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STATUTORY INSTRUMENTS

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**1997 No. 1851 (C.75)**

**HOUSING, ENGLAND AND WALES**

**The Housing Act 1996 (Commencement  
No. 11 and Savings) Order 1997**

*Made* - - - - *25th July 1997*

The Secretary of State, in exercise of the powers conferred upon him by section 232(3) and (4) of the Housing Act 1996<sup>(1)</sup> and all other powers enabling him in that behalf, hereby makes the following Order—

**Citation and interpretation**

1.—(1) This Order may be cited as the Housing Act 1996 (Commencement No. 11 and Savings) Order 1997.

(2) In this Order “the commencement date” means 1st September 1997.

**Commencement**

2. Subject to the savings in the Schedule to this Order, the following provisions of the Housing Act 1996 shall come into force on the commencement date—

- (a) section 83 to the extent that it is not already in force,
- (b) section 86 to the extent that it is not already in force,
- (c) sections 152 to 154,
- (d) section 155(1) and (2) (except for subsection (2)(b)),
- (e) sections 157 and 158, and
- (f) section 227 in so far as it relates to the repeals to the Landlord and Tenant Act 1985<sup>(2)</sup> and the Arbitration Act 1996<sup>(3)</sup> in Part III of Schedule 19 to that Act.

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(1) 1996 c. 52.  
(2) 1985 c. 70.  
(3) 1996 c. 23.

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Signed by authority of the Secretary of State

25th July 1997

*Hilary Armstrong*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

## SCHEDULE

Article 2

### SAVINGS

#### Service charges

1. Section 83 of the Housing Act 1996 (determination of reasonableness of service charges) and the repeals referred to in article 2(f) (consequential repeals) shall not have effect in relation to any matter relating to—

- (a) a service charge (within the meaning of section 18 of the Landlord and Tenant Act 1985); or
- (b) paragraph 8 of the Schedule to the Landlord and Tenant Act 1985 (right to challenge landlord's choice of insurers)

where, before the commencement date, court proceedings have been begun, or a reference to arbitration has been made, in respect of that matter.

#### Appointment of manager

2. Section 86 of the Housing Act 1996 (appointment of manager: transfer of jurisdiction to leasehold valuation tribunal) shall not have effect—

- (a) in a case where an application is made to court for an order under section 24 of the Landlord and Tenant Act 1987<sup>(4)</sup> (appointment of manager), which is not an application for an order varying or discharging a previous order under that section, and—
  - (i) notice has been served under section 22 of that Act (preliminary notice by tenant) before the commencement date, or
  - (ii) an application has been made to the court before the commencement date for the requirement to serve such a notice to be dispensed with; or
- (b) in a case where an application for an order varying or discharging an order under section 24 is made before the commencement date.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings the following provisions of the Housing Act 1996 into force (subject to the savings in the Schedule) on 1st September 1997:

- section 83 (determination of reasonableness of service charges) and the consequential repeals in Part III of Schedule 19 to that Act specified in article 2(f),
- section 86 (appointment of manager: transfer of jurisdiction to leasehold valuation tribunal),
- sections 152 to 154 (anti-social behaviour: power to grant injunctions and power of arrest),
- section 155(1) and (2) (except for subsection (2)(b)) (anti-social behaviour: arrest and remand),

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(4) 1987 c. 31.

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— sections 157 and 158 (anti-social behaviour: supplementary provisions on power of arrest and interpretation).

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by a commencement order made before the date of this Order.

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 1	1st October 1996	1996/2402
s. 2(7) and (8)	1st August 1996	1996/2048
s. 2 (in so far as not already in force)	1st October 1996	1996/2402
s. 3(2) (partially)	1st August 1996	1996/2048
s. 3 (in so far as not already in force)	1st October 1996	1996/2402
s. 4		
s. 5	1st August 1996	1996/2048
s. 6	1st October 1996	1996/2402
s. 7 (partially)	1st August 1996	1996/2048
s. 7 (in so far as not already in force)	1st October 1996	1996/2402
s. 8		
s. 9(3)	1st August 1996	1996/2048
s. 9 (in so far as not already in force)	1st October 1996	1996/2402
ss. 10 to 15		
s. 16	1st April 1997	1997/618
s. 17	1st August 1996	1996/2048
s. 18(2) and (7) (partially)	1st October 1996	1996/2402
s. 18 (in so far as not already in force)	1st April 1997	1997/618
s. 19		
s. 20(3) (partially)	1st October 1996	1996/2402
s. 20 (in so far as not already in force)	1st April 1997	1997/618
s. 21(3) (partially)	1st October 1996	1996/2402
s. 21 (in so far as not already in force)	1st April 1997	1997/618

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
ss. 22 and 23	1st October 1996	1996/2402
s. 24 (partially)	1st August 1996	1996/2048
s. 24 (in so far as not already in force)	1st April 1997	1997/618
s. 25 (partially)	1st October 1996	1996/2402
s. 25 (in so far as not already in force)	1st April 1997	1997/618
s. 26		
s. 27 (partially)	1st October 1996	1996/2402
s. 27 (in so far as not already in force)	1st April 1997	1997/618
s. 28(3) (partially)	1st October 1996	1996/2402
s. 28(4)	1st August 1996	1996/2048
s. 28 (in so far as not already in force)	1st April 1997	1997/618
s. 29 (partially)	1st August 1996	1996/2048
s. 29 (in so far as not already in force)	1st April 1997	1997/618
ss. 30 to 34	1st October 1996	1996/2402
s. 35(1), (2) and (3)	1st April 1997	1997/618
s. 35(4)	1st April 1998	
s. 35(5)	1st April 1997	
s. 36(1) to (6)	1st August 1996	1996/2048
s. 36(7)	1st October 1996	1996/2402
ss. 37 to 50		
s. 51(1) (partially)	1st August 1996	1996/2048
s. 51(1) (in so far as not already in force)	1st April 1997	1997/618
s. 51(2) to (6)		
ss. 52 to 54	1st August 1996	1996/2048
s. 55(1) (partially)		
s. 55(1) (partially)	1st October 1996	1996/2402
s. 55(1) (in so far as not already in force)	1st April 1997	1997/618
s. 55(2) and (3)	1st August 1996	1996/2048
ss. 56 to 64	1st August 1996	1996/2048
ss. 65 and 66 (partially)	1st October 1996	1996/2402

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
ss. 65 and 66 (in so far as not already in force)	3rd March 1997	1997/350
ss. 67 to 71		
s. 72 (partially)	1st October 1996	1996/2402
s. 72 (in so far as not already in force)	3rd March 1997	1997/350
s. 74		
s. 75 (partially)	1st October 1996	1996/2402
s. 75 (in so far as not already in force)	3rd March 1997	1997/350
ss. 76 and 77	1st October 1996	1996/2402
ss. 78 and 79	3rd March 1997	1997/350
s. 80(3)	1st October 1996	1996/2402
s. 80 (in so far as not already in force)	3rd March 1997	1997/350
s. 83(3) (partially)	23rd August 1996	1996/2212
s. 84	1st October 1996	
s. 86(4) and (5) (partially)	23rd August 1996	
ss. 88 to 91	1st October 1996	
s. 92 (partially)	23rd August 1996	
s. 92 (in so far as not already in force)	1st October 1996	
s. 93		
s. 96 (partially)	23rd August 1996	
s. 96 (in so far as not already in force)	28th February 1997	1997/225
ss. 97 to 104	28th February 1997	1997/225
s. 105	1st October 1996	1996/2212
s. 106 (partially)	23rd August 1996	
s. 106 (in so far as not already in force)	1st April 1997	1997/618
ss. 107 to 109	1st October 1996	1996/2212
ss. 111 to 117		
s. 118	1st April 1997	1997/618
s. 119	23rd August 1996	1996/2212
ss. 121 to 123	1st April 1997	1997/618
ss. 124 to 128	12th February 1997	1997/66

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 129(1) and (2)		
s. 129(3) and (4)	1st October 1996	1996/2402
s. 129(5) and (6)	12th February 1997	1997/66
ss. 130 to 134		
s. 135	1st October 1996	1996/2402
ss. 136 and 137	12th February 1997	1997/66
s. 138(1) to (3)		
s. 138(4) to (6)	1st October 1996	1996/2402
ss. 139 and 140		
s. 141(1)	12th February 1997	1997/66
s. 141(2) and (3)	1st October 1996	1996/2402
ss. 142 and 143		
ss. 144 to 146	12th February 1997	1997/66
s. 147 (partially)	1st October 1996	1996/2402
s. 147 (so far as not already in force)	12th February 1997	1997/66
ss. 148 to 151	28th February 1997	1997/225
s. 159	1st April 1997	1996/2959
s. 160(1) to (3)		
s. 160(4) and (5)	1st October 1996	1996/2402
s. 161(2) and (3) (partially)		
s. 161 (in so far as not already in force)	1st April 1997	1996/2959
s. 162(4) (partially)	1st October 1996	1996/2402
s. 162 (in so far as not already in force)	1st April 1997	1996/2959
s. 163(7) (partially)	1st October 1996	1996/2402
s. 163 (in so far as not already in force)	1st April 1997	1996/2959
s. 164		
s. 165(1), (2) and (5)	1st October 1996	1996/2402
s. 165 (in so far as not already in force)	1st April 1997	1996/2959
s. 166		
s. 167(3) to (5)	1st October 1996	1996/2402
s. 167 (partially)	23rd October 1996	1996/2658

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<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 167 (in so far as not already in force)	1st April 1997	1996/2959
s. 168		
s. 169	1st October 1996	1996/2402
ss. 170 and 171	1st April 1997	1996/2959
s. 172	1st October 1996	1996/2402
s. 173	1st April 1997	1996/2959
s. 174	1st October 1996	1996/2402
ss. 175 and 176	20th January 1997	1996/2959
s. 177(3)	1st October 1996	1996/2402
s. 177 (in so far as not already in force)	20th January 1997	1996/2959
ss. 178 to 181		
s. 182	1st October 1996	1996/2402
s. 183(2)		
s. 183 (in so far as not already in force)	20th January 1997	1996/2959
s. 184		
s. 185(2) and (3) (partially)	1st October 1996	1996/2402
s. 185 (in so far as not already in force)	20th January 1997	1996/2959
ss. 186 to 188		
s. 189(2) to (4)	1st October 1996	1996/2402
s. 189 (in so far as not already in force)	20th January 1997	1996/2959
ss. 190 to 193		
s. 194(6) (partially)	1st October 1996	1996/2402
s. 194 (in so far as not already in force)	20th January 1997	1996/2959
ss. 195 to 197		
s. 198(4) to (7) (partially)	1st October 1996	1996/2402
s. 198 (in so far as not already in force)	20th January 1997	1996/2959
s. 199(5)	1st October 1996	1996/2402
s. 199 (in so far as not already in force)	20th January 1997	1996/2959
ss. 200 to 202		

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 203(1), (2) and (7)	1st October 1996	1996/2402
s. 203 (in so far as not already in force)	20th January 1997	1996/2959
ss. 204 to 206		
s. 207(4) to (6) (partially)	1st October 1996	1996/2402
s. 207 (in so far as not already in force)	20th January 1997	1996/2959
ss. 208 and 209		
s. 210(2)	1st October 1996	1996/2658
s. 210 (in so far as not already in force)	20th January 1997	1996/2959
ss. 211 to 214		
s. 215	1st October 1996	1996/2402
s. 216	20th January 1997	1996/2959
ss. 217 and 218	1st October 1996	1996/2402
ss. 219 and 220	24th September 1996	1996/2402
s. 222 (partially)		
s. 222 (in so far as not already in force)	1st October 1996	1996/2402
s. 227 (partially)	24th September 1996	1996/2402
s. 227 (partially)	1st October 1996	1996/2212 and 2402
s. 227 (partially)	20th January 1997	1996/2959
s. 227 (partially)	28th February 1997	1997/225
s. 227 (partially)	3rd March 1997	1997/596
s. 227 (partially)	1st April 1997	1996/2959 and 1997/618