

2014 No. 3127 (W. 316) (C. 136)

HOUSING, WALES

**The Housing (Wales) Act 2014
(Commencement No. 1) Order 2014**

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Housing (Wales) Act 2014 (“the Act”). It commences certain provisions in the Act for differing purposes on 1 December 2014.

Article 2(a) commences, for all purposes, certain provisions in Parts 4, 5, 6, 8 and 9 of, and Parts 3 and 5 of Schedule 3 to, the Act.

Part 4 of the Act contains provisions allowing the Welsh Ministers to set standards for social housing. It also introduces Part 3 of Schedule 3 which contains amendments consequent on Part 4. This Part is commenced in full, with the exception of section 129 (application of duties relating to service charges to local authority tenancies).

Part 5 of the Act abolishes the Housing Revenue Account subsidy; however only section 131(4)(c) of Part 5 is commenced now. This repeals paragraph 2, Part 3 of Schedule 4 to the Local Government and Housing Act 1989 (c. 42) (credit balance where no Housing Revenue Account subsidy is payable).

Part 6 of the Act amends the Housing Act 1988 (c. 50) (Assured Tenancies – tenancies which cannot be assured tenancies). Section 137 is commenced in full to allow fully mutual housing associations to grant assured tenancies.

Part 8 of the Act amends Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (Landlord and Tenant). It also repeals, in relation to Wales, the Leasehold Reform (Amendment) Act 2014. The amendments allow notices to be signed on behalf of tenants.

Part 9 of the Act contains miscellaneous provisions. The provisions not already in force are commenced by

this Order. Section 141 introduces Part 5 of Schedule 3 to the Act. This makes minor amendments to the Mobile Homes (Wales) Act 2013 (anaw 6). Section 144 contains the Welsh Ministers' power to make consequential and transitional provisions etc.

Article 2(b) commences certain provisions in Parts 1 and 2 of, and Schedule 2 to, the Act, but only for the purposes of making orders and regulations, and giving directions.

Article 2(c) commences certain provisions in Parts 1, 2 and 3 of the Act, but only for the purposes of giving, revising or revoking statutory guidance and issuing, amending or withdrawing a code of practice.

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**The Housing (Wales) Act 2014
(Commencement No. 1) Order 2014**

Made

24 November 2014

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 145(3) of the Housing (Wales) Act 2014⁽¹⁾.

Title and interpretation

1.—(1) The title of this Order is the Housing (Wales) Act 2014 (Commencement No. 1) Order 2014.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Housing (Wales) Act 2014.

Appointed day

2. 1 December 2014 is the appointed day for the coming into force of—

- (a) the provisions of the Act listed in Part 1 of the Schedule for all purposes;
- (b) the provisions of the Act listed in Part 2 of the Schedule for the purposes of making orders and regulations, and giving directions; and
- (c) the provisions of the Act listed in Part 3 of the Schedule for the purposes of giving, revising or revoking statutory guidance and issuing, amending or withdrawing a code of practice.

Lesley Griffiths

The Minister for Communities and Tackling Poverty,
one of the Welsh Ministers
24 November 2014

(1) 2014 anaw 7.

Provisions coming into force on 1
December 2014

PART 1

Provisions coming into force for all purposes

1. Sections 111 to 128 (standards for housing provided by local housing authorities).
2. Section 130 and Part 3 of Schedule 3 (consequential amendments relating to Part 4 of the Act).
3. Section 131(4)(c) (Housing Revenue Account subsidy - credit balance where no subsidy payable).
4. Section 137 (allowing fully mutual housing associations to grant assured tenancies).
5. Section 140 (amendment of the Leasehold Reform, Housing and Urban Development Act 1993).
6. Section 141 and Part 5 of Schedule 3 (minor amendments to the Mobile Homes (Wales) Act 2013).
7. Section 144 (power to make consequential and transitional provision etc).

PART 2

Provisions coming into force for the purposes of making orders, regulations and directions

8. Section 2 (meaning of key terms).
9. Section 3 (licensing authority).
10. Section 5 (exceptions to the requirement for a landlord to be registered).
11. Section 6 (requirement for landlords to be licensed to carry out lettings activities).
12. Section 7 (requirement for landlords to be licensed to carry out property management activities).
13. Section 8 (exceptions to requirements for landlords to be licensed).
14. Section 10 (meaning of letting work).
15. Section 12 (meaning of property management work).
16. Section 14 (duty to maintain register in relation to rental properties).

17. Section 15 (registration by a licensing authority).
18. Section 16 (duty to update information).
19. Section 19 (licence application requirements).
20. Section 20 (fit and proper person requirement).
21. Section 21 (determination of application).
22. Section 23 (duty to update information).
23. Section 29 (fixed penalty notices).
24. Section 34 (power for Welsh Ministers to make regulations in relation to sections 32 and 33).
25. Section 42 (directions).
26. Section 46 (regulations about fees).
27. Section 49 (interpretation of Part 1 and index of defined terms).
28. Section 50 (duty to carry out a homelessness review and formulate a homelessness strategy).
29. Section 57 (whether it is reasonable to continue to occupy accommodation).
30. Section 59 (suitability of accommodation).
31. Section 72 (power to amend or repeal provisions about priority need for accommodation).
32. Section 78 (deciding to have regard to intentionality).
33. Section 80 (Referral of case to another local housing authority).
34. Section 81 (local connection).
35. Section 86 (procedure on review).
36. Section 95 (co-operation).
37. Section 99 (interpretation of Part 2).
38. Paragraph 1 of Schedule 2 (persons not eligible for help).

PART 3

Provisions coming into force for the purposes of giving, revising or revoking statutory guidance and issuing, amending or withdrawing a code of practice

39. Section 20 (fit and proper person requirement).
40. Section 40 (code of practice).
41. Section 41 (guidance).

42. Section 64 (how to secure or help to secure the availability of accommodation).

43. Section 98 (guidance).

44. Section 106 (guidance).