

2004 No.1802

HOUSING, ENGLAND

The Approval of Codes of Management Practice (Residential Property)(England) Order 2004

<i>Made</i> - - - -	<i>13th July 2004</i>
<i>Laid before Parliament</i>	<i>20th July 2004</i>
<i>Coming into force</i> - -	<i>10th August 2004</i>

The First Secretary of State, in exercise of the powers conferred upon him by sections 87 and 100 of the Leasehold Reform, Housing and Urban Development Act 1993(a), and being satisfied that appropriate arrangements have been made for publishing the code approved by this Order, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Approval of Codes of Management Practice (Residential Property) (England) Order 2004 and shall come into force on 10th August 2004.

(2) This Order applies in relation to the management of residential properties in England only.

Approval of code of practice

2. The Rent Only Residential Management Code (ISBN 184219 070 9), which was submitted for approval on 9th June 2004 by the Royal Institution of Chartered Surveyors and is to be published by RICS Business Services Limited, is approved.

Withdrawal of approval

3. The approval of the Rent Only Residential Management Code (ISBN 085406 642 X) which was given by the Approval of Codes of Management Practice (Residential Property) Order 1996(b) is withdrawn.

(a) 1993 c. 28; section 87 was amended by section 150 of, and Schedule 9 to, the Commonhold and Leasehold Reform Act 2002 (c. 15). The functions of the Secretary of State under sections 87 and 100 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 and section 177 of the Commonhold and Leasehold Reform Act 2002.

(b) S.I. 1996/2839.

Transitional provision

4. Articles 2 and 3 do not apply for the purposes of section 87(7)(a) and (b) of the Leasehold Reform, Housing and Urban Development Act 1993 (use of code in proceedings) in relation to an act or omission occurring before this Order comes into force.

Signed by authority of the First Secretary of State

13th July 2004

Keith Hill
Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the First Secretary of State approves a code of practice relating to the management of residential property by landlords and others who discharge the management function. The approved code is the Rent Only Residential Management Code (ISBN 184219 070 9) and is to be published by the Royal Institution of Chartered Surveyors.

By this Order the First Secretary of State also withdraws the approval given in the Approval of Codes of Management Practice (Residential Property) Order 1996, (SI 1996/2839), for a code called the Rent Only Residential Management Code (ISBN 085406 642 X).

Section 87(7) of the Leasehold Reform, Housing and Urban Development Act 1996 provides that failure to comply with any provision of an approved code of practice does not of itself render any person liable to any proceedings, but in any proceedings, the code of practice shall be admissible as evidence and any provision which appears to be relevant to any question arising in the proceedings shall be taken into account.

The approval and withdrawal provided for in this Order apply to the management of residential properties in England only and are subject to the transitional provision in article 4.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E0971 7/2004 140971T 19585

