STATUTORY INSTRUMENTS

2017 No. 75 (C. 8)

ACQUISITION OF LAND, ENGLAND AND WALES
HOUSING, ENGLAND

The Housing and Planning Act 2016 (Commencement No. 4 and Transitional Provisions) Regulations 2017

Made - - - - 30th January 2017

The Secretary of State, in exercise of the powers conferred by sections 212 and 216(3) to (5) of the Housing and Planning Act 2016(**1**), makes the following Regulations:

Citation and interpretation

1. These Regulations may be cited as the Housing and Planning Act 2016 (Commencement No. 4 and Transitional Provisions) Regulations 2017.

2. In these Regulations—

"the Act" means the Housing and Planning Act 2016;

"confirming authority" has the same meaning as in section 7(1) of the Acquisition of Land Act 1981(**2**);

"special enactment" means—

(a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act, or

(b) a provision which—

(i) is contained in an Act other than a local or private Act, and

(ii) authorises the compulsory purchase of land specifically identified in that Act.

Provisions coming into force on 3rd February 2017

3. The following provisions of the Act come into force on 3rd February 2017—

(a) section 93 (reducing local authority influence over private registered providers);

(**1**) 2016 c. 22.
(**2**) 1981 c. 67.

(b) section 94 (recovery of social housing assistance: successors in title);

(c) section 102(2) to (6) (conduct of administration etc);

(d) sections 184 and 185 (vesting declarations: procedure);

(e) sections 186 to 189 (possession following notice to treat etc);

(f) section 191 (extended notice period for taking possession following vesting declaration);

(g) section 199(1) and Schedule 17 (objection to division of land following notice to treat);

(h) section 200 (objection to division of land: blight notices);

(i) paragraphs 1 to 3 of Schedule 15 (amendments to the Acquisition of Land Act 1981), and section 183 in so far as it relates to those paragraphs, in so far as not already in force, except in relation to a compulsory purchase order which is made by, or for which the confirming authority is, the Welsh Ministers;

(j) paragraphs 4 to 7 of Schedule 15 (amendments to the Compulsory Purchase (Vesting Declarations) Act 1981), and section 183 in so far as it relates to those paragraphs, except in relation to a compulsory purchase order, or any other order which authorises the compulsory purchase of land, which is made by, or for which the confirming authority is, the Welsh Ministers;

(k) paragraphs 1 to 9 of Schedule 18 (objection to division of land following vesting declaration), and section 199(2) in so far as it relates to those paragraphs.

Provisions coming into force on 6th April 2017

4. Section 92 (reducing social housing regulation) of, and Schedule 4 to, the Act come into force on 6th April 2017.

Transitional provisions: compulsory purchase

5.—(1) The amendments made by the relevant provisions of the Act, in so far as they are brought into force by regulation 3, only apply in relation to a compulsory purchase of land which is authorised on or after 3rd February 2017.

(2) The relevant provisions are—

(a) sections 184 to 189;

(b) section 191;

(c) paragraphs 1 to 7 of Schedule 15;

(d) paragraphs 1 to 3 and 5 to 8 of Schedule 17;

(e) paragraphs 1 to 8 of Schedule 18.

(3) For the purposes of this regulation, a compulsory purchase of land is authorised—

(a) by a compulsory purchase order, on the day on which the order is—

(i) confirmed by a Minister, the Welsh Ministers or another authority; or

(ii) made by a Minister or the Welsh Ministers.

(b) by an order under section 1 or 3 of the Transport and Works Act 1992(**3**), on the day on which the Secretary of State or the Welsh Ministers determine under section 13(1) of that Act to make the order;

(**3**) 1992 c. 42.

(c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(**4**), on the day on which the order is made by a Minister, the Welsh Ministers or a person who is designated in an order made under section 42A(**5**) of that Act;

(d) by any other order, on the day on which the order is made by a Minister or the Welsh Ministers; or

(e) by a special enactment, on the day on which the special enactment is enacted.

Transitional provision: disposal of property by private registered providers

6. On the coming into force of the repeal made by section 92 of and paragraph 15 of Schedule 4 to the Act, the Regulator of Social Housing is deemed to have consented to any purported disposal of property made before that date which would have required consent under section 172 of the Housing and Regeneration Act 2008(**6**).

Transitional provision: abolition of disposal proceeds funds

7.—(1) Paragraph 33 of Schedule 4 to the Act does not have effect, in relation to a private registered provider, until the earliest of—

(a) the date on which the funds in the private registered provider's disposal proceeds fund are fully exhausted; or

(b) the date on which the private registered provider notifies the Regulator of Social Housing that it is unable to use or allocate, or continue to use or allocate, funds in that private registered provider's disposal proceeds fund in accordance with a direction made by the Regulator; or

(c) 6th April 2020.

(2) Notwithstanding paragraph (1), a private registered provider which has a disposal proceeds fund on 6thApril 2017 shall not be required, under section 177 of the Housing and Regeneration Act 2008, to account for the proceeds of sale of any disposal after that date within its disposal proceeds account.

(3) If within the period set out at (1) a private registered provider (A) transfers its disposal proceeds fund to another private registered provider (B), then B's management of that fund shall be treated under (1) as it if were A.

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

Gavin Barwell
Minister of State
Department for Communities and Local Government

30th January 2017

(**4**) 1964 c. 40.
(**5**) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).
(**6**) 2008 c. 17.