

2011 No. 2475 (W.267) (C. 89)

HOUSING, WALES

**The Housing (Wales) Measure 2011
(Commencement No. 1) Order 2011**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made by the Welsh Ministers, commences the majority of Part 2 (Registered Social Landlords) of the Housing (Wales) Measure 2011 (“the Measure”) on 18 October 2011 (“the first commencement date”) with the remainder coming into force on 2 December 2011 (“the second commencement date”).

This is the first Commencement Order made under the Measure.

Part 3 (Supplementary and Final Provisions) of the Measure came into force, pursuant to section 90(2), with effect from 10 July 2011 (two months after the Measure was approved by her Majesty in Council).

Part 2 of the Measure amends Part 1 of, and Schedule 1 to, the Housing Act 1996.

The effect of the sections which are brought into force on the first commencement date is as follows:

Chapter 1 of Part 2 of the Measure relates to the performance of Registered Social Landlords. Sections 35 and 36 of Chapter 1 are partially brought into force for the purposes of consultation on setting standards of performance under section 33A of the Housing Act 1996 and issuing guidance on standards of performance under section 33B of the Housing Act 1996. Sections 35 and 36 are brought fully into force on the second commencement date.

Chapter 2 is commenced and makes provision for Registered Social Landlords to give, and for the Welsh Ministers to accept, voluntary undertakings in lieu of other methods of enforcement.

Chapter 3 is commenced except for section 42, which comes into force on the second commencement date, and makes provision for surveys and inspections.

Chapter 4 is commenced except where provisions relate to the standards of performance to be set under Chapter 1. Chapter 4 makes provision for the Welsh Ministers to take enforcement action against Registered Social Landlords.

Chapter 5 is commenced and contains miscellaneous provisions including the appointment of an interim manager, removal of officers, and minor and consequential amendments. The majority of the minor and consequential amendments in the Schedule to the Measure come into force on the first commencement date with the remainder coming into force on the second commencement date when the remainder of Chapters 1 and 4 come into force.

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HOUSING, WALES

**The Housing (Wales) Measure 2011
(Commencement No. 1) Order 2011**

Made

17 October 2011

The Welsh Ministers, in exercise of the powers conferred upon them by section 90(2) of the Housing (Wales) Measure 2011⁽¹⁾, make the following Order:

Title, application and interpretation

1.—(1) The title of this Order is the Housing (Wales) Measure 2011 (Commencement No. 1) Order 2011 and it applies in relation to Wales.

(2) In this Order—

“the Measure” (“*y Mesur*”) means the Housing (Wales) Measure 2011;

“the first commencement date” (“*y dyddiad cychwyn cyntaf*”) is 18 October 2011; and

“the second commencement date” (“*yr ail ddyddiad cychwyn*”) is 2 December 2011.

Commencement of certain provisions of Part 2 of the Measure (Registered Social Landlords) on the first commencement date

2. The following provisions of Part 2 of, and the Schedule to, the Measure come into force on the first commencement date.

Chapter 1 (Performance)

- (a) Section 35 (Standards of performance) for the purpose of consultation on setting standards of performance under section 33A of the Housing Act 1996;
- (b) Section 36 (Guidance on standards of performance) for the purpose of consultation

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on the issue of guidance on standards of performance under section 33B of the Housing Act 1996;

- (c) Section 37 (Consultation about standards and guidance);
- (d) Section 39 (Guidance about complaints); and
- (e) Section 40 (Consultation).

Chapter 2 (Voluntary undertakings)

- (f) The whole Chapter.

Chapter 3 (Regulation)

- (g) The whole Chapter, except section 42 (Failure to give notice to occupiers).

Chapter 4 (Enforcement)

- (h) Sections 50 and 51 (Enforcement powers);
- (i) Section 52 (Enforcement notice: grounds for giving notice) save insofar as it relates to standards applicable under section 33A of the Housing Act 1996;
- (j) Sections 53 to 56 (Enforcement notice - further provisions);
- (k) Section 57 (Penalty: Grounds for imposition) save insofar as it relates to standards applicable under section 33A of the Housing Act 1996;
- (l) Sections 58 to 63 (Penalty - further provisions);
- (m) Section 64 (Compensation: Grounds for award) save insofar as it relates to standards applicable under section 33A of the Housing Act 1996;
- (n) Sections 65 to 71 (Compensation - further provisions);
- (o) Section 72 (Management tender) save insofar as it relates to standards applicable under section 33A of the Housing Act 1996;
- (p) Sections 73 to 75 (Management etc. - further provisions);
- (q) Section 76 (Appointment of manager of registered social landlord) save insofar as it relates to standards applicable under section 33A of the Housing Act 1996; and
- (r) Sections 77 to 82 (Management etc. - further provisions).

Chapter 5 (Miscellaneous and General Provisions)

- (s) Sections 83 to 87 (Appointment of an interim manager on Insolvency, Removal of officers, Appointment of new officers, Charities that

have “received public assistance” and Minor definitions); and

- (t) Section 88 (Minor and consequential amendments) insofar as it relates to the provisions in the Schedule to the Measure commenced by this article.

The Schedule (Minor and consequential amendments)

- (u) Paragraphs 1 to 3; and
- (v) Paragraphs 9 to 20.

Commencement of the remaining provisions of Part 2 of the Measure (Registered Social Landlords) on the second commencement date

3. The following provisions of Part 2 of, and the Schedule to, the Measure come into force on the second commencement date.

Chapter 1 (Performance)

- (a) Section 35 (Standards of performance) for all remaining purposes;
- (b) Section 36 (Guidance on standards of performance) for all remaining purposes; and
- (c) Section 38 (Information as to levels of performance).

Chapter 3 (Regulation)

- (d) Section 42 (Failure to give notice to occupiers).

Chapter 4 (Enforcement)

- (e) Section 52 (Enforcement notice: grounds for giving notice) for remaining purposes;
- (f) Section 57 (Penalty: Grounds for imposition) for remaining purposes;
- (g) Section 64 (Compensation: Grounds for award) for remaining purposes;
- (h) Section 72 (Management tender) for remaining purposes; and
- (i) Section 76 (Appointment of manager of registered social landlord) for remaining purposes.

Chapter 5 (Miscellaneous and General Provisions)

- (j) Section 88 (Minor and consequential amendments) insofar as it relates to the provisions in the Schedule to the Measure commenced by this article.

Schedule (Minor and consequential amendments)

- (k) Paragraphs 4 to 8.

Huw Lewis

The Minister for Housing, Regeneration and Heritage,
one of the Welsh Ministers

17 October 2011