

2016 No. 518

HOUSING, ENGLAND

The Approval of Code of Management Practice (Residential Management) (Service Charges) (England) Order 2016

<i>Made</i>	- - - -	<i>4th May 2016</i>
<i>Laid before Parliament</i>		<i>11th May 2016</i>
<i>Coming into force</i>	- -	<i>1st June 2016</i>

The Secretary of State, in exercise of the powers conferred 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, makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Approval of Code of Management Practice (Residential Management) (Service Charges) (England) Order 2016 and shall come into force on 1st June 2016.

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

Approval of code of practice

2. With the exception of the section headed ‘RICS guidance notes’, “Service Charge Residential Management Code” (ISBN 978-1-78321-141-8), which is to be published by the Royal Institution of Chartered Surveyors(b), is approved.

Withdrawal of approval

3. The Secretary of State withdraws approval of “Service Charge Residential Management Code” (ISBN 978-1-84219-168-2)(c).

(a) 1993 c. 28; section 87 was amended by section 150 of, and paragraph 11 of Schedule 9 to, the Commonhold and Leasehold Reform Act 2002 (c. 15). The functions of the Secretary of State under section 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. Those functions were subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(b) The Royal Institution of Chartered Surveyors, Parliament Square, London, SW1P 3AD.

(c) “Service Charge Residential Management Code” (ISBN 978-1-84219-168-2) by the Royal Institution of Chartered Surveyors was approved by S.I. 2009/512.

Saving and 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 alleged to have occurred before this Order comes into force.

Signed by authority of the Secretary of State

Brandon Lewis
Minister of State

4th May 2016

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the Secretary of State approves, subject to the exception mentioned below, 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 “Service Charge Residential Management Code” (ISBN 978-1-78321-141-8) by the Royal Institution of Chartered Surveyors (“RICS”). The section headed ‘RICS guidance notes’ of that code has not been approved as it is not relevant for the purposes of section 87 of the 1993 Act.

By this Order the Secretary of State also withdraws approval for “Service Charge Residential Management Code” (ISBN 978-1-84219-168-2) by the same institution which was given by the Approval of Code of Management Practice (Residential Management) (Service Charges) (England) Order 2009 (S.I. 2009/512).

Failure to comply with any provision of any approved code does not of itself render any person liable to any proceedings, but in any proceedings, the codes of practice shall be admissible as evidence and any provision that appears to be relevant to any question arising in the proceedings is taken into account.

The approval and withdrawal of approval provided for in this Order apply to the management of residential properties in England only. By article 4 of this Order, the “Service Charge Residential Management Code” (ISBN 978-1-84219-168-2) continues to have effect for the purposes of proceedings relating to acts or omissions that are alleged to have occurred before this Order comes into force.

No impact assessment has been prepared in relation to this Order. An electronic version of the approved code is available free of charge at www.rics.org. A printed version is also available from RICS at a cost of £20.

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