

2007 No. 3308 (C. 137)

HOUSING, ENGLAND AND WALES

The Housing Act 2004 (Commencement No. 10) (England and Wales) Order 2007

Made - - - - *23rd November 2007*

The Secretary of State, in exercise of the powers conferred by section 270(6) and (8) of the Housing Act 2004(a), makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Housing Act 2004 (Commencement No. 10) (England and Wales) Order 2007.

(2) This Order applies in relation to England and Wales.

Commencement

2. In so far as it is not already in force(b), Part 5 of (and Schedule 8 to) the Housing Act 2004 shall come into force on 14th December 2007 in relation to the types of property described in article 3(1), and to the extent specified in article 3(2).

Application of Part 5 of the Housing Act 2004 to residential properties with fewer than three bedrooms

3.—(1) The types of property referred to in article 2 are—

(a) a residential property which—

(i) is physically complete at the first point of marketing; and

(ii) has fewer than three bedrooms;

and

(b) a residential property which—

(i) is not physically complete at the first point of marketing; and

(ii) is expected to have fewer than three bedrooms once physically complete,

(a) 2004 c.34. The power conferred by section 270(6) is exercisable by the Secretary of State as respects both England and Wales.

(b) Under section 270(2) of the Housing Act 2004, sections 161 to 164, 176 and any other provision conferring powers to make an order or regulations, came into force on the day the Act was passed. Part 5 of (and Schedule 8 to) the Housing Act 2004 were brought into force with application to properties having four bedrooms or more by the Housing Act 2004 (Commencement No. 8) (England and Wales) Order 2007 (S.I. 2007/1668, C.66) and with application to properties having three bedrooms by the Housing Act 2004 (Commencement No. 9) (England and Wales) Order 2007 (S.I. 2007/2471, C.90).

other than a property to the construction of which regulation 17C of the Building Regulations 2000(a) applies.

(2) The duties under sections 155 to 159 of the Housing Act 2004 shall apply subject to the Home Information Pack (No.2) Regulations 2007(b).

Interpretation of article 3

4. In article 3—

- (a) a residential property shall be regarded as having or expected to have fewer than three bedrooms if the manner in which the property is marketed indicates that it has or is expected to have fewer than three bedrooms (or none);
- (b) “first point of marketing” shall be construed in accordance with regulation 3 of the Home Information Pack (No.2) Regulations 2007; and
- (c) “physically complete” shall be construed in accordance with regulation 2(3) of the Home Information Pack (No.2) Regulations 2007.

23rd November 2007

Yvette Cooper
Minister of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Part 5 of (and Schedule 8 to) the Housing Act 2004 into force in England and Wales on 14th December 2007. These provisions relate to home information packs. They are being brought into force in relation to residential properties with fewer than three bedrooms, other than properties to which regulation 17C (which imposes minimum energy performance requirements) of the Building Regulations 2000 applies.

Part 5 of the Housing Act 2004 already applies in relation to properties with three or more bedrooms or more by virtue of the Housing Act 2004 (Commencement No. 8) (England and Wales) Order 2007 (S.I. 2007/1668) and the Housing Act 2004 (Commencement No. 9) (England and Wales) Order 2007 (S.I. 2007/2471).

Once in force, the provisions will apply to a residential property unless it is excepted under Part 6 of the Home Information Pack (No.2) Regulations 2007.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Housing Act 2004 have been brought into force in England by commencement orders made before the date of this Order:

(a) S.I. 2000/2531. Regulation 17C was inserted by S.I. 2006/652.
(b) S.I. 2007/1667.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	06.04.06	2006/1060
Sections 3 to 8	06.04.06	2006/1060
Sections 10 to 52	06.04.06	2006/1060
Section 53	06.04.07	2007/1068
Section 54	06.04.06	2006/1060
Section 55(1), (2) and (5)(a) and (b)	15.06.05	2005/1451
Section 55 (remainder)	06.04.06	2006/1060
Sections 56 and 57	15.06.05	2005/1451
Sections 58 to 71	06.04.06	2006/1060
Section 72(2), (3), (5), (6) and (7)	06.04.06	2006/1060
Section 72 (remainder)	06.07.06	2006/1060
Section 73	06.07.06	2006/1060
Section 74 (remainder)	06.07.06	2006/1060
Sections 75 to 78	06.04.06	2006/1060
Sections 79 and 80 (remainder)	15.06.05	2005/1451
Section 81	15.06.05	2005/1451
Sections 82 to 94	06.04.06	2006/1060
Section 95 (2), (4) and (6)	06.04.06	2006/1060
Section 95 (remainder)	06.07.06	2006/1060
Section 96	06.07.06	2006/1060
Section 97 (remainder)	06.07.06	2006/1060
Sections 98 to 133	06.04.06	2006/1060
Section 134 (remainder)	06.07.06	2006/1060
Sections 135 to 147	06.04.06	2006/1060
Sections 148 to 178, in so far as applied to residential properties with four bedrooms or more	01.08.07	2007/1668
Sections 148 to 178, in so far as applied to residential properties with three bedrooms	10.09.07	2007/2471
Section 179	06.06.05	2005/1451
Section 181	04.07.05	2005/1729
Sections 191 to 194	06.06.05	2005/1451
Sections 212 to 215 (remainder)	06.04.07	2007/1068
Section 220 (remainder)	17.02.05	2005/326
Section 221	17.02.05	2005/326
Section 223	27.04.05	2005/1120
Section 225 (remainder)	02.01.07	2006/3191
Section 226	02.01.07	2006/3191
Section 227	17.02.05	2005/326
Section 229 (remainder)	04.07.05	2005/1729
Sections 230 and 231	04.07.05	2005/1729
Section 232	06.04.06	2006/1060
Sections 235 and 236	06.04.06	2006/1060
Section 237	15.06.05	2005/1451
Sections 238 to 243	06.04.06	2006/1060
Section 265(1), in so far as it relates to paragraphs 2 to 6, 8 to 36 and 38 to 44 of Schedule 15	06.04.06	2006/1060
Section 265(1), in so far as it relates to paragraph 47 of Schedule 15	02.01.07	2006/3191
Section 266, in so far as it relates to the repeals	06.04.06	2006/1060

listed in article 2(1)(e) of S.I. No 2006/1060		
Schedules 1 to 7	06.04.06	2006/1060
Schedule 10 (remainder)	06.04.07	2007/1068
Schedule 13 (remainder)	04.07.05	2005/1729
Schedule 15, paragraphs 2 to 6, 8 to 36, and 38 to 44	06.04.06	2006/1060
Schedule 15, paragraph 47	02.01.07	2006/3191
Schedule 16, in so far as it relates to the repeals listed in article 2(1)(e) of S.I. No 2006/1060	06.04.06	2006/1060
Schedule 16, in so far as it relates to the repeals listed in article 2(b) of S.I. No 2007/1068	06.04.07	2007/1068

The following provisions of the Housing Act 2004 have been brought into force in Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 3	16.06.06	2006/1535
Section 4	25.11.05	2005/3237
Sections 5 to 8	16.06.06	2006/1535
Sections 10 to 52	16.06.06	2006/1535
Section 54	16.06.06	2006/1535
Section 55 (partially)	25.11.05	2005/3237
Section 55 (remainder)	16.06.06	2006/1535
Sections 56 and 57	25.11.05	2005/3237
Sections 58 to 78	16.06.06	2006/1535
Sections 79 to 81	25.11.05	2005/3237
Sections 82 to 147	16.06.06	2006/1535
Sections 148 to 178, in so far as applied to residential properties with four bedrooms or more	01.08.07	2007/1668
Sections 148 to 178, in so far as applied to residential properties with three bedrooms	10.09.07	2007/2471
Section 179	25.11.05	2005/3237
Section 191	14.07.05	2005/1814
Sections 192 to 194	25.11.05	2005/3237
Sections 212 to 215 (remainder)	06.04.07	2007/305
Sections 227 and 228	14.07.05	2005/1814
Sections 229 to 232	16.06.06	2006/1535
Sections 235 and 236	16.06.06	2006/1535
Section 237	25.11.05	2005/3237
Sections 238 to 243	16.06.06	2006/1535
Section 265(1) and Schedule 15 (partially)	14.07.05	2005/1814
Section 265(1) and Schedule 15 (partially)	16.06.06	2006/1535
Section 266 (partially)	16.06.06	2006/1535
Schedules 1 to 7	16.06.06	2006/1535
Schedule 10 (remainder)	06.04.07	2007/305
Schedule 12	14.07.05	2005/1814
Schedule 13	16.06.06	2006/1535

STATUTORY INSTRUMENTS

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