
WELSH STATUTORY INSTRUMENTS

2005 No. 3237 (W.242) (C.138)

HOUSING, WALES

**The Housing Act 2004 (Commencement
No. 2) (Wales) Order 2005**

Made - - - - 22 November 2005

The National Assembly for Wales, in exercise of the powers conferred on it by section 270(4) and (5) of the Housing Act 2004⁽¹⁾, hereby makes the following Order:

Title, interpretation and application

1.—(1) The title of this Order is the Housing Act 2004 (Commencement No. 2) (Wales) Order 2005.

(2) In this Order—

“the 2004 Act” (“*Deddf 2004*”) means the Housing Act 2004; and

“the commencement date” (“*y dyddiad cychwyn*”) means 25 November 2005.

(3) This Order applies in relation to Wales.

Provisions coming into force on the commencement date

2. The following provisions of the 2004 Act come into force on the commencement date—

- (a) Section 4 to the extent that it is not already in force;
- (b) section 55, subsections (1), (2) and paragraphs (a) and (b) of subsection (5);
- (c) sections 56 and 57;
- (d) sections 79 and 80, to the extent that they are not already in force;
- (e) section 81;
- (f) section 179;
- (g) sections 192 to 194; and
- (h) section 237.

Status: This is the original version (as it was originally made).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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

22 November 2005

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing Act 2004 (“the 2004 Act”) in relation to Wales.

The following provisions of the 2004 Act listed under article 2 come into force on 25 November 2005:

- (a) section 4 (which allows a local housing authority to inspect residential premises in their district with a view to determining whether any category 1 or 2 hazard exists on those premises);
- (b) section 55 (subsections (1) and (2) of which set out the scope of the licensing provisions for houses in multiple occupation (“HMOs”) under Part 2 of the 2004 Act);
- (c) section 56 (which enables local authorities to designate an area to be subject to additional licensing in respect of specified HMOs);
- (d) section 57 (which sets out the matters that a local housing authority must consider before exercising the powers in section 56 of the 2004 Act);
- (e) section 79 (which sets out the scope of the licensing provisions for houses in Part 3 of the 2004 Act);
- (f) section 80 (which enables a local housing authority to designate an area as subject to selective licensing if it is, or may become, an area of low housing demand or has a significant and persistent problem with anti social behaviour);
- (g) section 81 (which sets out the matters the local housing authority must consider before exercising the powers under section 80 of the 2004 Act);
- (h) section 179 (which amends the Housing Act 1996 by inserting new sections 125A and 125B which allow an introductory tenancy to be extended by up to six months);
- (i) section 192 (which amends the Housing Act 1985 (“the 1985 Act”) by inserting a new section 121A which enables landlords of secure tenants to seek an order from the court suspending the right to buy for a specified period on the grounds of anti-social behaviour);
- (j) section 193 (which amends section 138 of the 1985 Act by inserting new subsections (2A) to (2D) which prevent a tenant being able to compel completion of a right to buy sale if an application is pending for a demotion order, a suspension order, or a possession order sought on the grounds of anti-social behaviour);
- (k) section 194 (which allows any person to provide relevant information to the landlord of a secure tenant to enable the landlord to exercise functions connected with the provisions inserted by sections 191 to 193 of the 2004 Act); and
- (l) section 237 (which enables a local housing authority to use information which it has obtained for housing benefit or council tax purposes in order to carry out its functions under Parts 1 to 4 of the 2004 Act).

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2004 Act have been brought into force in Wales by a Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 191	14 July 2005	2005/1814(W. 144)(C. 75)
Section 227	14 July 2005	2005/1814(W. 144)(C. 75)
Section 228	14 July 2005	2005/1814(W. 144)(C. 75)
Section 265(1) (partially)	14 July 2005	2005/1814(W. 144)(C. 75)
Schedule 12	14 July 2005	2005/1814(W. 144)(C. 75)
Schedule 15 (partially)	14 July 2005	2005/1814(W. 144)(C. 75)