

2015 No. 1272 (W. 88) (C. 73)

HOUSING, WALES

**The Housing (Wales) Act 2014
(Commencement No. 3 and
Transitory, Transitional and Saving
Provisions) Order 2015**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 27 April 2015, Part 2 of the Housing (Wales) Act 2014 (“the Act”), with the exception of section 75(3) (intentionally homeless households with children) and the partial exception of section 78 (deciding to have regard to intentionality). The Order also makes transitory, transitional and saving provisions as a result of the commencement of Part 2.

This is the third commencement order made by the Welsh Ministers under the Act.

Article 2 commences, insofar as not already commenced, Part 2 (homelessness) of the Act, subject to the exceptions below. Section 100 of the Act introduces Part 1 of Schedule 3 which makes consequential amendments relating to Part 2 of the Act. These amendments, among other things, have the effect of restricting to England, the application of Part 7 of the Housing Act 1996.

Article 2 also commences section 78 of the Act, but only for the purposes of allowing local housing authorities to decide to have regard to intentional homelessness in relation to specified categories of applicants. It also allows the notices of the decisions to be published.

Article 3 brings section 78 into effect for all remaining purposes on 1 July 2015.

Article 5 saves the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014. It also modifies the Regulations so that they will operate as if made under the Act.

Article 6 modifies section 75(2)(d) of the Act to omit the reference to deciding to have regard to intentionality, until section 78 is brought into full effect on 1 July 2015.

Article 7 makes a transitional provision in respect of a person who has applied before 27 April 2015 for assistance under Part 7 of the Housing Act 1996.

Article 8 makes a transitory modification to the Local Authority Social Services Act 1970, to refer to the homelessness functions of social services authorities under the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force to their fullest extent (unless indicated otherwise) by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 2 (partially)	1 December 2014	2014/3127 (W. 316)
Section 3 (partially)	1 December 2014	2014/3127 (W. 316)
Section 5 (partially)	1 December 2014	2014/3127 (W. 316)
Section 6 (partially)	1 December 2014	2014/3127 (W. 316)
Section 7 (partially)	1 December 2014	2014/3127 (W. 316)
Section 8 (partially)	1 December 2014	2014/3127 (W. 316)
Section 10 (partially)	1 December 2014	2014/3127 (W. 316)
Section 12 (partially)	1 December 2014	2014/3127 (W. 316)
Section 14 (partially)	1 December 2014	2014/3127 (W. 316)
Section 15 (partially)	1 December 2014	2014/3127 (W. 316)
Section 16 (partially)	1 December 2014	2014/3127 (W. 316)
Section 19 (partially)	1 December 2014	2014/3127 (W. 316)
Section 20 (partially)	1 December 2014	2014/3127 (W. 316)
Section 21 (partially)	1 December 2014	2014/3127 (W. 316)
Section 23 (partially)	1 December 2014	2014/3127 (W. 316)

Section 29 (partially)	1 December 2014	2014/3127 (W. 316)
Section 34 (partially)	1 December 2014	2014/3127 (W. 316)
Section 40 (partially)	1 December 2014	2014/3127 (W. 316)
Section 41 (partially)	1 December 2014	2014/3127 (W. 316)
Section 42 (partially)	1 December 2014	2014/3127 (W. 316)
Section 46 (partially)	1 December 2014	2014/3127 (W. 316)
Section 49 (partially)	1 December 2014	2014/3127 (W. 316)
Section 50 (partially)	1 December 2014	2014/3127 (W. 316)
Section 57 (partially)	1 December 2014	2014/3127 (W. 316)
Section 59 (partially)	1 December 2014	2014/3127 (W. 316)
Section 64 (partially)	1 December 2014	2014/3127 (W. 316)
Section 72 (partially)	1 December 2014	2014/3127 (W. 316)
Section 78 (partially)	1 December 2014	2014/3127 (W. 316)
Section 80 (partially)	1 December 2014	2014/3127 (W. 316)
Section 81 (partially)	1 December 2014	2014/3127 (W. 316)
Section 86 (partially)	1 December 2014	2014/3127 (W. 316)
Section 95 (partially)	1 December 2014	2014/3127 (W. 316)
Section 98 (partially)	1 December 2014	2014/3127 (W. 316)
Section 99 (partially)	1 December 2014	2014/3127 (W. 316)
Section 101	25 February 2015	2015/380 (W. 39)
Section 102	25 February 2015	2015/380 (W. 39)
Section 105	25 February 2015	2015/380 (W. 39)
Section 106 (partially)	1 December 2014	2014/3127 (W. 316)
Section 106 (for remaining purposes)	25 February 2015	2015/380 (W. 39)
Section 107	25 February 2015	2015/380 (W. 39)
Section 108	25 February	2015/380

	2015	(W. 39)
Section 109	25 February 2015	2015/380 (W. 39)
Section 110	25 February 2015	2015/380 (W. 39)
Sections 111 to 128	1 December 2014	2014/3127 (W. 316)
Section 130 and Part 3 of Schedule 3	1 December 2014	2014/3127 (W. 316)
Section 131(4)(c)	1 December 2014	2014/3127 (W. 316)
Section 137	1 December 2014	2014/3127 (W. 316)
Section 140	1 December 2014	2014/3127 (W. 316)
Section 141 and Part 5 of Schedule 3	1 December 2014	2014/3127 (W. 316)
Section 144	1 December 2014	2014/3127 (W. 316)
Paragraph 1 of Schedule 2 (partially)	1 December 2014	2014/3127 (W. 316)
Part 2 of Schedule 3	25 February 2015	2015/380 (W. 39)

See also section 145(1) of the Act for the provisions which came into force on the day the Act received Royal Assent and section 145(2) for those provisions which came into force 2 months after the Act received Royal Assent.

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HOUSING, WALES

The Housing (Wales) Act 2014
(Commencement No. 3 and
Transitory, Transitional and Saving
Provisions) Order 2015

Made

21 April 2015

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 145(3) and (4) 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. 3 and Transitory, Transitional, and Saving Provisions) Order 2015.

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

Provisions coming into force on 27 April 2015

2. Subject to articles 4, 5, 6, 7 and 8, the appointed day for the provisions of the Act listed in the Schedule to come into force for the purposes specified (insofar as they are not already in force) is 27 April 2015.

Provision coming into force on 1 July 2015

3. Subject to articles 4, 5 and 8, the appointed day for section 78 of the Act (deciding to have regard to intentionality) to come into force for all remaining purposes is 1 July 2015.

Transitory, transitional and saving provisions

4. The following transitory, transitional and saving provisions have effect.

(1) 2014 anaw 7.

Saving provision in relation to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

5.—(1) Notwithstanding the commencement of section 61 of, and Schedule 2 to, the Act, the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014⁽¹⁾ continue to have effect (subject to any subsequent amendment or revocation) as if made under paragraph 1 of Schedule 2 to the Act.

(2) Insofar as the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 continue to have effect by virtue of paragraph (1), they do so subject to the following modifications—

- (a) in regulation 5(1) the reference to “Part 7 of the 1996 Act” has effect as a reference to “section 66, 68, 73 or 75 of the Housing (Wales) Act 2014”; and
- (b) in regulation 6(1) the reference to “Part 7 of the 1996 Act” has effect as a reference to “section 66, 68, 73 or 75 of the Housing (Wales) Act 2014”.

Transitory modification to the Act

6.—(1) This article comes in force on 27 April 2015.

(2) This article makes a transitory modification to section 75(2)(d) of the Act with effect until 1 July 2015.

(3) Until section 78 of the Act (deciding to have regard to intentionality) comes fully into force by virtue of article 3, section 75(2)(d) is to be read as if the words “if the authority is having regard to whether or not the applicant is homeless intentionally (see section 77)” were omitted.

Transitional provision in relation to pending applications for accommodation or assistance

7.—(1) This article comes in force on 27 April 2015.

(2) This article applies in relation to an applicant who has applied, before the 27 April 2015, to a local housing authority for accommodation or assistance in obtaining accommodation under Part 7 of the Housing Act 1996⁽²⁾.

(1) S.I. 2014/2603 (W. 257).

(2) 1996 c. 52.

(3) Notwithstanding articles 2 and 3, Part 7 of the Housing Act 1996 continues in force in relation to such applicants.

Transitory modification to the Local Authority Social Services Act 1970

8.—(1) This article makes a transitory modification to the Local Authority Social Services Act 1970(1) as it applies in Wales, with effect from 27 April 2015.

(2) Until Schedule 2 (social services functions) to the Social Services and Well-being (Wales) Act 2014(2) comes into force, Schedule 1 (social services functions) to the Local Authority Social Services Act 1970 is to be read in its application to Wales as if—

- (a) the entry for the Housing Act 1996 were omitted;
- (b) in place of that entry there is inserted:

“Housing (Wales) Act 2014 Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.	Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.”
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Lesley Griffiths
The Minister for Communities and Tackling Poverty,
one of the Welsh Ministers
21 April 2015

(1) 1970 c. 42.
(2) 2014 anaw 4.

Provisions of the Act coming into force
on 27 April 2015

1. Section 50 (duty to carry out a homelessness review and formulate a homelessness strategy) for all remaining purposes;

2. Section 51 (homelessness reviews) for all purposes;

3. Section 52 (homelessness strategies) for all purposes;

4. Section 53 (overview of this chapter) for all purposes;

5. Section 54 (application of key terms) for all purposes;

6. Section 55 (meaning of homelessness and threatened homelessness) for all purposes;

7. Section 56 (meaning of accommodation available for occupation) for all purposes;

8. Section 57 (whether it is reasonable to continue to occupy accommodation) for all remaining purposes;

9. Section 58 (meaning of abuse and domestic abuse) for all purposes;

10. Section 59 (suitability of accommodation) for all remaining purposes;

11. Section 60 (duty to provide information, advice and assistance in accessing help) for all purposes;

12. Section 61 (eligibility for help under this chapter) for all purposes;

13. Section 62 (duty to assess) for all purposes;

14. Section 63 (notice of the outcome of assessment) for all purposes;

15. Section 64 (how to secure or help to secure the availability of accommodation) for all remaining purposes;

16. Section 65 (meaning of help to secure) for all purposes;

17. Section 66 (duty to help to prevent an applicant from becoming homeless) for all purposes;

18. Section 67 (circumstances in which the duty in section 66 ends) for all purposes;

19. Section 68 (interim duty to secure accommodation for homeless applicants in priority need) for all purposes;

20. Section 69 (circumstances in which the duty in section 68 ends) for all purposes;

21. Section 70 (priority need for accommodation) for all purposes;

22. Section 71 (meaning of vulnerable in section 70) for all purposes;

23. Section 72 (power to amend or repeal provisions about priority need for accommodation) for all remaining purposes;

24. Section 73 (duty to help to secure accommodation for homeless applicants) for all purposes;

25. Section 74 (circumstances in which the duty in section 73 ends) for all purposes;

26. Section 75(1), (2) and (4) (duty to secure accommodation for applicants in priority need when the duty in section 73 ends) for all purposes⁽¹⁾;

27. Section 76 (circumstances in which the duty in section 75 ends) for all purposes;

28. Section 77 (meaning of intentionally homeless) for all purposes;

29. Section 78(2) (deciding to have regard to intentionality) for the purposes of enabling a local housing authority to make a decision and to publish a notice of that decision⁽²⁾;

30. Section 79 (further circumstances in which the duties to help applicants end) for all purposes;

31. Section 80 (referral of case to another local housing authority) for all remaining purposes;

32. Section 81 (local connection) for all remaining purposes;

33. Section 82 (duties to applicant whose case is considered for referral or referred) for all purposes;

34. Section 83 (cases referred from a local housing authority in England) for all purposes;

35. Section 84 (notice that duties have ended) for all purposes;

(1) Section 75(3) is not commenced now and section 75(2)(d) is temporarily modified by article 6 until section 78 is brought into force fully on 1 July 2015.

(2) Article 3 brings section 78 into force for all purposes on 1 July 2015.

36. Section 85 (right to request review) for all purposes;

37. Section 86 (procedure on review) for all remaining purposes;

38. Section 87 (effect of a decision on review or appeal that reasonable steps were not taken) for all purposes;

39. Section 88 (right of appeal to county court on point of law) for all purposes;

40. Section 89 (appeals against refusal to accommodate pending appeal) for all purposes;

41. Section 90 (charges) for all purposes;

42. Section 91 (out-of-area placement) for all purposes;

43. Section 92 (interim accommodation: arrangements with private landlord) for all purposes;

44. Section 93 (protection of property) for all purposes;

45. Section 94 (protection of property: supplementary provisions) for all purposes;

46. Section 95 (co-operation) for all remaining purposes;

47. Section 96 (co-operation in certain cases involving children) for all purposes;

48. Section 97 (false statements, withholding information and failure to disclose change of circumstances) for all purposes;

49. Section 98 (guidance) for all remaining purposes;

50. Section 99 (interpretation of this chapter and index of defined terms) for all remaining purposes;

51. Section 100 (consequential amendments) for all purposes;

52. Schedule 2 for all remaining purposes; and

53. Part 1 of Schedule 3 for all purposes.