STATUTORY INSTRUMENTS

2016 No. 950

TOWN AND COUNTRY PLANNING, ENGLAND

The Self-build and Custom Housebuilding Regulations 2016

Made - - - -	*6th October 2016*
Laid before Parliament	*10th October 2016*
Coming into force - -	*31st October 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2B and 5 of, and paragraphs 1 to 4 of the Schedule to, the Self-build and Custom Housebuilding Act 2015(**1**).

Citation and commencement

1. These Regulations may be cited as the Self-build and Custom Housebuilding Regulations 2016 and come into force on 31st October 2016.

Interpretation

2. In these Regulations—

"the Act" means the Self-build and Custom Housebuilding Act 2015;

"association" means an association of individuals;

"development permission" has the meaning given in section 2A(5) of the Act(**2**);

"lead contact" means a member or officer of an association who acts on behalf of the association for the purposes of correspondence with a relevant authority(**3**);

"local connection test" has the meaning given in regulation 5(2);

"member" in relation to an association which is a body corporate refers to a person who is a member of the association and not to a member of the body corporate; and

"register" means the register that a relevant authority is required to keep under section 1(1) of the Act (register of persons seeking to acquire land to build a home).

(**1**) 2015 c.17; there are amendments to the Act made by the Housing and Planning Act 2016 (c.22) including the insertion of section 2B and amendments to section 5 and to paragraph 3 of the Schedule.
(**2**) Section 2A was inserted by the Housing and Planning Act 2016.
(**3**) See section 1 of the Act for the meaning of "relevant authority".

Definition of a serviced plot of land

3. For the purpose of section 5 of the Act (interpretation)(**4**) a plot of land is a serviced plot of land if it can, in the opinion of a relevant authority, be provided with the things mentioned in paragraph (a) of the definition of that expression, within the period before any development permission granted in relation to that land expires.

Eligibility for entry in the register

4.—(1) Where a relevant authority sets eligibility criteria under regulation 5 (local eligibility conditions) the register kept by that authority must be divided into two parts, referred to in these Regulations as Part 1 and Part 2 of the register.

(2) Where a relevant authority does not set any eligibility criteria under regulation 5, references in these Regulations to Part 1 of the register are to be treated as a reference to the register kept by that authority.

(3) An individual is eligible for entry in Part 1 of the register if that individual—

(a) is aged 18 or over;

(b) is a British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland;

(c) satisfies any conditions set by the relevant authority under regulation 5 (local eligibility conditions);

(d) has paid any fee required by the relevant authority to be paid to be entered in or to remain on the register; and

(e) is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding.

(4) An association is eligible for entry in Part 1 of the register if each member of the association meets all of the eligibility requirements set out in paragraph (3).

(5) An individual is eligible for entry in Part 2 of the register if that individual meets all of the eligibility requirements set out in paragraph (3) apart from a local connection test.

(6) An association is eligible for entry in Part 2 of the register if all the members of the association meet all of the eligibility requirements set out in paragraph (3) apart from one or more who do not meet a local connection test but meet all the other requirements.

Local eligibility conditions

5.—(1) A relevant authority may set criteria for eligibility for entry in the register in accordance with this regulation.

(2) A relevant authority may set a criterion whereby only individuals who meet such conditions as the authority reasonably considers demonstrate that the individual has sufficient connection with the authority's area, are eligible ("a local connection test").

(3) A local connection test must include provision that any person in the service of the regular armed forces of the Crown is deemed to satisfy the test whilst in service and for a period after leaving service equal to the length of the longest of any periods required by the test for a condition to be satisfied.

(4) A relevant authority may set a criterion whereby only individuals who can demonstrate that they will have sufficient resources to purchase land for their own self-build and custom housebuilding, are eligible.

(**4**) The definition of "serviced plot of land" was substituted by the Housing and Planning Act 2016.

(5) A relevant authority which sets any criteria under this regulation must publicise those criteria in the same manner as it publicises the register under section 1(2) of the Act.

(6) In this regulation, "regular armed forces of the Crown" means the regular forces within the meaning of section 374 of the Armed Forces Act 2006(**5**).

Application for entry in the register

6.—(1) An application for entry in the register must be made in writing and include—

(a) if the applicant is an individual—

(i) the name, address, date of birth and nationality of the individual,

(ii) confirmation that the individual is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding, and

(iii) such information as the authority requires to establish whether any local eligibility conditions applicable are met;

(b) if the applicant is an association—

(i) the name and address of the association,

(ii) the name and address, date of birth and nationality of each member of the association,

(iii) confirmation that each member of the association is seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding,

(iv) the name and address (if different from the address of the association) of the lead contact,

(v) the number of serviced plots of land in the relevant authority's area the members of the association are seeking to acquire, and

(vi) such information as the authority requires to establish whether any local eligibility conditions applicable are met.

(2) An individual or association entered on the register may apply to amend that entry and these Regulations apply to such an application as they do to an application for entry in the register with references to an entry in the register being read as references to the amendment of that entry.

Determination of applications

7.—(1) A relevant authority must determine an application for entry in the register within 28 days of the date that the application is received.

(2) Where a relevant authority determines that an applicant is eligible for entry in Part 1 of the register, the authority must notify the applicant.

(3) Where a relevant authority determines than an applicant is not eligible for entry in Part 1 of the register, that authority must notify the applicant and give reasons why the applicant is eligible only for entry in Part 2 of the register, or not eligible for entry in the register, as the case may be.

(4) Notification under paragraph (2) or (3) must be in writing and sent within 28 days of the date of the determination to—

(a) in the case of an individual, the individual;

(b) in the case of an association, the lead contact or such other person as the authority considers to be acting on behalf of the association.

(**5**) 2006 c. 52.