
WELSH STATUTORY INSTRUMENTS

2004 No. 2557 (W.228) (C.107)

**HOUSING, WALES
ANTI-SOCIAL BEHAVIOUR, WALES
LOCAL GOVERNMENT, WALES**

The Anti-social Behaviour Act 2003 (Commencement
No.2 and Savings) (Wales) Order 2004

Made - - - - 28 September 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by section 93(2)(b) and 94(2) of the Anti-social Behaviour Act 2003(1), hereby makes the following Order:

Name, interpretation and application

1.—(1) This Order is called the Anti-social Behaviour Act 2003 (Commencement No.2 and Savings) (Wales) Order 2004.

(2) In this Order—

- (a) “the commencement date” (“*y dyddiad cychwyn*”) means 30 September 2004; and
- (b) references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Anti-social Behaviour Act 2003(1).

(3) This Order applies to Wales.

Provisions coming into force on the commencement date

2. The following provisions shall come into force on the commencement date, subject to the savings in the Schedule to this Order—

(a) in Part 2 (housing)—

- (i) section 13 (injunctions against anti-social behaviour on the application of certain social landlords);
- (ii) section 14 and Schedule 1 (security of tenure: anti-social behaviour) (demoted tenancies) in so far as they confer the power to make regulations;
- (iii) section 16 (proceedings for possession: anti-social behaviour); and

(1) 2003 c. 38.
(1) 2003 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (iv) section 17 (devolution: Wales);
- (b) in Part 9 (miscellaneous powers) section 91 (section 222 of the Local Government Act 1972⁽²⁾: power of arrest attached to injunction).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽³⁾

28 September 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

(2) 1972 c. 70
(3) 1998 c. 38.

SCHEDULE

Savings

1. The amendments made to Chapter 3 of Part 5 of the Housing Act 1996(b) by section 13 shall not have effect in relation to—
 - (a) any application for an injunction under section 152, or to which section 153 of that Act applies, issued before the commencement date; or
 - (b) any injunction granted pursuant to such an application; or
 - (c) any power of arrest attached to any provision of such an injunction; or
 - (d) any other court order granted, or proceedings arising, in connection with such an application or such an injunction.
2. The amendments made to the Housing Act 1985(4) and the Housing Act 1988(5) by section 16 shall not have effect in relation to any proceedings for the possession of a dwelling-house begun before the commencement date.
3. Section 91 shall not have effect in relation to—
 - (a) any application for an injunction under section 222 of the Local Government Act 1972(6) issued before the commencement date;
 - (b) any injunction granted pursuant to such an application.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in relation to Wales, some of the provisions of Part 2 (Housing) of the Anti-social Behaviour Act 2003, subject to the savings in the Schedule to the Order.

Section 13 replaces sections 152 and 153 of the Housing Act 1996 with new provisions allowing local authorities, registered social landlords and housing action trusts to apply for injunctions to prohibit anti-social behaviour which relates to or affects their management of their stock.

Sections 14 and 15 allow social landlords to apply for demotion orders in cases of anti-social behaviour. The demotion order ends the tenant's existing secure or assured tenancy and replaces it with a new form of demoted tenancy with less security of tenure. Section 14 and Schedule 1 are being commenced now in so far as they give the power to make regulations.

Section 16 amends the court's discretion when considering claims for possession of a dwelling-house (let on an assured or secure tenancy) brought on the grounds of anti-social behaviour, to ensure that sufficient weight is given to the effects of any anti-social behaviour.

Section 17 ensures that all functions of the Secretary of State arising from the amendments to the Housing Acts mentioned are, so far as exercisable in relation to Wales, to be carried out by the National Assembly for Wales.

(4) 1985 c. 68
(5) 1988 c. 50
(6) 1972 c. 70

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

This Order also brings into force, in relation to Wales, section 91 which allows a local authority to request a power of arrest to be attached to any provision of an injunction obtained under section 222 of the Local Government Act 1972 where the injunction is to prohibit anti-social behaviour.

The Schedule to this Order contains savings in respect of the amendments to the Housing Acts 1985, 1988 and 1996 commenced by this Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Act which are referred to in the table below have been brought into force in relation to both Wales and England by a Commencement Order made before the date of this Order.

| <i>Section or Schedule</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|----------------------------|-----------------------------|--------------------|
| 1 to 11 | 20 January 2004 | 2003/3300 |
| 18 | 27 February 2004 | 2003/3300 |
| 23 | 27 February 2004 | 2003/3300 |
| 25 to 29 | 27 February 2004 | 2003/3300 |
| 30 to 38 | 20 January 2004 | 2003/3300 |
| 39(1) and (2) | 20 January 2004 | 2003/3300 |
| 39(3) (in part) | 20 January 2004 | 2003/3300 |
| 39(3) (remainder) | 30 April 2004 | 2003/3300 |
| 39(4), (5) and (6) | 20 January 2004 | 2003/3300 |
| 46 | 31 March 2004 | 2004/690 |
| 53 | 20 January 2004 | 2003/3300 |
| 54 | 31 March 2004 | 2004/690 |
| 57 to 59 | 20 January 2004 | 2003/3300 |
| 60 to 64 | 27 February 2004 | 2003/3300 |
| 85(1), (2) and (3) | 20 January 2004 | 2003/3300 |
| 85 (4) (in part) | 20 January 2004 | 2003/3300 |
| 85(4) (remainder) | 31 March 2004 | 2004/690 |
| 85(5) | 31 March 2004 | 2004/690 |
| 85(6) (in part) | 31 March 2004 | 2004/690 |
| 85(6) (remainder) | 30 September 2004 | 2004/2168 |
| 85(7) | 20 January 2004 | 2003/3300 |
| 85(8) | 27 February 2004 | 2003/3300 |
| 85(9), (10) and (11) | 31 March 2004 | 2004/690 |
| 86(1) and (2) | 31 March 2004 | 2004/690 |
| 86(3) (in part) | 20 January 2004 | 2003/3300 |

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Section or Schedule</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|----------------------------|-----------------------------|--------------------|
| 86(3) (remainder) | 31 March 2004 | 2004/690 |
| 86(4), (5) and (6) | 20 January 2004 | 2003/3300 |
| 87 | 20 January 2004 | 2003/3300 |
| 88 (in part) | 30 September 2004 | 2004/2168 |
| 89(1), (2), (3) and (4), | 20 January 2004 | 2003/3300 |
| 89(5) | 31 March 2004 | 2004/690 |
| 89(6) and (7) | 20 January 2004 | 2003/3300 |
| 90 | 31 July 2004 | 2004/1502 |
| 92 (in part) | 20 January 2004 | 2003/3300 |
| 92 (in part) | 31 March 2004 | 2004/690 |
| 92 (in part) | 30 September 2004 | 2004/2168 |
| Schedule 2 (in part) | 30 September 2004 | 2004/2168 |
| Schedule 3 (in part) | 20 January 2004 | 2003/3300 |
| Schedule 3 (in part) | 30 september | 2004/2168 |
| Schedule 3 (in part) | 31 March 2004 | 2004/690 |

The provisions of the Act which are referred to in the table below have been brought into force in relation to Wales by a Commencement Order made before the date of this Order.

| <i>Section or Schedule</i> | <i>Date of commencement</i> | <i>S.I. Number</i> |
|----------------------------|-----------------------------|--------------------|
| 40 to 45 | 31 March 2004 | 2004/999 (W.105) |
| 47 to 52 | 31 March 2004 | 2004/999 (W.105) |
| 55 and 56 | 31 March 2004 | 2004/999 (W.105) |