



Common Commencement Dates: Annual Statement of Forthcoming Regulations



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January 2009

Product Code: 08SPD05720

ISBN: 978-1-4098-1066-7

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Common Commencement Dates

This Annual Statement by Communities and Local Government is intended to provide our business stakeholders with an indication of when new, amended or reduced requirements on them will be coming into effect over the coming year.

Wherever possible, changes come into force on one of two 'Common Commencement Dates' (CCDs). These are **6 April and 1 October**.

It should be noted that this statement provides an **indication of forthcoming regulations** and **is not a commitment by the Department to commence regulations as listed**. Certain measures may be deferred or, where necessary, brought forward. As such this report will be updated in the autumn and stakeholders are advised to sign up for our electronic news alerts to keep aware of developments in their area. This can be done at our website: www.communities.gov.uk

For completeness, we have also included details of some non-regulatory measures which are not subject to CCDs. Every effort has been made to align to a CCD, but occasionally this does not prove possible. There are also some exceptions of which readers should be aware:

- Statutory instruments which transpose Directives into UK law are exempt from CCDs.
- CCDs do not apply to emergency legislation, where there would be a significant public cost or if it would cause detriment to a particular sector of business.

Table of Forthcoming Regulations 2009

Policy area	Title	Description	In force date	Further information
Building Regulations	Schedule 2A of the Building Regulations (Competent Persons Scheme)	Regulations to amend Schedule 2A of the Building Regulations consequent on the change from CORGI to CAPITA, and related changes to add to bodies entitled to self-certify.	1 April 2009 1 October 2009	This is 1 April as HSE have set the changeover from CORGI to Capita for that date and they have to coincide.
	Building Regulations Part G (Hygiene) and supporting guidance (introducing a water efficiency standard for new homes, to reduce risks from faulty hot water systems, and possibly safety controls on bath temperatures).	The major changes to the existing Part G and the guidance in its Approved Document are: (i) addition of a water efficiency standard for new homes; (ii) changes to prevent accidents from hot water systems; and (iii) (subject to further analysis) safety controls to limit bath temperature and related scalding risks.	1 October 2009	Regulation to be laid by March 2009 These are in addition to general updating of guidance and references to assist and assure compliance.
	Local Authority Register for Building Regulations	Require Local Authorities to keep a register of their own Building Control operations plus those of Competent Persons and Approved Inspectors.		The 2008 version of this table indicated that these regulations would come into effect in October 2008. This did not happen and no new date has yet been set.
Planning	Planning – Statutory Instrument to amend the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997	This further amendment will complete the ability to transfer all appeals under the Planning Acts for determination by Inspectors.	6 April 2009	Relies on the commencement of sections 195 and 198 of the Planning Act 2008.
	Planning – replacement Call in Direction and associated Circular	In line with the Government's response to the Planning White Paper and following extensive consultations in early 2008, this will replace all the existing Directions with a single document reflecting current policy lines and including greater protection for World Heritage Sites.	6 April 2009	Not subject to CCD. Read-across to provisions of revised PPS6.

Policy area	Title	Description	In force date	Further information
	Subordinate legislation implementing Part 9 of Planning Act 2008	<p>Regulations under:</p> <ul style="list-style-type: none"> • section 180 (Local Development orders) • section 195 (facilitation of transfers) • section 196 (determination of time period) • section 197 (prescribed information) • section 198 (facilitation of transfers) 	6 April 2009	Linked to Planning Act Commencement Order No. 1.
	Planning Compulsory Purchase Act commencement order (twin tracking) and for repeat applications	Amendments to existing regulations to enable local authorities to decline to determine repeat applications where it is the same or similar to an application that has been turned down previously and where they believe it is being submitted to wear down opposition to a development proposal.	6 April 2009	
	Inquiry/hearing procedure rules /amendments to speed up appeals	<p>Comments at 9 weeks stage will be removed from the hearing and inquiry process.</p> <p>In inquiries, the statement of common ground will be required 6 weeks from the start date.</p>	6 April 2009	
	Statutory Instrument to amend written representations rules relating to householder appeals	Will introduce expedited appeal procedures for householder appeals dealt with by written representations.	6 April 2009	
	Full Commencement of existing costs powers	Powers to allow the Secretary of State to award costs in appeals dealt with by written representations will be commenced (accompanied by a revised cost circular).	6 April 2009	
	Amendments to Planning (Hazardous Substances) Regulations	<p>Amendments to existing regulations to align existing regulations with EU Directive (2003/105/EC) to ensure compliance.</p> <p>(Does not need a common commencement date, since it is a requirement with an EU Directive)</p>	May 2009	

Policy area	Title	Description	In force date	Further information
	Community Infrastructure Levy Regulations	<p>The Community Infrastructure Levy (CIL) is a new standard charge which local authorities will be empowered, but not required, to charge on most types of development in their area. See Part 11 of the Planning Act 2008.</p> <p>CIL will help local authorities to fund infrastructure needed to support development in their area by raising additional funding for infrastructure. CIL will offer a simpler, fairer, more transparent and predictable way of funding infrastructure than the current system of planning obligations under s106 of the Town and Country Planning Act 1990.</p>	1 October 2009	
	Regulations on consultation / notification on individual projects for nationally significant infrastructure projects	<p>Regulations under s.42 (list of statutory consultees)</p> <p>Regulations under s.47 (manner in which consultation to be carried out)</p> <p>Regulations under s.48 (manner in which publicity to be carried out)</p> <p>Regulations under s.56 (list of statutory notifications)</p> <p>Regulations under s.58 (manner in which applicant certifies compliance with publicity requirements)</p> <p>Regulations under s.59 (contact details of those facing Compulsory Purchase Order).</p>	1 October 2009	These regulations will set out the obligations on promoters to conduct extensive consultation with local communities prior to submitting a formal application for development consent under the Planning Act 2008.
	Regulations on the content of an application and pre-application procedures for nationally significant infrastructure projects	Regulations under s.37 (prescribed form of application and documents to be contained).	1 October 2009	These regulations will set out what an application for development consent must look like, and what information it must contain.
	Regulations on Environmental Impact Assessment for nationally significant infrastructure projects	Regulations apply the requirements of the EIA Directive to applications for development consent, and to make the Infrastructure Planning Commission (IPC) a competent authority for the purposes of the Directive.	1 October 2009	

Policy area	Title	Description	In force date	Further information
	Regulations on Habitats Directive for nationally significant infrastructure projects	Regulations to enable the IPC to make decisions as to whether an "appropriate assessment" is needed in respect of a project.	1 October 2009	
	Regulations on model provisions for nationally significant infrastructure projects	Regulations under s.38 (prescribed model provisions to serve as a template for development consent orders).	1 October 2009	These regulations will set out templates which promoters could use and modify when preparing an application for development consent.
	Tree Preservation Orders Regulations	Regulations under s.202A of the Town and Country Planning Act 1990 (as amended by the Planning Act 2008) (Regulations would ensure that all the trees protected over many years by local authorities are subject to one common set of rules & procedures).	1 October 2009	There will be a related Planning Act 2008 commencement order.
	Statutory Instrument on reducing time limit for appealing planning decisions when same site is subject of an enforcement notice	Will ensure that the Planning Inspectorate can more effectively link appeals relating to the same site so as to deliver a more efficient service.	1 October 2009	
	Review of planning applications fees	Enabling effective cost recovery on planning application fees is vital to ensuring local planning authorities have necessary resource to provide a high quality and timely planning service. The Government is considering a review of the current planning application fee regime with a view to achieving improved cost recovery and addressing issues raised by changes in policy subsequent to the previous fee review. The Government is also looking into consolidation of existing fee regulations in order to provide greater clarity and simplicity to users of the planning system.	1 October 2009	

Policy area	Title	Description	In force date	Further information
Fire & Rescue	Local Government (Best Value Authorities) (Power to Trade) (England) (Amendment) Order 'Trading Order'	Transitional powers, allowing individual authorities to charge above cost recovery for the provision of specified services outside their core business, expire 30 September 2009. Extending trading powers for fire and rescue authorities will be considered in light of review of overall Local Authority trading powers.	30 September 2009	http://www.opsi.gov.uk/si/si2004/20042307.htm , http://www.opsi.gov.uk/si/si2004/20042573.htm , http://www.opsi.gov.uk/si/si2007/uksi_20070385_en_1 and http://www.opsi.gov.uk/si/si2007/uksi_20072543_en_1
	Sub-surface Railway Stations Regulations (England)	To replace the 1989 Fire Precautions (Sub-surface Railway Stations) Regulations 1989 with new regulations to reflect the change in fire safety regime under the Regulatory Reform (Fire Safety) Order 2005. Powers will assist employers and enforcers to implement fire safety regulations on sub-surface railway stations, such as the London Underground and Birmingham New Street.	1 October 2009	Regulations will be laid in April 2009 and will be accompanied by guidance to assist employers and enforcers in implementing the new regulations.
Community Empowerment	Increase the number of civic roles legally entitled to time off	Increase the number of civic roles legally entitled to time off work, and encourage more and different people to take up lay governance roles by removing barriers to participation – in this case time availability.	1 October 2009	
Housing	Home Information Pack (Amendment) (No. 3) Regulations 2009 SI 2008/3107	Introduce the new Property Information Questionnaire as mandatory requirement in HIPs from 6 April 2009; confirm lease as the only additional requirement for HIPs for leasehold properties; extend until 5 April 2009 provisions for first day marketing during a temporary period and insurance for personal searches.	6 April 2009	Regulation finalising leasehold requirements for HIPs confirmed previous temporary arrangements so came into effect on 1 January 2009. Temporary provisions for first day marketing and insurance for personal searches will expire from 6 April.
	Home Information Pack (Amendment) Regulations 2009 SI 2009/34	To ensure new Property Information Questionnaire is included in the HIP before or at the first point a residential property is marketed for sale.	6 April 2009	

Policy area	Title	Description	In force date	Further information
Enfranchisement	Shared Ownership Leases (Designated Protected Areas) (England) Order 2009	An Order to designate protected areas, where shared ownership houses would be hard to replace and are required to be retained for future purchasers. Implements S302 of the Housing and Regeneration Act 2008.	6 April 2009	Subject to consultation which closed on 31 December 2008. Aim is to lay regulations in March 2009.
Enfranchisement	Shared Ownership Leases (Prescribed Conditions and Exemptions) (England) Regulations 2009	Regulations prescribing additional conditions that must be satisfied in order for a shared ownership lease granted by a landlord, other than a housing association, to be excluded from Part 1 of the Leasehold Reform Act 1967 (i.e. the enfranchisement provisions).	6 April 2009	Commencement in April 2009 is subject to a consultation exercise which closed on 31 December 2008.
Enfranchisement	A commencement order for the Housing and Regeneration Act 2008	Commencement of section 300 of the Housing and Regeneration Act 2008. The order will commence Section 300 of the Act which removes the low rent test as a means of determining eligibility for the right to enfranchise (ie buy the freehold) in relation to shared ownership houses. The test will remain for some purposes eg when the claim is for a lease extension (as opposed to acquiring the freehold). The test will continue to apply in respect of existing shared ownership house leases.	6 April 2009	Linked to commencement of Sections S301 and S302 on protected areas and prescribed conditions and exemptions which are the subject of consultation which closed on 31 December.
Enfranchisement	Leasehold Reform (Notices) (England) Regulations 2009	Regulations amending the prescribed forms used when a tenant exercises the right to enfranchise in relation to a house. To ensure the forms required to be used in respect of the exercise of the right to enfranchise a leasehold house are correct following changes made by the Housing & Regeneration Act 2008.	6 April 2009	
Service Charges	Approval of Code of Residential Management Practice (Service Charges) (England) Order 2008	An order that approves a code of practice to be published by Royal Institute of Chartered Surveyors (RICS) on residential service charges. Changes are needed because a version of this Code which is approved by the Secretary of State already exists but is now out of date and needs revising. As an approved Code it can be used in evidence at court or tribunal proceedings and must therefore be accurate.	6 April 2009	

Policy area	Title	Description	In force date	Further information
Landlord and tenant service charges	Service Charge (Information) (England) Regulations 2009	Regulations that prescribe the information that a landlord must include in a service charge statement of account, including reports that need to be provided, the periods in relation to which information or reports are to be provided, the times at or by which they need to be provided, and the form and manner in which they may be provided. The regulations will also describe the persons who are “qualified persons” for the purposes of preparing the report that must accompany the information supplied by the landlord. The changes are necessary to provide greater transparency and protection for the service charges paid by tenants to their landlord for the upkeep of the common parts of the property where they live.	1 October 2009	Subject to these Regulations being made, section 303 of, and Schedule 12 to, the Housing and Regeneration Act 2008, will be commenced.
Landlord and tenant service charges	Service Charges (Designated Account) (England) Regulations 2009	Regulations that specify the conditions that must be satisfied before monies may be moved from one designated account to another, and the types of bank account in which service charge monies may be held.	1 October 2009	Subject to these Regulations being made, section 303 of, and Schedule 12 to, the Housing and Regeneration Act 2008, will be commenced.
Houses in multiple occupation – student accommodation	The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2009	Regulations that will update the list of educational establishments that are specified. Those buildings that are specified and also managed and controlled by establishments that provide further or higher education in compliance with an approved code of practice are not required to be licensed under the Housing Act 2004.	1 October 2009	
Housing (Disabled Facilities Grants)	Housing Renewal Grants (Amendment) (England) Regulations 2009	Regulations that revoke and replace the Housing Renewal Grants Regulations 1996 which set out the means test for determination of a person’s entitlement to disabled facilities grant. The aim of the replacement regulations will be to improve the administration of the programme and consolidate the existing rules into one instrument. The regulations that prescribe forms used for making an application for disabled facilities grant will also be amended.	1 October 2009	

Policy area	Title	Description	In force date	Further information
Housing Act – Homes and Communities Agency	Housing and Regeneration Act 2008 part 1 – Homes and Communities Agency – Burial Regulations (Schedule 3)	Part 1 of the Act (sections 1–58 and schedules 1–8) sets out the constitutional arrangements of the Homes and Communities Agency (HCA); sets out the objects of the agency; and sets out the various powers that can be used by the HCA to meet its objects (including: the ability to acquire and undertake activities on land and the ability to carry out activities for the benefit of the community). Schedule 3 states that Regulations will be issued that will set out how the HCA will carry out activities in relation to consecrated ground and monuments.	1 October 2009	This date is reliant upon securing the necessary legislative time for these Regulations to be ‘made’.
Right To Buy	The Housing (Service Charge Loans) (Amendment) (England) Regulations 2009	These Regulations will amend the Housing (Service Charge Loans) Regulations 1992 made under sections 450A-C of the Housing Act 1985 to clarify the optional nature of charging interest on loans.	6 April 2009	Sections 450A-C gives powers to make regulations with regard to loans by social landlords to their leaseholders for the purpose of paying service charge bills.
Tolerated Trespassers	The Housing (Service Charges) (Purchase of Equitable Interests) (England) Regulations 2009	These Regulations, made under new section 450D of the Housing Act 1985, will empower social landlords to buy equity shares in flats that they have let on long leases for the purpose of assisting leaseholders to pay some or all of the service charges for which they are liable under the terms of their leases.	6 April 2009	
National Non-Domestic Rating (NNDR)	The Housing (Replacement of Terminated Tenancies) (Successor Landlords) (England) Order 2009	The Order will apply Part 2 of Schedule 11 to the Housing and Regeneration Act 2008, modified as necessary, to cases in which the landlord of the property has changed during the period in which the ex-tenant was a tolerated trespasser – the “termination period”. Affirmative parliamentary procedure.	6 April 2009	There will be a related Housing and Regeneration Act 2008 commencement order.
National Non-Domestic Rating (NNDR)	Business Rate Supplements	The Business Rate Supplements Bill is expected to be enacted before the summer and regulations to implement it will be made as soon as possible thereafter, to enable the supplement to be raised from April 2010.	Depends on Royal Assent	
NNDR	The Non-Domestic Rating (Unoccupied Property) (England) Regulations 2009	These Regulations will implement the Pre Budget Report announcement that the owners of any empty property with a Rateable Value of below £15,000 will be exempt from empty property rates for 2009/10.	1 April 2009	Regulations to be laid by March 2009. The in force date is earlier than the Common Commencement Date as the billing year for business rates commences on 1 April.

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NNDR	The Non-Domestic Rating (Small Business Rate Relief) (England) (Amendment) Order 2009	The amendment will implement the Pre Budget Report announcement that an eligible small business can claim Small Business Rate Relief from the date they occupy a property that is first entered on a ratings list after 1 April in a financial year.	1 April 2009	Order to be laid by March 2009. The in force date is earlier than the Common Commencement Date as the billing year for business rates commences on 1 April.
NNDR	The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (England) (Amendment) Regulations 2009	The amendment will implement the Pre Budget Report announcement that certain businesses facing large backdated rates liabilities will be allowed to spread their backdated liability over up to 8 years.	Before 31 March 2009	Regulations to be laid by February 2009. In line with the Pre-Budget Report announcement, the Regulations need to be in force before the end of the current financial year.
NNDR	The Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2009	These Regulations will phase in changes to non-domestic rates liability as a result of the revaluation of non-domestic properties due to take effect on 1 st April 2010.	31 December 2009	These Regulations are required to be in force by 31 st December 2009 by the Local Government Finance Act 1988. The full information required to produce the final Regulations is not available to CLG to allow them to come into force on 1 st October 2009.
NNDR Appeals	The Non-Domestic rating (Alteration of Lists and Appeals) (England) (Amendment) Regulations 2009	These regulations will reflect the establishment of the Valuation Tribunal for England (VTE), update and consolidate amendments to the existing regulations.	1 October 2009	
Council Tax Appeals	The Council Tax (Alteration of Lists and Appeals) (England) Regulations 2009	These regulations will reflect the establishment of the Valuation Tribunal for England (VTE), update and consolidate amendments to the existing regulations made since council tax was introduced in 1993. No significant change to end users.	1 October 2009	

ISBN 978-1-4098-1066-7

ISBN 978-1-4098-1066-7



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