Draft Order laid before Parliament under section 106A(4)(a) of the Housing Grants, Construction and Regeneration Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. XXXX

CONSTRUCTION, ENGLAND

The Construction Contracts (England) Exclusion Order 2011

Made - - - -	*xxx*
Coming into force - -	*1st October 2011*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 106A(1) and 146 of the Housing Grants, Construction and Regeneration Act 1996(**1**) ("the Act").

In accordance with section 106A(4)(a) of the Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) This Order may be cited as the Construction Contracts (England) Exclusion Order 2011 and comes into force on 1st October 2011.

(2) This Order does not apply to a construction contract to the extent that it relates to the carrying out of construction operations in Wales.

Interpretation

2. In this Order—

"the Act" means the Housing Grants, Construction and Regeneration Act 1996; and

the reference to a "relevant contract" is to a contract excluded from the operation of Part 2 of the Act pursuant to Article 4 of the Construction Contracts (England and Wales) Exclusion Order 1998(**2**).

Private finance initiative sub-contracts

3. A construction contract is excluded from the operation of section 110(1A) of the Act(**3**) if it is a contract pursuant to which a party to a relevant contract has sub-contracted to a third party some

(**1**) 1996 c.53; section 106A(1) was inserted by section 138(3) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
(**2**) S.I. 1998/648, to which there are amendments not relevant to this Order.
(**3**) Section 110(1A) was inserted by section 142(2) of the Local Democracy, Economic Development and Construction Act 2009.