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WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1241 (Cy. 129) (C. 50)

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

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Deddf Ymddygiad
Gwrthgymdeithasol, Troseddu a
Phlisma 2014 (Cychwyn Rhif 1 a
Darpariaethau Darfodol) (Cymru)
2014**

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

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn dod ag amryw o ddarpariaethau Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 ("Deddf 2014") i rym, yng Nghymru.

Mae erthygl 2 yn dwyn i rym, o ran Cymru, ddarpariaethau sy'n ymwneud â seiliau dewisol dros orchymyn meddiant ar denantiaethau diogel a sier (adran 98).

Mae adran 99 o Ddeddf 2014 yn dod i rym ar 13 Mai 2014 (O.S. 2014/949) yng Nghymru a Lloegr, er bod yr adran honno'n gymwys o ran tai annedd yn Lloegr yn unig. Am y rheswm hwnnw, mae erthygl 2 hefyd yn dwyn i rym yng Nghymru y darpariaethau atodol sy'n ymwneud ag adfer meddiant ar dai annedd ar sail ymddygiad gwrthgymdeithasol (adran 100(1)).

Mae erthygl 3 yn gwneud addasiadau darfodol i adran 138 o Ddeddf Tai 1985 ac Atodlen 1 iddi, ac i Atodlen 1 i Ddeddf Tai 1988 nes i adrannau 94 i 97 o Ddeddf 2014 (seiliau absoliwt dros feddiant) ddod i rym.

Mae nodyn ynghylch Gorchymynion Cychwyn blaenorol ar gael drwy wneud cais i'r Is-adran Polisi Tai, Llywodraeth Cymru, Parc Busnes Rhyd-y-car, Merthyr Tudful, CF48 1UZ.

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.

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TAI, CYMRU

Gorchymyn Deddf Ymddygiad
Gwrthgymdeithasol, Troseddu a
Phlisma 2014 (Cychwyn Rhif 1 a
Darpariaethau Darfodol) (Cymru)
2014

Gwnaed

13 Mai 2014

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 185(3) ac (8) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014(1).

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 (Cychwyn Rhif 1 a Darpariaethau Darfodol) (Cymru) 2014.

(2) Yn y Gorchymyn hwn, ystyr "Deddf 2014" ("*the 2014 Act*") yw Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014.

Cychwyn a chymhwyso

2. Daw'r darpariaethau a ganlyn yn Neddf 2014 i rym o ran Cymru ar 13 Mai 2014—

- (a) adran 98 (ymddygiad sy'n peri niwsans i landlord etc.);
- (b) adran 100(1) (cyfyngiadau pan fo achos newydd ynghylch meddiant ar ei hanner etc.);
- (c) adran 181(1) (diwygiadau), i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir ym mharagraff (d) isod;
- (d) yn Atodlen 11 (diwygiadau mân a chanlyniadol)—
 - (i) paragraff 12;
 - (ii) paragraff 20.

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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.

Darpariaethau darfodol: adfer meddiant tai annedd

3.—(1) Mae'r erthygl hon yn gwneud addasiadau darfodol i Ddeddf Tai 1985(1) a 1988(2) fel y maent yn gymwys yng Nghymru, i fod yn effeithiol o 13 Mai 2014 ymlaen.

(2) Hyd nes i adrannau 94 i 97 o Ddeddf 2014 (seiliau absoliwt dros feddiant) ddod i rym yng Nghymru, mae Deddf Tai 1985 i'w darllen—

- (a) yn adran 138 (dyletswydd landlord i drawsgludo rhydd-ddaliad neu i roi prydles)(3)—
 - (i) yn is-adran (2A)(a) fel pe bai'r geiriau “or section 84A possession order” wedi eu hepgor;
 - (ii) yn is-adran (2B)(a) fel pe bai'r geiriau “or an operative section 84A possession order” wedi eu hepgor; a
 - (iii) yn is-adran (2C) fel pe bai'r diffiniadau o “operative section 84A possession order” a “section 84A possession order” wedi eu hepgor;
- (b) yn Atodlen 1 (tenantiaethau nad ydynt yn denantiaethau diogel)(4), ym mharagraff 4ZA(12) (tenantiaethau ymyriad teuluol) fel pe bai'r canlynol wedi ei roi yn lle'r diffiniad o “relevant possession order”—
““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) Hyd nes i adrannau 94 i 97 o Ddeddf 2014 (seiliau absoliwt dros feddiant) ddod i rym yng Nghymru, yn Atodlen 1 i Ddeddf Tai Act 1988 (tenantiaethau na allant fod yn denantiaethau sicr)(5), mae paragraff 12ZA(3)(a)(i) (tenantiaethau ymyriad teuluol) i'w ddarllen fel pe bai'r geiriau “ground 7A of Part 1 of Schedule 2 or” wedi eu hepgor.

Transitory provisions: recovery of possession of dwelling houses

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

(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)(3)—
 - (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)(4), 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)(5), 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.

(1) 1985 p.68.

(2) 1988 p.50.

(3) Mewnosodwyd is-adrannau (2A) i (2C) gan adran 193(1) o Ddeddf Tai 2004 (p. 34) ac fe'u diwygir yn y dyfodol gan adran 100(1) o Ddeddf 2014.

(4) Mewnosodwyd paragraff 4ZA gan adran 297(1) o Ddeddf Tai ac Adfywio 2008 (p. 17) ac fe'i diwygir yn y dyfodol gan adran 181 o Ddeddf 2014, a pharagraff 12 o Atodlen 11 iddi.

(5) Mewnosodwyd paragraff 12ZA gan adran 297(2) o Ddeddf Tai ac Adfywio 2008 ac fe'i diwygir yn y dyfodol gan adran 181 o Ddeddf 2014, a pharagraff 20 o Atodlen 11 iddi.

(1) 1985 c.68.

(2) 1988 c.50.

(3) 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.

(4) 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.

(5) 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.

Carl Sargeant

Y Gweinidog Tai ac Adfywio, un o Weinidogion
Cymru

Minister for Housing and Regeneration, one of the
Welsh Ministers

13 Mai 2014

13 May 2014

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