)	23rd August 1996	
ss. 107 to 109	1st October 1996	
ss. 111 to 117		
s. 119 (partially)	23rd August 1996	
s. 227 (partially)	1st October 1996	