

2008 No. 533

HOUSING, ENGLAND

**The Housing (Right to Buy)(Service Charges)(Amendment)
(England) Order 2008**

<i>Made</i>	- - - -	<i>27th February 2008</i>
<i>Laid before Parliament</i>		<i>6th March 2008</i>
<i>Coming into force</i>	- -	<i>6th April 2008</i>

The Secretary of State, in exercise of the powers conferred by paragraph 16D of Part 3 of Schedule 6 to the Housing Act 1985(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Housing (Right to Buy)(Service Charges)(Amendment) (England) Order 2008 and shall come into force on 6th April 2008.

(2) This Order applies in England only.

Amendment of the Housing (Right to Buy)(Service Charges) Order 1986

2. In article 2 (interpretation) of the Housing (Right to Buy)(Service Charges) Order 1986(b), for the definition of “index figure” substitute—

““index figure” means an index figure, other than a provisional index figure, in the table of “BERR Output Deflators for Direct Labour: Public Housing Repairs and Maintenance” in the “BERR Construction Price and Cost Indices *Online*” published from time to time by the Department for Business, Enterprise and Regulatory Reform.”.

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

Caroline Flint

Minister of State

27th February 2008

Department for Communities and Local Government

(a) 1985 (c. 68). Part 3 of Schedule 6 has been amended by the Housing and Planning Act 1986 (c. 63), section 24(2), (3), Schedule 5, Part 2, para 41, Schedule 12, Part 1. Paragraph 16D was inserted by section 4(4) and (6) of the Housing and Planning Act 1986. The Secretary of State’s functions under paragraph 16D, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, (S.I. 1999/672) article 2 and Schedule 1. There are other amendments to Schedule 6 which are not relevant to this Order. Under paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), functions formerly exercised by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(b) S.I. 1986/2195.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Housing (Right to Buy)(Service Charges) Order 1986 (“the principal Order”) which sets out the calculation for the inflation allowance to be added to a landlord’s estimate of the service charges payable by the tenant for repairs and major works in the initial period of a right to buy lease.

Article 2 of this Order amends the definition of “index figure” in article 2 of the principal Order. This is necessary to reflect the fact that the relevant index is now published by the Department for Business, Enterprise and Regulatory Reform (BERR) under the title “BERR Output Deflators for Direct Labour: Public Housing Repairs and Maintenance” in the quarterly “BERR Construction Price and Cost Indices *Online*”.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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