
STATUTORY INSTRUMENTS

2009 No. 415 (C. 28)

HOUSING

**The Housing and Regeneration Act 2008 (Commencement
No. 1 and Saving Provisions) Order 2009**

Made - - - - 26th February 2009

The Secretary of State, in exercise of the powers conferred by sections 322 and 325 of the Housing and Regeneration Act 2008⁽¹⁾, makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Commencement No.1 and Saving Provisions) Order 2009.

(2) In this Order—

“the Act” means the Housing and Regeneration Act 2008; and

“the 1996 Act” means the Housing Act 1996⁽²⁾.

Commencement of section 314 of, and Schedule 15 to, the Act in relation to England and Wales

2. Section 314 (ineligible persons from abroad: statutory disregards) in so far as it relates to Part 1 of Schedule 15 to the Act (England and Wales) shall come into force on 2nd March 2009 in relation to applications—

(a) for an allocation of housing accommodation under Part VI (allocation of housing accommodation) of the 1996 Act, or

(b) for accommodation or assistance in obtaining accommodation under Part VII (homelessness) of that Act,

made on or after that date.

(1) 2008 c.17.

(2) 1996 c.52. Section 167 of the Act was amended by section 16 of the [Homelessness Act 2002 \(c.7\)](#) (“the 2002 Act”) and by section 223 of the [Housing Act 2004 \(c. 34\)](#). Section 185 was amended by paragraph 3 of Schedule 1 to the 2002 Act. Section 193 was amended by sections 6, 7, and 8 of and paragraph 13 of Schedule 1 to the 2002 Act. Section 195 was amended by section 5 of and paragraph 14(b) to (d) to Schedule 1 to the 2002 Act. Section 202 was amended by section 8 of and paragraph 16 to the 2002 Act. There are other amendments to the 1996 Act that are not relevant to these Regulations.

Commencement of section 314 of, and Schedule 15 to, the Act in relation to Scotland and Northern Ireland

3. Section 314 in so far as it relates to Part 2 of Schedule 15 to the Act (Scotland and Northern Ireland) shall come into force on 2nd March 2009 in relation to applications—

- (a) for accommodation or assistance in obtaining accommodation under Part I (provision of housing) or Part II (homeless persons) of the Housing (Scotland) Act 1987(3), or
- (b) for housing assistance under Part II (housing the homeless) of the Housing (Northern Ireland) Order 1988(4),

made on or after 2nd March 2009.

Commencement of consequential amendments and repeals

4. The following provisions of the Act shall come into force on 2nd March 2009—

- (a) section 314 in so far as it relates to Part 3 of Schedule 15 (consequential amendments); and
- (b) section 321(1) and Schedule 16 (repeals and revocations) in so far as they relate to—
 - (i) the repeal of the word “or” after paragraph (e) of section 202(1) of the 1996 Act; and
 - (ii) the repeals relating to the Criminal Justice and Immigration Act 2008(5).

Signed by authority of the Secretary of State for Communities and Local Government

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government

26th February 2009

(3) 1987 c.26. Sections 20, 30, 31, 32 and 34 of the Act were amended by, and section 35A was inserted by, the Housing (Scotland) Act 2001 asp 10. There are other amendments to the 1987 Act that are not relevant to these Regulations.

(4) S.I.1998/1990(N.I.23), Article 7A of the Order was inserted by article 137 of the Housing (Northern Ireland) Order 2003 (S.I.2003/412(N.I.2)).

(5) 2008 c.4.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 2nd March 2009, section 314 of, and Schedule 15 to, the Housing and Regeneration Act 2008 (“the Act”). The provisions commenced make changes to housing legislation in the United Kingdom in response to the decision of the Court of Appeal in the case of *Morris v. Westminster City Council* [2005] EWCA Civ 1184, which declared that the provisions of section 185(4) of the [Housing Act 1996\(c.52\)](#) were incompatible with the European Convention on Human Rights.

Article 2 commences the provisions in relation to England and Wales and provides that the amended provisions will apply only to applications for an allocation of social housing or housing assistance (homelessness) made on or after 2nd March 2009.

Article 3 commences the provisions in relation to Scotland and Northern Ireland and provides that the amended provisions will apply only to applications for accommodation made on or after 2nd March 2009.

Article 4 commences the amendments and repeals made consequential on the amendments in Parts 1 and 2 of Schedule 15 to the Act.