
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.

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.