
STATUTORY INSTRUMENTS

2017 No. 281 (C. 26)

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

The Housing and Planning Act 2016 (Commencement No. 5, Transitional Provisions and Savings) Regulations 2017

Made - - - - *6th March 2017*

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

Citation and interpretation

1. These Regulations may be cited as the Housing and Planning Act 2016 (Commencement No. 5, Transitional Provisions and Savings) Regulations 2017.
2. In these Regulations “the Act” means the Housing and Planning Act 2016.

Provisions coming into force on 10th March 2017

3. The following provisions of the Act come into force on 10th March 2017—
 - (a) section 47(3) (enforcement of rent repayment orders);
 - (b) paragraph 7 of Schedule 9 (financial penalty as alternative to prosecution) and section 126 in so far as it relates to that paragraph for the purpose only of making regulations under section 249A(7) of the Housing Act 2004⁽²⁾.

Provisions coming into force on 6th April 2017

4. The following provisions of the Act come into force on 6th April 2017—

(1) 2016 c. 22.

(2) Section 249A was inserted by paragraph 7 of Schedule 9 of the Housing and Planning Act 2016.

- (a) sections 40 to 46 (rent repayment orders) for the purpose only of conferring power on the First-tier Tribunal to make a rent repayment order where a landlord has committed an offence mentioned in rows 1 to 6 of the table in section 40(3);
- (b) section 48 (duty to consider applying for rent repayment orders) for the purpose only of requiring a local housing authority to consider applying for a rent repayment order where a landlord has committed an offence mentioned in rows 1 to 6 of the table in section 40(3);
- (c) sections 47(1) and (2) and 49 to 52 (further provisions relating to rent repayment orders);
- (d) section 53 (appeals from the first-tier tribunal);
- (e) sections 54 to 56 (interpretation of Part 2 of the Act);
- (f) section 126 and Schedule 9 (financial penalty as alternative to prosecution under the Housing Act 2004) in so far as not already in force;
- (g) sections 128 and 129 (housing information in England);
- (h) section 131 (limitation of administration charges: costs of proceedings);
- (i) section 160 (development consent for projects that involve housing);
- (j) section 183 and paragraphs 1 to 7 of Schedule 15 (notice of general vesting declaration procedure) in so far as not already in force;
- (k) section 196(3) (interest on advance payments of compensation paid late) for the purpose only of making regulations under section 52B(4) of the Land Compensation Act 1973⁽³⁾.

Transitional and saving provisions: rent repayment orders

5.—(1) Subject to paragraph (2), sections 40, 41, 43 and 48 of the Act (so far as brought into force by regulation 4(a) and (b)) only apply in relation to an offence which was committed on or after 6th April 2017.

(2) Sections 40, 41, 43 and 48 of the Act (so far as brought into force by regulation 4(a) and (b)) and the amendments made by section 50 of the Act (which are brought into force by regulation 4(c)) do not apply in relation to an offence under section 72(1) or 95(1) of the Housing Act 2004⁽⁴⁾ where —

- (a) the offence was wholly committed before 6th April 2017; or
- (b) the commission of the offence started before 6th April 2017 and ended no later than 5th April 2018.

Saving provision: limitation of administration changes (costs of proceedings)

6. The amendment made by section 131 of the Act (which is brought into force by regulation 4(h)) does not apply in relation to litigation costs incurred, or to be incurred, in connection with proceedings begun before 6th April 2017.

Transitional provision: development consent for projects that involve housing

7.—(1) The amendments made by section 160 of the Act (which are brought into force by regulation 4(i)) do not apply to a pre-commencement application.

(2) In this regulation “pre-commencement application” means an application made before 6th April 2017—

⁽³⁾ 1973 c. 26. Section 52B was inserted by section 196(3) of the Housing and Planning Act 2016.

⁽⁴⁾ 2004 c. 34.

- (a) under section 37 of the Planning Act 2008⁽⁵⁾ (applications for orders granting development consent), or
- (b) under Schedule 6 to the Planning Act 2008⁽⁶⁾ (changes to, and revocation of, orders granting development consent).

Transitional provisions: compulsory purchase

8.—(1) The amendments made by paragraphs 1 to 3 of Schedule 15 to the Act, in so far as they are brought into force by regulation 4(j), do not apply in relation to a compulsory purchase order which is made by the Welsh Ministers, or confirmed by the Welsh Ministers or an authorised authority, before 6th April 2017.

(2) The amendments made by paragraphs 4 to 7 of Schedule 15 to the Act, in so far as they are brought into force by regulation 4(j), do not apply in relation to a compulsory purchase of land which is authorised by—

- (a) a compulsory purchase order which is made by the Welsh Ministers, or confirmed by the Welsh Ministers or an authorised authority, before 6th April 2017;
 - (b) an order under section 1 or 3 of the Transport and Works Act 1992⁽⁷⁾ which is, before 6th April 2017, determined to be made by the Welsh Ministers under section 13(1) of that Act; or
 - (c) any other relevant order which is made by the Welsh Ministers before 6th April 2017.
- (3) In this regulation—

“authorised authority” means an authority who is authorised to confirm the order instead of the Welsh Ministers under section 14A of the Acquisition of Land Act 1981⁽⁸⁾;

“relevant order” means an order which provides that the Compulsory Purchase (Vesting Declarations) Act 1981⁽⁹⁾ is to apply to the compulsory purchase of land which it authorises as if the order were a compulsory purchase order.

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

6th March 2017

Gavin Barwell
Minister of State
Department for Communities and Local
Government

⁽⁵⁾ 2008 c. 29. Section 37 was amended by the Localism Act 2011.

⁽⁶⁾ Schedule 6 was amended by the Marine and Coastal Access Act 2009, the Localism Act 2011, the Infrastructure Act 2015, S.I. 2009/1307 and S.I. 2011/1043.

⁽⁷⁾ 1992 c. 42.

⁽⁸⁾ 1981 c. 67. Section 14A was inserted by section 102 of the Planning and Compulsory Purchase Act 2004 (c. 5).

⁽⁹⁾ 1981 c. 66.