

# **Self-build and Custom Housebuilding Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department of Communities and Local Government with the consent of Lord Best, the Member in charge of the Bill, are published separately as HL Bill 78 – EN.

# Self-build and Custom Housebuilding Bill

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Schedule – Registers under section 1

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**B I L L**

TO

Place a duty on certain public authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and to place a duty on certain public authorities to have regard to those registers in carrying out planning and other functions.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Registers of persons seeking to acquire land to build a home**

- (1) Each relevant authority must keep a register of—
- (a) individuals, and
  - (b) associations of individuals (including bodies corporate that exercise functions on behalf of associations of individuals),
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- who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes.
- (2) Each relevant authority must publicise its register under this section.
- (3) Relevant authorities are—
- (a) district councils;
  - (b) county councils in England so far as they are councils for an area for which there are no district councils;
  - (c) London borough councils;
  - (d) the Common Council of the City of London;
  - (e) the Council of the Isles of Scilly.
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- (4) The Broads Authority is the relevant authority for the whole of its area, to the exclusion of any authority mentioned in subsection (3).
- (5) A National Park authority in England is the relevant authority for the whole of its area, to the exclusion of any authority mentioned in subsection (3).
- (6) Regulations may—
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- (a) provide for specified public authorities, or specified descriptions of public authorities, to be relevant authorities for specified areas in England, and
- (b) provide for such an authority to be the relevant authority for its area to the exclusion of any other authority. 5
- (7) For the purposes of this section the area of the Common Council includes the Inner Temple and the Middle Temple.
- (8) The Schedule makes provision in relation to registers under this section.
- 2 Duty as regards registers**
- (1) Each of the authorities mentioned in subsection (2) must have regard to each register under section 1 that relates to its area when carrying out the functions mentioned in subsection (4). 10
- (2) The authorities referred to in subsection (1) are—
- (a) county councils in England;
- (b) district councils; 15
- (c) London borough councils;
- (d) the Common Council of the City of London (in its capacity as a local authority);
- (e) the Sub-Treasurer of the Inner Temple (in that person’s capacity as a local authority); 20
- (f) the Under-Treasurer of the Middle Temple (in that person’s capacity as a local authority);
- (g) the Council of the Isles of Scilly;
- (h) the Broads Authority;
- (i) National Park authorities in England; 25
- (j) such other public authorities, or descriptions of public authority, as may be specified.
- (3) Regulations under subsection (2)(j) that specify public authorities, or descriptions of public authority, are to specify the areas in England that are those authorities’ areas for the purposes of this section. 30
- (4) The functions referred to in subsection (1) are functions relating to—
- (a) planning;
- (b) housing;
- (c) the disposal of any land of the authority;
- (d) regeneration. 35
- 3 Guidance**
- (1) A relevant authority must have regard to any guidance issued by the Secretary of State when exercising any function conferred or imposed by or under section 1 or the Schedule.
- (2) An authority mentioned in section 2(2) must have regard to any guidance issued by the Secretary of State when exercising the duty imposed by section 2, including guidance about identifying functions affected by the duty. 40

#### 4 Regulations

- (1) A statutory instrument containing regulations under –
  - (a) section 1,
  - (b) section 2, or
  - (c) paragraph 6 of the Schedule,(whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 5
- (2) A statutory instrument containing regulations under –
  - (a) section 5, or
  - (b) the Schedule apart from paragraph 6,is subject to annulment in pursuance of a resolution of either House of Parliament. 10
- (3) Regulations under this Act, apart from regulations under section 6, may include incidental, supplementary, consequential, transitional, transitory or saving provision. 15

#### 5 Interpretation

In this Act –

- “house” includes a dwelling that forms part of a building;
- “relevant authority” has the meaning given by section 1; 20
- “regulations” means regulations made by the Secretary of State by statutory instrument;
- “serviced plot of land” means a plot of land which satisfies such requirements about utilities and other matters as may be specified;
- “specified” means specified by regulations. 25

#### 6 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This section comes into force on the day this Act is passed.
- (3) The other provisions of this Act come into force on such day or days as regulations may appoint; and different days may be appointed for different purposes. 30
- (4) This Act may be cited as the Self-build and Custom Housebuilding Act 2015.

## SCHEDULE

Section 1

## REGISTERS UNDER SECTION 1

*Introductory*

- 1 Regulations may make provision in relation to registers under section 1.

*The registers*

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- 2 (1) The regulations may include provision about –
- (a) the form in which a register is to be kept;
  - (b) the content of an entry in a register (including matters not to be included in an entry);
  - (c) amending an entry; 10
  - (d) removing an entry;
  - (e) the periodic renewal of an entry.
- (2) Provision under sub-paragraph (1)(d) may include provision for a relevant authority to remove an entry –
- (a) at the request of the person registered; 15
  - (b) where the person has acquired land suitable for building a house;
  - (c) where the person has ceased to be eligible to be entered on its register.
- (3) Provision under sub-paragraph (1)(e) may –
- (a) specify when an entry falls to be renewed; 20
  - (b) provide for a relevant authority to determine when an entry in its register falls to be renewed.
- (4) The regulations may include provision about reviewing a register.
- (5) Subject to any provision made by the regulations, a relevant authority may determine the form of a register under section 1 and the contents of any entry. 25

*Eligibility*

- 3 (1) The regulations may make provision about a person's eligibility to be entered on a register.
- (2) The regulations may include provision relating to –
- (a) the circumstances of an individual, including provision about age, nationality and connections to an area;
  - (b) the type of house intended to be built;
  - (c) an individual's ability to fund the acquisition of the land and the building of the house; 35
  - (d) an individual's intentions as regards occupation of the house.

- (3) The regulations may include provision relating to –
  - (a) the constitution of an association of individuals,
  - (b) the financial arrangements of an association of individuals, and
  - (c) the constitution and financial arrangements of a body corporate exercising functions on behalf of an association of individuals.

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*Applications to be registered etc*

- 4 (1) The regulations may make provision about –
  - (a) applications to be entered on a register, and
  - (b) applications to renew an entry in a register.
- (2) The regulations may require an applicant to supply information, including information about –
  - (a) the applicant;
  - (b) the land that the applicant wants, including the applicant’s preferred size, location and price;
  - (c) when the applicant wants to acquire the land;
  - (d) if the application is made by an association of individuals, the individuals (as well as the association);
  - (e) if the application is made by a body corporate exercising functions on behalf of an association of individuals, the association and the individuals (as well as the body corporate).

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*Right to review*

- 5 (1) The regulations may make provision about a right to a review of a decision –
  - (a) to refuse an application to be entered on a register,
  - (b) to refuse to renew an entry in a register, or
  - (c) to remove an entry from a register,on the ground that the person is not eligible, or is no longer eligible, to be entered on the register.
- (2) The regulations may –
  - (a) provide for the time within which a request for a review of a decision must be made;
  - (b) require a relevant authority to review its decision if a request is duly made;
  - (c) require a relevant authority to notify a person of the reason for the decision when notifying the person of its decision;
  - (d) require a relevant authority to notify the person of –
    - (i) the right to request a review of the decision, and
    - (ii) the time within which the request must be made;
  - (e) exclude a review of a decision on a review.

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*Fees*

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- 6 (1) The regulations may provide for the payment of fees to relevant authorities in connection with their functions under section 1 and this Schedule.
- (2) The regulations may –

- (a) specify the fees payable, or
- (b) make provision about the fixing of fees by relevant authorities, including provision about determining the amounts of such fees.



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To place a duty on certain public authorities to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and to place a duty on certain public authorities to have regard to those registers in carrying out planning and other functions.

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