
STATUTORY INSTRUMENTS

2011 No. 1863 (W.201) (C.68)

HOUSING, WALES

**The Housing and Regeneration Act 2008
(Commencement No. 2) (Wales) Order 2011**

Made - - - - *25 July 2011*

The Welsh Ministers, in exercise of the power conferred on them by section 325(3) and (4) of the Housing and Regeneration Act 2008⁽¹⁾, make the following Order:

Title and application

1.—(1) This Order is called the Housing and Regeneration Act 2008 (Commencement No. 2) (Wales) Order 2011.

(2) This Order applies in relation to Wales.

Commencement of certain provisions of Part 3 (landlord and tenant matters)

2. Section 309 (Former right to buy and other flats: equity share purchases) of the Housing and Regeneration Act 2008 comes into force on 26 July 2011 for the purpose of enabling the Welsh Ministers to make regulations under section 450D of the Housing Act 1985.

3. The following provisions of the Housing and Regeneration Act 2008 come into force on 19 August 2011:

- (1) section 308 (Former right to buy and other flats: service charge loans); and
- (2) section 309 so far as not already in force.

25 July 2011

Huw Lewis
Minister for Housing, Regeneration and
Heritage, one of the Welsh Ministers.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second Commencement Order made by the Welsh Ministers under the Housing and Regeneration Act 2008 (“the 2008 Act”). It brings section 309 (Former right to buy and other flats: equity share purchases) of the 2008 Act into force on 26 July 2011 for the purpose of enabling the Welsh Ministers to make regulations. The Order brings section 308 (Former right to buy and other flats: service charge loans) of the 2008 Act and section 309 fully into force in relation to Wales on 19 August 2011.

Section 308 amends section 450C of the Housing Act 1985 (“the 1985 Act”) in respect of service charge loans by landlords to leaseholders to assist in payment of service charges, whereby such loans may be on terms other than an interest bearing loan. The power under section 450C of the 1985 Act is extended to provide for charging for the services of the district valuer.

Section 309 inserts section 450D into the 1985 Act. This section provides that the appropriate national authority may provide by regulations that where a housing authority is the landlord of a flat let on a long lease to a tenant (leaseholder) who is liable to pay service charges in respect of repairs or improvements to the flat, the landlord may, with the tenant’s agreement, buy an equitable interest (a share) in the tenant’s flat to help the tenant pay service charges. The appropriate national authority means the Welsh Ministers in relation to Wales.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

There has been one Commencement Order made before the date of this Order, commencing section 315 of the 2008 Act in relation to Wales on 30 March 2009 (see S.I. [2009/773](#) (W. 65)).

Various provisions of the 2008 Act have been brought into force in relation to England by the following Statutory Instruments:

S.I. [2008/2358](#), S.I. [2008/3068](#), S.I. [2009/363](#), S.I. [2009/415](#), S.I. [2009/773](#), S.I. [2009/803](#), S.I. [2009/1261](#), S.I. [2009/2096](#), S.I. [2010/862](#) and S.I. [2011/1002](#).

See also section 325(2) of the 2008 Act for the provisions which came into force at the end of 2 months from when the 2008 Act was passed.