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STATUTORY INSTRUMENTS

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**2009 No. 803 (C. 52)**

**HOUSING**

**The Housing and Regeneration Act 2008 (Commencement  
No. 4 and Transitory Provisions) Order 2009**

*Made - - - - 26th March 2009*

The Secretary of State, in exercise of the powers conferred by sections 322 and 325 of the Housing and Regeneration Act 2008<sup>(1)</sup>, and having consulted the Welsh Ministers as required by section 325(5) of that Act, makes the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Commencement No. 4 and Transitory Provisions) Order 2009.

(2) In this Order—

- “the Act” means the Housing and Regeneration Act 2008;
- “the CNT” means the Commission for the New Towns;
- “the HCA” means the Homes and Communities Agency;
- “the URA” means the Urban Regeneration Agency; and
- “the commencement date” means 1st April 2009.

**Commencement of certain provisions of Part 1**

**2.**—(1) The following provisions of Part 1 of the Act shall come into force on the commencement date—

- (a) section 32 (recovery etc. of social housing assistance), for the purposes only of enabling the HCA to make a determination under subsection (1) or (8);
- (b) section 33 (section 32: interest and successors in title), for the purposes only of enabling the HCA to make a determination under subsection (8);
- (c) subject to paragraph (2), section 34 (determinations under sections 32 and 33);
- (d) section 36 (information in relation to social housing); and
- (e) section 58 (index of defined expressions: Part 1), so far as required for the interpretation of provisions commenced by this article.

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(1) 2008 c.17.

(2) Where it is proposed that a general determination under section 32 or 33 is to relate to social housing assistance to be given to registered providers of social housing, and the consultation on such a determination starts before section 61 of the Act is in force, consultation with such bodies appearing to the HCA to represent the interests of registered social landlords as it considers appropriate shall be treated as satisfying the requirements of section 34(4) of the Act.

(3) In paragraph (2) “registered social landlord” means anyone who is registered under section 1 of the Housing Act 1996<sup>(2)</sup> (register of social landlords) and in relation to whom the Relevant Authority is the Regulator of Social Housing (in accordance with section 56 of that Act<sup>(3)</sup>).

### **Commencement of provisions relating to abolition of the Commission for the New Towns and the Urban Regeneration Agency**

3.—(1) Paragraphs 2 to 4, 10 to 24, 27, 28, 30 and 32 of Schedule 5 to the Act, and section 50(2) of the Act (abolition of the CNT) so far as it relates to those paragraphs, shall come into force on the commencement date.

(2) The provisions of Schedule 8 to the Act listed in paragraph (3), and section 56 of the Act (consequential amendments: Part 1) so far as it relates to those provisions, shall come into force on the commencement date.

(3) The provisions of Schedule 8 mentioned in paragraph (2) are paragraphs 4(c) and (d), 13, 19(3)(a) and (b), 20(3), 21(3), 63 in so far as it relates to the repeal of section 158 of, and Schedules 17 and 18 to, the Leasehold Reform, Housing and Urban Development Act 1993<sup>(4)</sup>, and 77(3).

### **Transitory provision: final accounts of the Commission for the New Towns and the Urban Regeneration Agency**

4.—(1) The HCA shall prepare a statement of the accounts of each of—

- (a) the CNT, and
- (b) the URA

for the financial year ending on 31st March 2009 (“the final annual accounts”) and the accounts shall be prepared in accordance with the directions issued by the Secretary of State to the CNT and the URA and dated 27th March 2007.

(2) The HCA shall send a copy of the final annual accounts to the Comptroller and Auditor General as soon as reasonably practicable after 31st March 2009.

(3) The Comptroller and Auditor General shall examine, certify and report on the final annual accounts.

(4) As soon as the final annual accounts have been examined, certified and reported on under paragraph (3), the HCA shall send to the Secretary of State a copy of the accounts together with the Comptroller and Auditor General’s report on them.

### **Transitory provision: final report on the Commission for the New Towns and the Urban Regeneration Agency**

5.—(1) The HCA shall, as soon as reasonably practicable after 31st March 2009, make a report to the Secretary of State on the exercise and performance by the CNT and URA of their respective functions during the financial year ending on 31st March 2009 (“the final report”) and shall include in the report—

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(2) [c. 52](#).

(3) Section 1 of the Housing Act 1996 is modified in this respect by the Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 ([SI 2008/2839](#)), article 3 and the fifth paragraph of the Schedule.

(4) [1993 c.28](#).

- (a) a copy of the audited final annual accounts for each body; and
  - (b) a copy of the Comptroller and Auditor General's report on the accounts for each body.
- (2) The Secretary of State shall lay a copy of the final annual report before each House of Parliament.

#### **Transitory provision: Secretary of State's accounts for the Commission for the New Towns**

6. The Secretary of State shall prepare in respect of the CNT and the financial year ending on 31st March 2009 an account of any sums issued to the Secretary of State and advanced to the CNT under the New Towns Act 1981.

#### **Commencement of certain provisions of Part 2**

7. The following provisions of Part 2 of the Act shall come into force on the commencement date—

- (a) section 93 (general);
- (b) sections 144 and 145(4) (moratorium), for the purposes only of enabling the Secretary of State to make an order;
- (c) sections 228(5) and 240(5) (penalty and compensation), for the purposes only of enabling the Secretary of State to make regulations; and
- (d) sections 234(2) and (4) and 244(2) and (4) (interest), for the purposes only of enabling the Treasury to make regulations.

#### **Commencement of provisions relating to dissolution of the Housing Corporation**

8.—(1) The provisions of Schedule 9 to the Act listed in paragraph (2), and section 277 of the Act (consequential amendments: Part 2) so far as it relates to those provisions, shall come into force on the commencement date.

(2) The provisions of Schedule 9 mentioned in paragraph (1) are paragraphs 2(3), 3(3) and 28(3).

#### **Commencement of certain provisions of Part 3**

9. Section 309(5) (former right to buy and other flats: equity share purchases), so far as not already in force, shall come into force on 6th April 2009.

#### **Commencement of certain repeals and revocations**

10. Section 321 of, and Schedule 16 to, the Act shall come into force on the commencement date so far as they relate to the repeals and revocations of the following—

<i>Title</i>	<i>Repeal or revocation</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry for the Housing Corporation and the entries for, and Notes relating to, the Commission for the New Towns and the Urban Regeneration Agency.
National Loans Act 1968 (c. 13)	In Schedule 1, in the entry relating to the New Towns Act 1981 (c. 64) – (a) in column 1, the words “(5)(6)”,

(5) Section 309 is commenced in relation to England only (see section 325(3) and (4) of the Act).

<i>Title</i>	<i>Repeal or revocation</i>
	(b) in column 2, the words “and the Commission for the New Towns”.
House of Commons Disqualification Act 1975 (c. 24)	In Part 2 of Schedule 1, the entries relating to the Commission for the New Towns, the Housing Corporation and the Urban Regeneration Agency.
Northern Ireland Assembly Disqualification Act 1975 (c.25)	In Part 2 of Schedule 1, the entry relating to the Urban Regeneration Agency.
Race Relations Act 1976 (c.74)	In Part 2 of Schedule 1A, the entry relating to English Partnerships.
New Towns Act 1981 (c.64)	Section 35.  In section 58— (a) in the heading, the words “and Commission”, (b) subsections (5) and (6).  In section 58A— (a) in the heading, the words “and Commission”, (b) subsections (4) and (5).  In section 59— (a) in the heading, the words “and Commission”, (b) in subsection (1), the words “or the Commission” where they first appear, (c) in subsection (2), the words “or the Commission”.  In section 60— (a) in the heading, the words “and Commission”, (b) in subsection (1), paragraph (c) and the word “and” following it, (c) subsection (4).  In section 61(2), the words “, (5) or (6)”.  Section 62B.  In section 63— (a) in subsection (1), the words “or the Commission”, (b) in subsection (2), the words “or the Commission, as the case may be”.  In section 67— (a) in the heading, the words “Commission and”,

<i>Title</i>	<i>Repeal or revocation</i>
	<ul style="list-style-type: none"><li>(b) in subsection (1), the words “The Commission and”,</li><li>(c) in subsection (1)(b), the word “respectively”,</li><li>(d) also in subsection (1)(b), the words from “being, in the Commission’s case” to the end of the subsection,</li><li>(e) subsection (1A),</li><li>(f) in subsection (2), the words “of the Commission and”,</li><li>(g) in subsection (2), wherever appearing, the words “or the Commission”,</li><li>(h) in subsection (3), the words “the Commission or”.</li></ul>
	<p>In section 68—</p> <ul style="list-style-type: none"><li>(a) in subsection (1), the words from “of the Commission” to “and the accounts”,</li><li>(b) in subsection (1), the words “Commission or”,</li><li>(c) subsection (2A).</li></ul>
	<p>In section 69—</p> <ul style="list-style-type: none"><li>(a) in subsection (1), paragraph (a) and the word “and” following it,</li><li>(b) in subsection (1), the words from “and directions under” to the end,</li><li>(c) in subsection (2), paragraph (a) and the word “and” following it.</li></ul>
	<p>In section 70—</p> <ul style="list-style-type: none"><li>(a) paragraph (a),</li><li>(b) the words “of the Commission or”.</li></ul>
	<p>In section 71(2), the words “the Commission and”.</p>
	<p>In section 77(3), the words “and paragraph 7 of Schedule 9 to this Act”.</p>
	<p>In section 80(1)—</p> <ul style="list-style-type: none"><li>(a) the definition of “the Commission”,</li><li>(b) in the definition of “financial year”, the words “or the Commission”.</li></ul>
	<p>Schedule 9.</p>
	<p>In Schedule 11—</p> <ul style="list-style-type: none"><li>(a) in the italic heading before paragraph 3, the words “to Commission and”,</li><li>(b) paragraphs 3 and 5,</li></ul>

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<i>Title</i>	<i>Repeal or revocation</i>
	(c) paragraph 12 and the italic heading before it.
New Towns and Urban Development Corporations Act 1985 (c. 5)	In Schedule 3, paragraphs 3, 8(b) and 12(1)(b).
Local Government and Housing Act 1989 (c. 42)	In Schedule 11, paragraph 58 and the italic heading before it.
Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)	Section 158. Schedules 17 and 18.
New Towns (Amendment) Act 1994 (c. 5)	The whole Act.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraphs 63(5) and 104 and the italic heading before paragraph 104.
Housing Act 1996 (c. 52)	In Schedule 18, paragraph 22(1)(f).
Housing Grants, Construction and Regeneration Act 1996 (c. 53)	Section 145.
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entries relating to the Commission for the New Towns, the Housing Corporation and the Urban Regeneration Agency.
Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2003 (S.I. 2003/1326)	Article 11(2), (3) and (4)(a). Article 18 and the heading before it.
Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194)	In Schedule 4, paragraph 83 and the heading before it.

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

*K. Andrews*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

26th March 2009

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of Parts 1, 2 and 3 of the Housing and Regeneration Act 2008.

The provisions commenced in articles 2 and 7 relate to preparatory steps in advance of the new regulatory regime coming into force.

The provisions commenced in articles 3 and 8 are those relating to the abolition of the Commission for the New Towns and the Urban Regeneration Agency and the dissolution of the Housing Corporation.

Articles 4 to 6 are transitory provisions as to the preparation and audit of final accounts and preparation of the final report for the CNT and the URA and the Secretary of State's account of any sums issued to the Secretary of State and advanced to the CNT under the New Towns Act 1981.

Article 9 commences section 309 (former right to buy and other flats: equity share purchases) on 6th April 2009.

Article 10 commences certain repeals and revocations consequential upon the commencement of provisions mentioned above.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 and Schedule 1	08.09.2008	<a href="#">2008/2358</a>
Section 4 (partially)	08.09.2008 and 01.12.2008	<a href="#">2008/2358</a> and <a href="#">2008/3068</a>
Sections 5 to 7	01.12.2008	<a href="#">2008/3068</a>
Sections 8 to 18 and Schedules 2 to 4	01.12.2008	<a href="#">2008/3068</a>
Section 19(1) to (4) (partially)	01.12.2008	<a href="#">2008/3068</a>
Section 19(5)	01.12.2008	<a href="#">2008/3068</a>
Sections 20 to 30	01.12.2008	<a href="#">2008/3068</a>
Section 37	08.09.2008	<a href="#">2008/2358</a>
Sections 38 to 43	01.12.2008	<a href="#">2008/3068</a>
Section 44	08.09.2008	<a href="#">2008/2358</a>
Section 45	01.12.2008	<a href="#">2008/3068</a>
Sections 46 and 47	08.09.2008	<a href="#">2008/2358</a>
Section 48	01.12.2008	<a href="#">2008/3068</a>
Section 49	08.09.2008	<a href="#">2008/2358</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 50 and Schedule 5 (partially)	08.09.2008 and 01.12.2008	2008/2358 and 2008/3068
Section 51 and, partially, Schedules 6 and 7	08.09.2008	2008/2358
Sections 52 to 55	08.09.2008	2008/2358
Section 56 and Schedule 8 (partially)	08.09.2008 and 01.12.2008	2008/2358 and 2008/3068
Section 57	08.09.2008 and 01.12.2008	2008/2358 and 2008/3068
Section 58 (partially)	08.09.2008 and 01.12.2008	2008/2358 and 2008/3068
Section 59	08.09.2008	2008/2358
Section 64 (partially)	16.02.2009	2009/363
Sections 65 to 67 and, partially, Schedules 6 and 7	08.09.2008	2008/2358
Sections 68 to 71 (partially)	08.09.2008	2008/2358
Section 72	08.09.2008	2008/2358
Sections 73 to 80 (partially)	08.09.2008	2008/2358
Section 81	08.09.2008	2008/2358
Sections 82 to 85	08.09.2008	2008/2358
Section 86 (partially)	08.09.2008	2008/2358
Sections 87 to 92	08.09.2008	2008/2358
Section 93 (partially)	08.09.2008	2008/2358
Section 95 (partially)	08.09.2008	2008/2358
Sections 96 to 98 (partially)	08.09.2008	2008/2358
Sections 99 to 104	08.09.2008	2008/2358
Section 105	08.09.2008	2008/2358
Section 112 (partially)	08.09.2008	2008/2358
Section 113 (partially)	08.09.2008	2008/2358
Section 114 (partially)	08.09.2008	2008/2358
Section 116 (partially)	08.09.2008	2008/2358
Section 117 (partially)	08.09.2008	2008/2358
Section 119 (partially)	08.09.2008	2008/2358
Section 127 (partially)	08.09.2008	2008/2358
Section 131 (partially)	08.09.2008	2008/2358
Section 174 (partially)	08.09.2008	2008/2358
Sections 192 to 197	08.09.2008	2008/2358
Section 198 (partially)	08.09.2008	2008/2358



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 202 (partially)	08.09.2008	2008/2358
Section 212 (partially)	08.09.2008	2008/2358
Section 214 (partially)	08.09.2008	2008/2358
Section 215 (partially)	08.09.2008	2008/2358
Section 216	08.09.2008	2008/2358
Section 275 (partially)	08.09.2008	2008/2358
Section 276 (partially)	08.09.2008	2008/2358
Section 277 and Schedule 9 (partially)	08.09.2008 and 01.12.2008	2008/2358 and 2008/3068
Sections 295 and 296	01.12.2008	2008/3068
Section 297	01.01.2009	2008/3068
Section 298	01.12.2008 and 01.01.2009	2008/3068
Section 299 and Schedule 11 (partially)	01.12.2008	2008/3068
Sections 301, 302 and 303 and Schedule 12 (partially)	01.12.2008	2008/3068
Sections 308 and 309 (partially)	01.12.2008	2008/3068
Section 311 and Schedule 14	01.12.2008	2008/3068
Section 315 (partially)	01.12.2008	2008/3068
Section 317	08.09.2008	2008/2358
Section 321 and Schedule 16 (partially)	08.09.2008	2008/2358