
STATUTORY INSTRUMENTS

2008 No. 898 (C. 42)

HOUSING, ENGLAND AND WALES

The Housing Act 2004 (Commencement
No. 11) (England and Wales) Order 2008

Made - - - - 13th March 2008

The Secretary of State, in exercise of the powers conferred by section 270(6) and (8) of the Housing Act 2004⁽¹⁾, makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Housing Act 2004 (Commencement No. 11) (England and Wales) Order 2008.

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

Commencement

2.—(1) In so far as it is not already in force⁽²⁾, Part 5 of (and Schedule 8 to) the Housing Act 2004 (“the Act”) shall come into force on 6th April 2008.

(2) The duties under sections 155 to 159 of the Act shall apply subject to the Home Information Pack (No.2) Regulations 2007⁽³⁾.

Kay Andrews
Parliamentary Under-Secretary of State
Department for Communities and Local
Government

13th March 2008

(1) [2004 c.34](#). The power conferred by section 270(6) is exercisable by the Secretary of State as respects both England and Wales.
(2) Under section 270(2) of the Act, 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 Act 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), 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) and with application to those having fewer than three bedrooms by the Housing Act 2004 (Commencement No. 10) (England and Wales) Order 2007 ([S.I. 2007/3308](#), C.137).
(3) [S.I. 2007/1667](#).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Part 5 of (and Schedule 8 to) the Housing Act 2004 fully in force in England and Wales on 6th April 2008. These provisions relate to home information packs.

Earlier commencement orders brought into force Part 5 on a phased basis as applied to residential properties of different types. This order brings into force Part 5 in relation to all remaining residential properties. By virtue of the earlier commencement orders, these are properties to which regulation 17C of the Building Regulations 2000 applies (which imposes minimum energy performance requirements). 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:

<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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
Sections 148 to 178, in so far as applied to residential properties with fewer than three bedrooms	14.12.07	2007/3308
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 listed in article 2(1)(e) of S.I. No 2006/1060	06.04.06	2006/1060

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
Sections 148 to 178, in so far as applied to residential properties with fewer than three bedrooms	14.12.07	2007/3308
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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 225 (remainder)	13.12.07	2007/3232
Section 226	13.12.07	2007/3232
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 265(1) in so far as it relates to paragraph 47 of Schedule 15	13.12.07	2007/3232
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