

**2004 No. 1502 (C.61)**

**HOUSING, ENGLAND**

**CRIMINAL LAW, ENGLAND AND WALES,**

**LOCAL GOVERNMENT, ENGLAND**

**Anti-social Behaviour Act 2003 (Commencement No. 3 and  
Savings) Order 2004**

*Made - - - - 7th June 2004*

The Secretary of State, in exercise of the powers conferred upon him by sections 93(1), 93(2)(a) and 94(2) of the Anti-social Behaviour Act 2003(a) hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Anti-social Behaviour Act 2003 (Commencement No. 3 and Savings) Order 2004.

(2) In this Order references to sections and Schedules are, unless otherwise stated, references to sections of, and Schedules to, the Anti-social Behaviour Act 2003.

**Provisions coming into force on the commencement dates**

2. The following provisions shall come into force in England on 30th June 2004, subject to the savings in the Schedule to this Order—

- (a) in Part 2 (housing)—
  - (i) section 12 (anti-social behaviour: landlords' policies and procedures);
  - (ii) section 13 (injunctions against anti-social behaviour on the application of certain social landlords);
  - (iii) section 14 (security of tenure: anti-social behaviour) and Schedule 1 (demoted tenancies);
  - (iv) section 15 (demoted assured shorthold tenancies);
  - (v) section 16 (proceedings for possession: anti-social behaviour); and
  - (vi) section 17 (devolution: Wales);
- (b) in Part 9 (miscellaneous powers), section 91 (proceedings under section 222 of the Local Government Act 1972: power of arrest attached to injunction);
- (c) in Part 10 (general)—

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(a) 2003 c. 38. For the commencement of Part 2 and section 91 of the Anti-social Behaviour Act 2003 so far as relating to Wales, see section 93(2)(b) of that Act.

- (i) section 92 (repeals) in so far as it relates to the entries in Schedule 3 relating to the Housing Act 1996<sup>(a)</sup>; and
- (ii) the entries in Schedule 3 relating to the Housing Act 1996.

3. In Part 9 (miscellaneous powers), section 90 (report by local authority in certain cases where person remanded on bail) shall come into force on 31 July 2004.

Signed by authority of the First Secretary of State

7th June 2004

*Yvette Cooper*  
Parliamentary Under Secretary of State  
Office of the Deputy Prime Minister

## SCHEDULE

### Savings

1. The amendments made to Chapter 3 of Part 5 of the Housing Act 1996 by section 13 and the repeals in Schedule 3 of sections 152 and 153, and in section 158, of that Act, shall not have effect in relation to—

- (a) any application for an injunction under section 152, or to which section 153 of that Act applies, issued before 30th June 2004;
- (b) any injunction granted pursuant to such an application;
- (c) any power of arrest attached to any provision of such an injunction;
- (d) any other court order granted, or proceedings arising, in connection with such an application or such an injunction.

2. The amendments made to the Housing Act 1985<sup>(b)</sup> and the Housing Act 1988<sup>(c)</sup> by section 16 shall not have effect in relation to any proceedings for the possession of a dwelling-house begun before 30th June 2004.

3. Section 91 shall not have effect in relation to –

- (a) any application for an injunction under section 222 of the Local Government Act 1972 issued before 30th June;
- (b) any injunction granted pursuant to such an application.

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<sup>(a)</sup> 1996 c.52.  
<sup>(b)</sup> 1985 c.68.  
<sup>(c)</sup> 1988 c.50.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 30th June 2004, in relation to England, Part 2 (housing) and section 91 of the Anti-social Behaviour Act 2003 and the repeals in Schedule 3 to that Act related to Part 2.

In Part 2—

Section 12 introduces a new duty on social landlords to prepare and publish policies on anti-social behaviour, and to make them available to the public.

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 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.

Schedule 1 makes provision in respect of demoted tenancies where the landlord is a local housing authority or a housing action trust.

Section 91 of the Anti-social Behaviour Act 2003 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.

This Order also brings into force on 30th July, in England and Wales, section 90 of the Anti-social Behaviour Act 2003, which provides that a court remanding a young person aged 10 or 11 on bail may require a local authority to provide a report as to where the person would be likely to be placed or maintained, if he was remanded to local authority accommodation.

The Schedule to this Order contains savings in respect of the amendments to the Housing Acts of 1985, 1988 and 1996 commenced by this Order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 11, Sections 30 to 36, Sections 37,38 and 39(1)(2)(3) (partially)(4)(5) and (6) Section 53 Sections 57 to 59 Sections 85(1)(2)(3) (4) (partially) and (7), 86(3) (partially) (4)(5) and(6),87 and 89(1)(2)(3)(4)(6) and(7) Section 92 and Schedule 3 (partially)	20th January 2004	2003/3300
Sections 18, 23, 25 to 29 Sections 60 to 64) Section 85(8) Sections 19 to 22 and 24, in England only	27th February 2004	2003/3300
Section 39(3) to the extent not already in force, subject to the transitional provisions in article 5(2)	30th April 2004	2003/3300
Sections 46 and 54 Sections 85(4) to the extent not already in force (9), (10) and (11), 85(5) and (6) (partially), section 86(1), (2) and (3) to the extent not already in force, and 89(5) Section 92 and Schedule 3 (partially) Sections 40 to 45, 47, 55 and 56, in England only Sections 48 to 52 (partially)	31st March 2004	2004/690

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