STATUTORY INSTRUMENTS

# 2017 No. 1052 (C. 98)

# HOUSING, ENGLAND

## The Housing and Planning Act 2016 (Commencement No. 6) Regulations 2017

*Made - - - - 1st November 2017*

The Secretary of State, in exercise of the powers conferred by section 216(3) and (4) of the Housing and Planning Act 2016(**a**), makes the following Regulations.

### Citation and interpretation

**1.** These Regulations may be cited as the Housing and Planning Act 2016 (Commencement No. 6) Regulations 2017.

### Provisions coming into force on 3rd November 2017

**2.** The following provisions of the Housing and Planning Act 2016 come into force on 3rd November 2017—

(a) section 14(3) and (4) ("banning order" and "banning order offence") for the purpose only of making regulations to specify the description of an offence that is a banning order offence;

(b) section 23(8) (financial penalty for breach of banning order);

(c) section 33 (information to be included in the database);

(d) paragraph 5(3) of Schedule 3 and section 26 (management orders following banning orders), so far as it relates to that paragraph;

(e) paragraph 9 of Schedule 3 and section 26 (management orders following banning orders), so far as it relates to that paragraph.

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

*Alok Sharma*
Minister of State
1st November 2017 Department for Communities and Local Government

### EXPLANATORY NOTE

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

These Regulations bring into force certain provisions in Part 2 of the Housing and Planning Act 2016 (c. 22) ("the Act").

(**a**) 2016 c. 22.

Regulation 2(a) brings into force section 14(3) and (4) of the Act for the purpose of making regulations which enable the Secretary of State to specify the description of an offence that is a banning order offence.

Regulation 2(b) brings into force section 23(8) of the Act which enables the Secretary of State to make provision by regulations about how local housing authorities are to deal with financial penalties recovered for breach of a banning order.

Regulation 2(c) brings into force section 33 of the Act which enables the Secretary of State to make provision by regulations about the information that must be included in a person's entry in the database of rogue landlords and property agents.

Regulation 2(d) brings into force paragraph 5(3) of Schedule 3 and section 26 (management orders following banning orders) so far as it relates to that paragraph. That paragraph enables the Secretary of State to, by regulations, make provision about how local authorities are to deal with any surplus if an interim management order is made under section 102(7A) of the Housing Act 2004 (c. 34) ("the 2004 Act").

Regulation 2(e) brings into force paragraph 9 of Schedule 3 and section 26 (management orders following banning orders) so far as it relates to that paragraph. That paragraph enables the Secretary of State to, by regulations, make provision about how local authorities are to deal with any surplus if a final management order is made under section 113(3A) or (6A) of the 2004 Act.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

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

| *Provision* | *Date of Commencement* | *S.I. No.* |
|---|---|---|
| Sections 9 to 11 | 31st October 2016 | 2016/733 |
| Section 12 | 13th July 2016 | 2016/733 |
| Section 40 to 46 (partially) | 6th April 2017 | 2017/281 |
| Section 47(1) and (2) | 6th April 2017 | 2017/281 |
| Section 47(3) | 10th March 2017 | 2017/281 |
| Section 48 (partially) | 6th April 2017 | 2017/281 |
| Section 49 to 52 | 6th April 2017 | 2017/281 |
| Section 53 | 6th April 2017 | 2017/281 |
| Sections 54 to 56 | 6th April 2017 | 2017/281 |
| Sections 64 and 65 | 26th May 2016 | 2016/609 |
| Section 66 | 13th July 2016 | 2016/733 |
| Sections 67 and 68 | 26th May 2016 | 2016/609 |
| Sections 80 to 91 | 1st October 2016 | 2016/956 |
| Section 92 | 6th April 2017 | 2017/75 |
| Sections 93 and 94 | 3rd February 2017 | 2017/75 |
| Section 102(2) to (6) | 3rd February 2017 | 2017/75 |
| Section 126 (partially) | 10th March 2017 | 2017/281 |
| Section 126 | 6th April 2017 | 2017/281 |
| Sections 128 and 129 | 6th April 2017 | 2017/281 |
| Section 131 | 6th April 2017 | 2017/281 |
| Section 132 | 1st October 2016 | 2016/733 |
| Sections 141 and 142 | 1st October 2016 | 2016/733 |
| Sections 143 and 144 | 13th July 2016 | 2016/733 |
| Sections 145(1) to 145(4) | 1st October 2016 | 2016/733 |
| Section 145(5) | 26th May 2016 | 2016/609 |
| Sections 146 to 148 | 1st October 2016 | 2016/733 |
| Sections 150(4) and 150(5) | 13th July 2016 | 2016/733 |

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|---|---|---|
| Sections 152(2) to 152(4) | 13th July 2016 | 2016/733 |
| Section 154 | 13th July 2016 | 2016/733 |
| Section 156 | 1st October 2016 | 2016/733 |
| Section 160 | 6th April 2017 | 2017/281 |
| Sections 169 and 170 | 13th July 2016 | 2016/733 |
| Section 171 | 1st October 2016 | 2016/733 |
| Sections 172 to 179 | 13th July 2016 | 2016/733 |
| Section 182 | 13th July 2016 | 2016/733 |
| Section 183 (partially) | 1st October 2016 | 2016/956 |
| Section 183 (partially) | 3rd February 2017 | 2017/75 |
| Section 183 | 6th April 2017 | 2017/281 |
| Sections 184 to 189 | 3rd February 2017 | 2017/75 |
| Section 190 | 13th July 2016 | 2016/733 |
| Section 191 | 3rd February 2017 | 2017/75 |
| Section 196(3) (partially) | 6th April 2017 | 2017/281 |
| Section 199(1) | 3rd February 2017 | 2017/75 |
| Section 199(2) (partially) | 3rd February 2017 | 2017/75 |
| Section 200 | 3rd February 2017 | 2017/75 |
| Sections 201 to 206 | 13th July 2016 | 2016/733 |
| Schedule 4 | 6th April 2016 | 2017/75 |
| Schedule 9 – paragraph 7 | 10th March 2017 | 2017/281 |
| Schedule 9 | 6th April 2017 | 2017/281 |
| Schedule 11 | 1st October 2016 | 2016/733 |
| Schedule 12 (excluding paragraph 27) | 13th July 2016 | 2016/733 |
| Schedule 14 | 13th July 2016 | 2016/733 |
| Schedule 15 – paragraphs 1, 2(1), 2(2), 3(1), 3(2) (partially) | 1st October 2016 | 2016/956 |
| Schedule 15 – paragraphs 1 to 7 (partially) | 3rd February 2017 | 2017/75 |
| Schedule 15 – paragraph 8 | 1st October 2016 | 2016/956 |
| Schedule 15 – paragraphs 1 to 7 | 6th April 2017 | 2017/281 |
| Schedule 16 | 13th July 2016 | 2016/733 |
| Schedule 17 | 3rd February 2017 | 2017/75 |
| Schedule 18– paragraphs 1 to 9 | 3rd February 2017 | 2017/75 |
| Schedule 19 | 13th July 2016 | 2016/733 |

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