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STATUTORY INSTRUMENTS

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**2012 No. 2029 (C. 80)**

**TOWN AND COUNTRY PLANNING, ENGLAND  
HOUSING, ENGLAND**

**The Localism Act 2011 (Commencement No. 7 and  
Transitional, Saving and Transitory Provisions) Order 2012**

*Made - - - - 2nd August 2012*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 240(2) and (7) of the Localism Act 2011<sup>(1)</sup>, makes the following Order.

**Citation and interpretation**

1. This Order may be cited as the Localism Act 2011 (Commencement No. 7 and Transitional, Saving and Transitory Provisions) Order 2012.

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(2)</sup>;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004<sup>(3)</sup>;

“the Act” means the Localism Act 2011;

“business referendum” means an additional referendum<sup>(4)</sup> which, by virtue of paragraph 15(1) of Schedule 4B to the 1990 Act, must be held on the making of a neighbourhood development order or neighbourhood development plan;

“the commencement date” means the day after the day on which this Order is made; and

“corresponding residential referendum” means a referendum which, by virtue of paragraph 14 of Schedule 4B to the 1990 Act, must be held on the making of the same neighbourhood development order or neighbourhood development plan as the business referendum.

**Provisions coming into force on the commencement date in relation to England and Wales**

3. Subject to article 5, the following provisions of the Act (so far as they are not yet in force) come into force in relation to England and Wales on the commencement date—

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(1) 2011 c. 20.

(2) 1990 c. 8.

(3) 2004 c. 5.

(4) Additional referendums are referred to in paragraph 12(4) of Schedule 4B to the 1990 Act.

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- (a) sections 116 and 121 and Schedules 9 to 12, but not for the purpose of holding a business referendum and its corresponding residential referendum under paragraphs 14 and 15 of Schedule 4B to the 1990 Act in a neighbourhood area which has been designated as a business area under section 61H of the 1990 Act<sup>(5)</sup>; and
- (b) Part 23 of Schedule 25 and section 237, so far as relating to that Part.

### **Revocation**

4. Article 12 of the Localism Act 2011 (Commencement Order No. 4 and Transitional, Transitory and Saving Provisions) Order 2012<sup>(6)</sup> is revoked with effect from the commencement date.

### **Neighbourhood planning: referendums in business areas**

5. Where a neighbourhood area has been designated as a business area under section 61H of the 1990 Act the duty to hold a business referendum and its corresponding residential referendum as to the making of a neighbourhood development order or a neighbourhood development plan imposed by paragraph 12(4) of Schedule 4B to the 1990 Act<sup>(7)</sup> does not apply until regulations in relation to the conduct of business referendums are made under paragraph 16 of Schedule 4B to the 1990 Act.

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

*Grant Shapps*  
Minister of State  
Department for Communities and Local  
Government

2nd August 2012

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(5) Section 61H and Schedule 4B were inserted into the 1990 Act by paragraph 2 of Schedule 9 to, and Schedule 10 to, the Localism Act 2011.

(6) [S.I. 2012/628](#).

(7) Section 61H and Schedule 4B were inserted into the 1990 Act by paragraph 2 of Schedule 9 to, and Schedule 10 to, the Localism Act 2011. Those provisions are applied to neighbourhood development plans by virtue of section 38 A of the Planning and Compulsory Purchase Act 2004 (c. 5).

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## EXPLANATORY NOTE

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

This Order brings into force various provisions of the Localism Act 2011 (c. 20) in relation to England and Wales.

Article 3 brings into force—

sections 116 and 121 and Schedules 10, 11 and 12 (neighbourhood planning) (partially),

Part 23 of the Schedule 25 (housing tenure).

Article 4 makes a consequential revocation of a previous transitional provision relating to neighbourhood planning in a previous commencement order.

Article 5 makes transitional, saving and transitory provisions in relation to neighbourhood planning. It provides that in an area designated as a business area the duty to hold a referendum or an additional referendum does not apply until regulations are made in relation to the holding of business referendums in such areas.

## 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>
Section 1 partially and Schedule 1 as to England	18th February 2012	2012/411
	4th April 2012	2012/1008
Sections 2 to 7 as to England	18th February 2012	2012/411
Section 8 as to England and Wales	3rd December 2011	2011/2896
	18th February 2012	2012/411
Sections 9 and 10 partially as to England and Wales	18th February 2012	2012/411
Sections 11 to 14 as to England and Wales	18th February 2012	2012/411
Sections 15 to 19 as to England and Wales	3rd December 2011	2011/2896
	15th January 2012	2012/57
Section 20 partially as to England and Wales	3rd December 2011	2011/2896
	15th January 2012	2012/57
Section 21 and Schedule 2 as to England and Wales	3rd December 2011	2011/2896
	15th January 2012	2012/57
	9th March 2012	2012/628

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	4th May 2012	2012/1008
Section 22 and Schedule 3 as to England and Wales	15th January 2012	2012/57
	9th March 2012	2012/628
	4th May 2012	2012/1008
Section 24 as to England and Wales	15th January 2012	2012/57
Section 26 and Schedule 4 partially as to England and Wales	31st January 2012	2012/57
	1st April 2012	2012/628
	7th June 2012	2012/1463
	1st July 2012	2012/1463
Sections 27 to 29 partially as to England and Wales	7th June 2012	2012/1463
	1st July 2012	2012/1463
Section 30 partially as to England and Wales	31st January 2012	2012/57
Section 30 as to England and Wales so far as not yet in force	1st July 2012	2012/1463
Sections 31 and 33 partially as to England and Wales	7th June 2012	2012/1463
	1st July 2012	2012/1463
Section 35 partially as to England and Wales	7th June 2012	2012/1463
Section 36 partially as to England and Wales	15th January 2012	2012/57
Section 46 as to England	1st April 2012	2012/628
Sections 48 to 57 as to England, Wales, Scotland and Northern Ireland	31st May 2012	2012/1008
Section 68 and 69 as to England	3rd December 2011	2011/2896
	15th January 2012	2012/57
	1st April 2012	2012/628
Section 70 as to England and Wales	15th January 2012	2012/57
Sections 72 to 79 and Schedules 5 to 7 as to England and Wales	3rd December 2011	2011/2896
Sections 81 to 85 partially as to England and Wales	27th June 2012	2012/1463
Section 115 as to England and Wales	15th January 2012	2012/57
Sections 116 and 121 and Schedules 9 to 12 partially as to England and Wales	15th January 2012	2012/57
	6th April 2012	2012/628
Sections 123 to 127 as to England and Wales	15th January 2012	2012/57

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	6th April 2012	2012/628
Sections 128 to 142 and Schedule 13 as to England, Wales and Scotland	15th January 2012	2012/57
	1st April 2012	2012/628
Section 145 to 147 partially as to England and Wales	15th January 2012	2012/57
	7th June 2012	2012/1463
Sections 150 to 153 as to England and Wales	15th January 2012	2012/57
	18th June 2012	2012/1463
	15th January 2013	2012/1008
Sections 154 and 155 as to England and Wales	15th January 2012	2012/57
	1st April 2012	2012/628
Sections 156 to 161 and Schedule 14 as to England and Wales	15th January 2012	2012/57
	1st April 2012	2012/628
	4th April 2012	2012/1008
Section 162 partially as to England and Wales	1st April 2012	2012/628
Sections 163 and 164	1st April 2012	2012/628
Section 165 partially as to England and Wales	15th January 2012	2012/57
Section 165 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 166 as to England and Wales	1st April 2012	2012/628
Section 176 as to England and Wales	15th January 2012	2012/57
Sections 178 and 179 and Schedules 16 and 17 as to England and Wales	15th January 2012	2012/57
	1st April 2012	2012/628
Section 184 as to England and Wales	6th April 2012	2012/628
Section 185 as to England and Wales	1st April 2012	2012/628
Sections 186 to 195 as to England and Wales	15th January 2012	2012/57
	31st March 2012	2012/628
	1st April 2012	2012/628
	3rd May 2012	2012/1008
Section 197 partially as to England and Wales	15th January 2012	2012/57
Sections 223 to 231 and Schedule 23 as to England and Wales	15th January 2012	2012/57
	3rd May 2012	2012/1008

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 232 as to England and Wales	6th April 2012	<a href="#">2012/628</a>
Section 233 and Schedule 24 as to England and Wales	30th March 2012	<a href="#">2012/628</a>
Section 237 partially and Parts 1, 2 (partially), 3 to 5, 7, 9 to 13, 18 to 21, 26, 27, and 30 to 34 of Schedule 25 as to England and Wales	15th January 2012	<a href="#">2012/57</a>
	31 January 2012	<a href="#">2012/57</a>
	18th February 2012	<a href="#">2012/411</a>
	9th March 2012	<a href="#">2012/628</a>
	31st March 2012	<a href="#">2012/628</a>
	1st April 2012	<a href="#">2012/628</a>
	4th April 2012	<a href="#">2012/1008</a>
	6th April 2012	<a href="#">2012/628</a>
	3rd May 2012	<a href="#">2012/1008</a>
	7th June 2012	<a href="#">2012/1463</a>