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## EXPLANATORY NOTE

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

These Regulations bring into force various provisions of the Housing and Planning Act 2016 (c. 22) (“the Act”).

Regulation 3(a) brings into force section 133 of the Act which enables the Secretary of State to by regulations require a property agent to be member of an approved or designated client money protection scheme.

Regulation 3(b) brings into force section 134 of the Act which enables the Secretary of State to by regulations make provision about the approval or designation of client money protection schemes for the purposes of regulations under section 133 of the Act.

Regulation 3(c) brings into force section 135 of the Act which enables the Secretary of State to by regulations make provision for the enforcement of a duty imposed by regulations under section 133 of the Act.

Regulation 4(a) brings into force section 180 of the Act which inserts new sections 14B and 14C into the Acquisition of Land Act 1981 (c. 67) (the “1981 Act”) to require the Secretary of State to publish one or more timetables setting out the steps to be taken by confirming authorities in confirming a compulsory purchase order and to enable the Welsh Ministers to act similarly.

Regulation 4(b) brings into force section 181 of the Act which inserts new section 14D into the 1981 Act to enable a confirming authority (except in relation to a compulsory purchase order for which the confirming authority is the Welsh ministers) to appoint an inspector to act instead of it in relation to the confirmation of a compulsory purchase order to which section 13A of the 1981 Act applies.

Regulation 4(c) brings into force section 192 of the Act which inserts new section 4A into the Land Compensation Act 1961 (c. 33) (the “1961 Act”) to enable the “appropriate national authority” (Secretary of State in England and the Welsh Ministers in Wales) to make regulations specifying the information required from a claimant when giving notice of a claim for compensation under section 4 of the 1961 Act.

Regulation 4(d) brings into force section 193 of the Act which amends section 31 of the 1961 Act (withdrawal of notices to treat) to clarify that the right to claim compensation for any loss or expenses caused by the giving and withdrawal of a notice to treat applies to a person who acquired the interest to which the notice to treat applies and has not subsequently been given a notice to treat. This amendment enables a successor in title to the original claimant to claim compensation.

Regulation 4(e) brings into force section 194 of the Act which: (1) amends section 52(2) of the Land Compensation Act 1973 (c. 26) (the “1973 Act”) to clarify the information that must be included by the claimant in a request for an advance payment to enable the acquiring authority to estimate the amount of the advance payment; (2) inserts new section 52(2A) into the 1973 Act placing an acquiring authority under a duty to determine within 28 days of receiving a request whether they have sufficient information to estimate the amount of compensation and, if needed, to require the claimant to provide it; (3) makes a corresponding amendment to section 52ZC of the 1973 Act for land subject to mortgage; and (4) inserts new section 52ZD into the 1973 Act enabling the “appropriate national authority” (Secretary of State in England and the Welsh Ministers in Wales) to make regulations relating to the form and content of a request for an advance payment of compensation.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 4(f) brings into force section 195 of the Act which: (1) amends section 52 of the 1973 Act to enable an acquiring authority to make an advance payment at any time after a request has been submitted and the compulsory acquisition has been authorised; (2) requires the acquiring authority to make an advance payment if, before or after a request has been made, a notice of entry is given or a general vesting declaration is executed; (3) requires payment to be made on or before the date on which notice of entry is given or a general vesting declaration is executed, or if a request is made later, within 2 months; (4) makes special provision where the compulsory acquisition is one to which the Land Clauses Consolidation Act 1845 (c. 18) applies; and (5) makes corresponding amendments to sections 52ZA, 52ZB, and 52ZC of the 1973 Act where the land is subject to a mortgage.

Regulation 4(g) brings into force section 196(1) to section 196(2)(a) of the Act which clarifies that interest under section 52A of the 1973 Act accrues where an advance payment is made under section 52(1) of the 1973 Act after the date of entry.

Regulation 4(h) brings into force section 197 of the Act which repeals section 52(5) of the 1973 Act and amends section 52(9) of the 1973 Act to clarify that, where the claimant's interest in some or all of the land has been acquired by another person, the amount of the advance payment (together with any amount paid under section 52A of the 1973 Act) is to be set off against any sum payable by the acquiring authority to that other person in respect of the compulsory acquisition of the interest acquired.

Regulation 4(i) brings into force section 198 of the Act which inserts new section 52ZE into the 1973 Act to provide for the recovery of an advance payment to a mortgagee if the notice to treat has been withdrawn or ceases to have effect.

Regulation 5 makes transitional provisions in relation to the coming into force of section 180 and section 181 of the Act. The amendments made by these provisions only apply in relation to a compulsory purchase order which is submitted to a confirming authority for confirmation on or after 6th April 2018.

Regulation 6 makes transitional provisions in relation to the coming into force of sections 193, 194(1) to (3), section 195, section 196(1) to (2)(a), section 197, and section 198 of the Act. The amendments made by these provisions only apply in relation to a compulsory purchase of land which is authorised on or after 6th April 2018.