

**2009 No. 512**

**HOUSING, ENGLAND**

**The Approval of Code of Management Practice (Residential Management) (Service Charges) (England) Order 2009**

<i>Made</i>	- - - -	<i>4th March 2009</i>
<i>Laid before Parliament</i>		<i>12th March 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The 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 (Residential Management) (Service Charges) (England) Order 2009 and shall come into force on 6th April 2009.

(2) This Order applies in relation to the management of residential properties in England only.

**Approval of code of practice**

2. “Service Charge Residential Management Code” (ISBN 978 1 84219 168 2), which is to be published by the Royal Institution of Chartered Surveyors(b), is approved in relation to England.

**Withdrawal of approval**

3.—(1) The Secretary of State withdraws approval of “Service Charge Residential Management Code” (ISBN 0 85406 643 8) in so far as it applies to the management of residential properties in England.

**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.

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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) The Royal Institution of Chartered Surveyors, Surveyor Court, Westwood Business Park, Coventry, CV4 8JE.

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

*Iain Wright*

Parliamentary Under Secretary of State

Department for Communities and Local Government

4th March 2009

### **EXPLANATORY NOTE**

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

By this Order the Secretary of State approves a code of practice relating to the management of residential property by landlords and others who discharge the management function. The approved code is to the “Service Charge Residential Management Code (ISBN 978 1 84219 168 2) and is to be published by the Royal Institution of Chartered Surveyors (“RICS”).

By this Order the Secretary of State also withdraws the approval given in the Approval of Codes Management Practice (Residential Property) Order 1996 (S.I. 1996/2839) to the “Service Charge Residential Management Code” (ISBN 0 85406 643 8).

Failure to comply with any provision of an approved code does not of itself render any person liable to any proceedings, but in any proceedings, the codes of practice shall be admissible as evidence and any provision that appears to be relevant to any question arising in the proceedings is taken into account.

The approval and withdrawal of approval provided for in this Order apply to the management of residential properties in England only. By article 4 of this Order, the “Service Charge Residential Management Code” (ISBN 0 85406 643 8) 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.

No regulatory impact assessment has been prepared in relation to this Order. The purpose of the Order is to replace the previous approved code with a new one which has been updated to take account of changes in legislation. As such it is considered that the impact on businesses is minimal. The code will be available in electronic form at no cost to members of RICS, and at a cost of £12.50 for the printed version.

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