
WELSH STATUTORY INSTRUMENTS

2014 No. 1241 (W. 129) (C. 50)

HOUSING, WALES

The Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No. 1 and Transitory Provisions) (Wales) Order 2014

Made - - - -

13 May 2014

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 185(3) and (8) of the Anti-social Behaviour, Crime and Policing Act 2014⁽¹⁾.

Title and interpretation

1.—(1) The title of this Order is the Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No. 1 and Transitory Provisions) (Wales) Order 2014.

(2) In this Order, “the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014.

Commencement and application

2. The following provisions of the 2014 Act will come into force in relation to Wales on the 13 May 2014—

- (a) section 98 (conduct causing nuisance to landlord etc.);
- (b) section 100(1) (restrictions where new possession proceedings in progress etc.);
- (c) section 181(1) (amendments), insofar as it relates to the provisions in Schedule 11 specified in paragraph (d) below;
- (d) in Schedule 11 (minor and consequential amendments)—
 - (i) paragraph 12;
 - (ii) paragraph 20.

Transitory provisions: recovery of possession of dwelling houses

3.—(1) This article makes transitory modifications to the Housing Act 1985⁽²⁾ and 1988⁽³⁾ as they apply in Wales, with effect from the 13 May 2014.

(1) 2014 c.12.
(2) 1985 c.68.
(3) 1988 c.50.

(2) Until sections 94 to 97 of the 2014 Act (absolute grounds for possession) come into force in Wales, the Housing Act 1985 is to be read as if—

- (a) in section 138 (duty of landlord to convey freehold or grant lease)(4)—
 - (i) in subsection (2A)(a) the words “or section 84A possession order” were omitted;
 - (ii) in subsection (2B)(a) the words “or an operative section 84A possession order” were omitted; and
 - (iii) in subsection (2C) the definitions of “operative section 84A possession order” and “section 84A possession order” were omitted;
- (b) in Schedule 1 (tenancies which are not secure tenancies)(5), in paragraph 4ZA(12) (family intervention tenancies) for the definition of “relevant possession order” there were substituted—
 - ““relevant possession order” means a possession order under section 84 that is made on ground 2, 2ZA or 2A of Part 1 of Schedule 2;”.

(3) Until sections 94 to 97 of the 2014 Act (absolute grounds for possession) come into force in Wales, in Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies)(6), paragraph 12ZA(3)(a)(i) (family intervention tenancies) is to be read as if the words “ground 7A of Part 1 of Schedule 2 or” were omitted.

Carl Sargeant
Minister for Housing and Regeneration, one of
the Welsh Ministers

13 May 2014

(4) Subsections (2A) to (2C) were inserted by section 193(1) of the Housing Act 2004 (c. 34) and are prospectively amended by section 100(1) of the 2014 Act.

(5) Paragraph 4ZA was inserted by section 297(1) of the Housing and Regeneration Act 2008 (c. 17) and is prospectively amended by section 181 of, and paragraph 12 of Schedule 11 to, the 2014 Act.

(6) Paragraph 12ZA was inserted by section 297(2) of the Housing and Regeneration Act 2008 and is prospectively amended by section 181 of, and paragraph 20 of Schedule 11 to, the 2014 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in Wales, various provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

Article 2 brings into force, in relation to Wales, provisions relating to discretionary grounds for ordering possession of secure and assured tenancies (section 98).

Section 99 of the 2014 Act comes into force on 13 May 2014 ([S.I. 2014/949](#)) in England and Wales, although that section applies in relation to dwelling houses in England only. For that reason, article 2 also brings into force in Wales, the supplemental provisions relating to the recovery of possession of dwelling houses on grounds of anti-social behaviour (section 100(1)).

Article 3 makes transitory modifications to section 138 of, and Schedule 1 to, the Housing Act 1985 and Schedule 1 to the Housing Act 1988 until sections 94 to 97 of the 2014 Act (absolute grounds for possession) come into force.

A note as to earlier Commencement Orders is available on request from the Housing Policy Division, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.