

**2005 No. 3307**

**HOUSING, ENGLAND**

**The Approval of Code of Management Practice (Private Retirement Housing) (England) Order 2005**

*Made* - - - - - *29th November 2005*

*Laid before Parliament* *7th December 2005*

*Coming into force* - - - *2nd January 2006*

The First 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 (Private Retirement Housing) (England) Order 2005 and shall come into force on 2nd January 2006.

(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 Appendices 4 to 6, “The Code of Practice for Private Retirement Housing”, (ISBN 0-9526691-2-9), which was submitted for approval on 13th October 2005 by the Association of Retirement Housing Managers and is to be published by Chain and Pyle, Unit 3, King James Court, King James Street, London, SE1 0DH, is approved.

**Revocation of orders and withdrawal of approvals**

3. The Approval of Codes of Management Practice (Residential Property) (No 2) Order 1995(b) and the Approval of Codes of Management Practice (Residential Property) Order 1998 are revoked(c); and the approvals given by those Orders(d) are withdrawn.

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(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 sections 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.

(b) S.I. 1995/3149.

(c) S.I. 1998/106.

(d) “The Association of Retirement Housing Managers’ Code of Practice for the Management of Leasehold Sheltered Housing” (ISBN 0-9526691-0-2) was approved by S.I. 1995/3149 and “The Association of Retirement Housing Managers’ Code of Practice for the Management of Leasehold Sheltered Housing” (ISBN 0-9526691-1-0) was approved by S.I. 1998/106.

## **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 First Secretary of State

29th November 2005

*Kay Andrews*  
Parliamentary Under Secretary of State  
Office of the Deputy Prime Minister

## **EXPLANATORY NOTE**

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

Section 87(7) of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”) provides that failure to comply with any provisions of an approved code of practice does not of itself render any person liable to any proceedings, but in any proceedings, the code of practice shall be admissible as evidence and any provision which appears to be relevant to any question arising in the proceedings shall be taken into account.

By this Order the First Secretary of State approves, subject to the exception mentioned below, a code of practice relating to the management of private retirement housing by landlords and others who discharge the management function. The approved code is The Code of Practice for Private Retirement Housing (ISBN 0-9526691-2-9) and is to be published by Chain and Pyle, Unit 3, King James Court, King James Street, London, SE1 0DH. Appendices 4 to 6 of the Code have not been approved as they are not relevant for the purposes of section 87 of the 1993 Act.

By this Order the First Secretary of State also withdraws approval for The Association of Retirement Housing Managers’ Code of Practice for the Management of Leasehold Sheltered Housing (ISBN 0-9526691-0-2) which was given by the Approval of Codes of Management Practice (Residential Property) (No 2) Order 1995 and for modifications to The Association of Retirement Housing Managers’ Code of Practice for the Management of Leasehold Sheltered Housing (ISBN 0-9526691-1-0) which was given by the Approval of Codes of Management Practice (Residential Property) Order 1998. Those Orders are also revoked.

The Code that was approved in 1995 and modified in 1998 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.

A Regulatory Impact Assessment has been prepared in connection with this Order. A copy may be obtained from the Office of the Deputy Prime Minister, Leasehold Reform Branch, Zone 2/H10, Eland House, Bressenden Place, London, SW1E 5DU (Tel 020 7944 3463).

**£3.00**

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