



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 4

#### SUPPLEMENTARY AND FINAL PROVISIONS

#### **320 Orders and regulations**

- (1) The power of the Secretary of State, the Treasury or the Welsh Ministers to make orders or regulations under this Act—
  - (a) is exercisable by statutory instrument,
  - (b) may be exercised so as to make provision generally or subject to exceptions or only in relation to specified cases or circumstances or descriptions of case,
  - (c) may be exercised so as to make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas, and
  - (d) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) Subsection (1) does not apply to orders under—
  - (a) paragraph 3 of Schedule 3, or
  - (b) Schedule 4.
- (3) An instrument containing—
  - (a) an order under section 13, 114 or 229,
  - (b) an order of the Secretary of State under section 321,
  - (c) an order of the Secretary of State under paragraph 19(4), 21(2) or (4) or 24 of Schedule 11,
  - (d) regulations under section 70 or 72, or
  - (e) regulations of the Secretary of State under section 280(3) or 291,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

*Status: Point in time view as at 01/12/2008.*

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- (4) Subsection (3) does not apply to an instrument containing an order under section 321 if the order does not amend or repeal a provision of a public general Act.
- (5) If a draft of an instrument containing an order under section 13 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.
- (6) An instrument containing an order under section 23 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.
- (7) An instrument containing—
- (a) an order under section 36 or Part 2 (excluding sections 114 and 229),
  - (b) an order of the Secretary of State under section 321 to which subsection (3) above does not apply,
  - (c) an order of the Secretary of State under paragraph 16(7), 18(4), 22(2) or 23(2) of Schedule 11,
  - (d) regulations under Part 2 (excluding sections 70 and 72),
  - (e) regulations of the Secretary of State under Chapter 1 of Part 3 (including Schedule 10 but excluding sections 280(3) and 291),
  - (f) regulations of the Secretary of State under section 298, or
  - (g) regulations under Part 3 of Schedule 3,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) An instrument containing—
- (a) an order of the Welsh Ministers under section 321,
  - (b) an order of the Welsh Ministers under paragraph 19(4), 21(2) or (4) or 24 of Schedule 11, or
  - (c) regulations of the Welsh Ministers under section 280(3) or 291,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (9) Subsection (8) does not apply to an instrument containing an order under section 321 if the order does not amend or repeal a provision of a public general Act.
- (10) An instrument containing—
- (a) an order of the Welsh Ministers under section 321 to which subsection (8) above does not apply,
  - (b) an order of the Welsh Ministers under paragraph 16(7), 18(4), 22(2) or 23(2) of Schedule 11,
  - (c) regulations of the Welsh Ministers under Chapter 1 of Part 3 (including Schedule 10 but excluding section 280(3) or 291), or
  - (d) regulations of the Welsh Ministers under section 298,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

### **321 Consequential amendments and repeals**

- (1) Schedule 16 (which contains repeals and revocations including repeals of spent enactments) has effect.

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- (2) The Secretary of State may by order make such supplementary, incidental or consequential provision as the Secretary of State considers appropriate for the general purposes, or any particular purpose, of this Act or in consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.
- (3) The power conferred by subsection (2) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including this Act and any Act passed in the same Session as this Act).
- (4) The power conferred by subsections (2) and (3) is also exercisable by the Welsh Ministers so far as it is exercisable in relation to matters with respect to which functions are exercisable by the Welsh Ministers.

#### Commencement Information

- I1** S. 321 partly in force; s. 321(2)-(4) in force at Royal Asset see s. 325(6); s. 321(1) in force for specified purposes at 22.9.2008 see s. 325(1)(2)(b)
- I2** S. 321(1) in force at 22.9.2008 for specified purposes by S.I. 2008/2358, art. 4(b)
- I3** S. 321(1) in force at 1.12.2008 for specified purposes by S.I. 2008/3068, art. 5, Sch. (with arts. 6-13)

### 322 Transitional, transitory or saving provision

- (1) The Secretary of State may by order make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act other than a Welsh provision.
- (2) The Welsh Ministers may by order make such transitional, transitory or saving provision as the Welsh Ministers consider appropriate in connection with the coming into force of any Welsh provision.
- (3) In this section “Welsh provision” means any provision of this Act so far as it is to be brought into force by an order of the Welsh Ministers.

### 323 Financial provisions

- (1) There is to be paid out of money provided by Parliament—
  - (a) any expenditure incurred by a Minister of the Crown by virtue of this Act, and
  - (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.
- (2) There is to be paid into the Consolidated Fund any sums received by a Minister of the Crown by virtue of this Act (apart from any sums required to be paid into the National Loans Fund).

### 324 Extent

- (1) Subject as follows, Parts 1 to 3 (including Schedules 1 to 15) and Schedule 16 extend to England and Wales only.
- (2) Any amendment, repeal or revocation made by this Act, other than one falling within subsection (3), has the same extent as the provision to which it relates.
- (3) The following fall within this subsection—

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- (a) the repeal in section 5 of the Mobile Homes Act 1983 (c. 34),
- (b) the repeals of sections 50 and 51 of the Housing Act 1988 (c. 50), and
- (c) the amendments of sections 52 to 54 and 59 of that Act.

### **325 Commencement**

- (1) Subject as follows, this Act comes into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.
- (2) The following provisions—
  - (a) sections 294, 304 to 307, 310, 312, 313 and 319 and Schedule 13, and
  - (b) section 321(1), and Schedule 16, so far as relating to the repeals in sections 125D(2), 128(2) and 136(2) of, and paragraph 13(5) of Schedule 5 to, the Housing Act 1985 (c. 68),
 come into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) Subsection (4) applies to the following provisions—
  - (a) Chapter 1 of Part 3 (including Schedule 10),
  - (b) sections 295 to 298, 300 to 303, 308, 309, 315 and 318 and Schedule 12, and
  - (c) section 321(1), and Schedule 16, so far as relating to repeals and revocations which are connected to the provisions mentioned in paragraph (b) above.
- (4) The provisions to which this subsection applies come into force—
  - (a) in relation to England, on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas, and
  - (b) in relation to Wales, on such day as the Welsh Ministers may by order appoint; and different days may be appointed for different purposes or different areas.
- (5) The Secretary of State must consult the Welsh Ministers before making an order under subsection (1) in relation to section 50(2) and Schedule 5 or section 299 and Schedule 11.
- (6) Subsection (1) does not apply to sections 320, 321(2) to (4), 322, 323 and 324, this section and section 326.

### **326 Short title**

This Act may be cited as the Housing and Regeneration Act 2008.

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