STATUTORY INSTRUMENTS

2016 No. 733 (C. 53)

HOUSING, ENGLAND
TOWN AND COUNTRY PLANNING, ENGLAND
ACQUISITION OF LAND, ENGLAND AND WALES

The Housing and Planning Act 2016 (Commencement No.2, Transitional Provisions and Savings) Regulations 2016

Made - - - - 11th July 2016

The Secretary of State, in exercise of the powers conferred by sections 212 and 216(3) of the Housing and Planning Act 2016(**1**) and section 104 of the Deregulation Act 2015(**2**), makes the following Regulations:

Citation and Interpretation

1. These Regulations may be cited as the Housing and Planning Act 2016 (Commencement No.2, Transitional Provisions and Savings) Regulations 2016.

2. In these Regulations, "the Act" means the Housing and Planning Act 2016.

Provisions coming into force on 13th July 2016

3. The following provisions of the Act come into force on 13th July 2016—

(a) section 12 (self-build and custom housebuilding: further and consequential amendments);

(b) section 66 (voluntary right to buy: monitoring compliance);

(c) sections 143 and 144 (local planning);

(d) section 150(4) and 150(5) (permission in principle for development of land) and Schedule 12, excluding paragraph 27;

(e) section 152(2) to 152(4) (approval condition where development order grants permission for building);

(**1**) 2016 c.22.
(**2**) 2015 c.20.

(f) section 154 (planning freedoms: right for local areas to request alterations to planning system);

(g) sections 169 and 170 (new towns);

(h) sections 172 to 179 (right to enter and survey land) and Schedule 14;

(i) section 182 (time limits for notice to treat or general vesting declaration);

(j) section 190 and Schedule 16 (abolition of alternative possession procedure following notice to treat);

(k) section 201 (power to quash decision to confirm compulsory purchase order);

(l) section 202 (extension of compulsory purchase time limit during challenge);

(m) sections 203 to 206 (power to override easements and other rights) and Schedule 19 (amendments to do with sections 203 and 204).

Provisions coming into force on 1st October 2016

4.—(1) The following provisions of the Act come into force on 1st October 2016—

(a) section 132 (estate agents: lead enforcement authority);

(b) sections 141 and 142 (neighbourhood planning);

(c) section 145(1) to 145(4) (intervention by Secretary of State);

(d) section 146 (Secretary of State's default powers);

(e) section 147 and Schedule 11 (default powers exercisable by Mayor of London or combined authority);

(f) section 148 (costs of independent examinations held by Secretary of State);

(g) section 156 (local planning authorities: information about neighbourhood development plans);

(h) section 171 (sustainable drainage).

(2) For the purposes of the reference to "a report of the kind mentioned in section 75ZA(1)" in subsection (1)(a) of section 75ZB inserted in the Town and Country Planning Act 1990(**3**) ("the 1990 Act") by section 156 of the Act, section 155 of the Act (which inserts section 75ZA in the 1990 Act) is treated as if it were in force.

Provisions coming into force on 31stOctober 2016

5. Sections 9, 10 and 11 of the Act (self-build and custom housebuilding) come into force on 31st October 2016.

Saving and transitional provisions

6.—(1) The amendments made by section 179 of, and Schedule 14 to, the Act (right to enter and survey land: consequential amendments) do not apply in relation to a case where a person is authorised to enter and survey or value land under any of the relevant provisions and gives notice of the intended entry to the owner or occupier of the land before 13th July 2016.

(2) The relevant provisions are—

(a) section 16(1) of the Defence Act 1842(**4**);

(**3**) 1990 c.8.
(**4**) 1842 c. 94; section 16(1) was amended by the Statute Law Revision (No 2) Act 1888 (c. 57) and by S.I. 2006/1177.

(b) section 25(1) of the Coast Protection Act 1949(**5**);

(c) section 108(1) of the National Parks and Access to the Countryside Act 1949(**6**);

(d) section 21(1) of the Land Powers (Defence) Act 1958(**7**);

(e) section 26(1) of the Caravan Sites and Control of Development Act 1960(**8**);

(f) section 60(1) of the Criminal Justice Act 1972(**9**);

(g) paragraph 14(1) of Schedule 4 to the Welsh Development Agency Act 1975(**10**);

(h) section 15(1) of the Local Government (Miscellaneous Provisions) Act 1976(**11**);

(i) section 43(1) of the Ancient Monuments and Archaeological Areas Act 1979(**12**);

(j) section 167(1) of the Local Government, Planning and Land Act 1980(**13**);

(k) section 289(1) of the Highways Act 1980(**14**);

(l) section 73(1) of the New Towns Act 1981(**15**);

(m) section 50(2) of the Civil Aviation Act 1982(**16**);

(n) section 14(6) of the Industrial Development Act 1982(**17**);

(o) section 54(1)(a) of the Housing Act 1985(**18**);

(p) section 97(1)(a) of the Local Government and Housing Act 1989(**19**);

(q) paragraph 10(1) of Schedule 4 to the Electricity Act 1989(**20**);

(r) section 324(6) of the Town and Country Planning Act 1990(**21**);

(s) section 88(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**22**);

(t) section 64(1)(a) or (b) of the Land Drainage Act 1991(**23**);

(u) section 169(1) of the Water Industry Act 1991(**24**);

(v) section 171(1) of the Water Resources Act 1991(**25**);

(w) paragraph (2)(1) of Schedule 6 to the Postal Services Act 2000(**26**);

(**5**) 1949 c. 74; section 25(1) was amended by the Flood and Water Management Act 2010 (c. 29), section 31 and Schedule 2, paragraphs 1 and 18.
(**6**) 1949 c. 97; section 108(1) was amended by the Highways Act 1959 (c. 25), section 312(2) and Schedule 25, and by the London Government Act 1963 (c. 33), sections 16(2) and 93(1) and Schedule 6, paragraph 70, and Schedule 18, Part 2.
(**7**) 1958 c. 30.
(**8**) 1960 c. 62.
(**9**) 1972 c. 71.
(**10**) 1975 c. 70; paragraph 14(1) of Schedule 4 was amended by S.I. 2005/3226.
(**11**) 1976 c. 57. Paragraph 1(2)(b) of Schedule 8 to the Environment Act 1995 (c. 25) provides that section 15 of the Local Government (Miscellaneous Provisions) Act 1976 applies in relation to a National Park Authority as if the authority were a local authority for the purposes of that Act.
(**12**) 1979 c. 46.
(**13**) 1980 c. 65.
(**14**) 1980 c. 66.
(**15**) 1981 c. 64.
(**16**) 1982 c. 16.
(**17**) 1982 c. 52; section 14(6) was amended by the Planning (Consequential Provisions) Act 1990 (c. 11), section 4 and Schedule 2, paragraph 57.
(**18**) 1985 c. 68.
(**19**) 1989 c. 42.
(**20**) 1989 c. 29.
(**21**) 1990 c. 8.
(**22**) 1990 c. 9.
(**23**) 1991 c. 59.
(**24**) 1991 c. 56.
(**25**) 1991 c. 57; section 171(1) was amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 128, and by S.I. 2013/755.
(**26**) 2000 c. 26.