

2014 No. 949 (C. 43)

ARMS AND AMMUNITION

CRIMINAL LAW, ENGLAND AND WALES

DEFENCE

DOGS

DOGS, ENGLAND AND WALES

FAMILY LAW, ENGLAND AND WALES

HOUSING, ENGLAND AND WALES

POLICE, ENGLAND AND WALES

PREVENTION AND SUPPRESSION OF TERRORISM

The Anti-social Behaviour, Crime and Policing Act 2014
(Commencement No. 2, Transitional and Transitory Provisions)
Order 2014

Made - - - -

8th April 2014

The Secretary of State, in exercise of the powers conferred by section 185(1) and (7) of the Anti-social Behaviour, Crime and Policing Act 2014(a), makes the following Order.

Citation and interpretation

1.—(1) This Order may be cited as the Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No. 2, Transitional and Transitory Provisions) Order 2014.

(2) In this Order, “the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014.

Provisions coming into force on 13th May 2014 in relation to England only

2. The following provisions of the 2014 Act come into force on 13th May 2014 in relation to England only—

- (a) section 98 (conduct causing nuisance to landlord etc);
- (b) section 100(1) (restrictions where new possession proceedings in progress etc);
- (c) section 181(1) (amendments), insofar as it relates to the provisions of Schedule 11 specified in paragraph (d) below;
- (d) in Schedule 11 (minor and consequential amendments)—
 - (i) paragraph 12;
 - (ii) paragraph 20.

Other provisions coming into force on 13th May 2014

3. The provisions of the 2014 Act listed in the Schedule to this Order come into force on 13th May 2014.

Provision coming into force on 1st June 2014

4. Section 179 of the 2014 Act (surcharges: imprisonment in default and remission of fines) comes into force on 1st June 2014.

Provisions coming into force on 16th June 2014

5. The following provisions of the 2014 Act come into force on 16th June 2014—

- (a) section 120 (offence of breaching forced marriage protection order);
- (b) section 121 (offence of forced marriage: England and Wales).

Provisions coming into force on 14th July 2014

6. The following provisions of the 2014 Act come into force on 14th July 2014—

- (a) section 108 (offence of possessing firearm for supply etc);
- (b) section 109 (functions of Scottish Ministers under Firearms Acts);
- (c) section 110 (possession of firearms by persons previously convicted of crime);
- (d) section 111 (increased penalty for improper importation of firearms etc).

Transitional provision in relation to the coming into force of section 99

7. In relation to the coming into force of section 99 (offences connected with riot), the court may only make an order for possession of a dwelling-house on Ground 2ZA of Part 1 of Schedule 2 to the Housing Act 1985(a) or Ground 14ZA of Part 2 of Schedule 2 to the Housing Act 1988(b) where the indictable offence mentioned in that Ground was committed on or after 13th May 2014.

Transitional provision in relation to the coming into force of section 104(5)

8. In relation to the coming into force of section 104(5), until section 104(4) is commenced, section 104(5) is to be read as if the word “other” were omitted.

(a) 1985 c. 68. Ground 2ZA is prospectively inserted into Part 1 of Schedule 2 to the Housing Act 1985 by section 99(1) of the 2014 Act.

(b) 1988 c. 50. Ground 14ZA is prospectively inserted into Part 2 of Schedule 2 to the Housing Act 1988 by section 99(2) of the 2014 Act.

Transitional provision in relation to the coming into force of section 106

9. Nothing in paragraphs (d)(iii) and (e) of section 106(2) of the 2014 Act (keeping dogs under proper control) shall apply in relation to an offence which was committed before the commencement of that section.

Transitional provision in relation to the coming into force of section 120

10. The commencement of section 120 of the 2014 Act does not apply where a power of arrest under section 63H of the Family Law Act 1996(a) was attached to a forced marriage protection order before 16th June 2014, unless the power of arrest no longer has effect.

Transitory provisions: recovery of possession of dwelling-houses

11.—(1) This article makes transitory modifications to the Housing Act 1985 and the Housing Act 1988 as they apply in England, with effect from 13th May 2014.

(2) Until sections 94 to 97 of the 2014 Act (absolute grounds for possession) come into force in England, the Housing Act 1985 is to be read as if—

- (a) in section 138 (duty of landlord to convey freehold or grant lease)(b)—
 - (i) in subsection (2A)(a) the words “or section 84A possession order” were omitted;
 - (ii) in subsection (2B)(a) the words “or an operative section 84A possession order” were omitted; and
 - (iii) in subsection (2C) the definitions of “operative section 84A possession order” and “section 84A possession order” were omitted;
- (b) in Schedule 1(c) (tenancies which are not secure tenancies), in paragraph 4ZA(12) (family intervention tenancies) for the definition of “relevant possession order” there were substituted—

““relevant possession order” means a possession order under section 84 that is made on ground 2, 2ZA or 2A of Part 1 of Schedule 2;”.

(3) Until sections 94 to 97 of the 2014 Act (absolute grounds for possession) come into force in England, in Schedule 1 to the Housing Act 1988(d) (tenancies which cannot be assured tenancies), paragraph 12ZA(3)(a)(i) (family intervention tenancies) is to be read as if the words “ground 7A of Part 1 of Schedule 2 or” were omitted.

Home Office
8th April 2014

Damian Green
Minister of State

(a) 1996 c. 27. Section 63H was added by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c. 20) and is prospectively repealed by section 120 of the 2014 Act.

(b) Subsections (2A) to (2C) were inserted by section 193(1) of the Housing Act 2004 (c. 34) and are prospectively amended by section 100(1) of the 2014 Act.

(c) Paragraph 4ZA was inserted by section 297(1) of the Housing and Regeneration Act 2008 (c. 17) and is prospectively amended by section 181 of, and paragraph 12 of Schedule 11 to, the 2014 Act.

(d) Paragraph 12ZA was inserted by section 297(2) of the Housing and Regeneration Act 2008 and is prospectively amended by section 181 of, and paragraph 20 of Schedule 11 to, the 2014 Act.

SCHEDULE

Article 2

Provisions which come into force on 13th May 2014

1. Section 99 (offences connected with riot).
2. Section 101 (the community remedy document).
3. Section 104(2)(a), (3) and (5) (review of response to complaints), for the purpose of making arrangements about the carrying out of ASB case reviews by relevant bodies.
4. Section 104(13) (review of response to complaints), insofar as it relates to the provisions of Schedule 4 specified in paragraph 20 below.
5. Section 105 (ASB case reviews: interpretation).
6. Section 106 (keeping dogs under proper control).
7. Section 107 (whether a dog is a danger to public safety).
8. Section 112 (British Transport Police: Crown status under Firearms Act 1968).
9. Section 119 (violent offender orders).
10. Sections 123 to 130 (College of Policing).
11. Section 141 (financial arrangements etc for chief officers of police).
12. Section 142 (grants to local policing bodies).
13. Sections 144 to 146 (personal samples and DNA profiles).
14. Section 148 (port and border controls), insofar as it relates to the provisions of Schedule 9 specified in paragraph 21 below.
15. Section 152 (powers of community support officers).
16. Section 153 (use of amplified noise equipment in vicinity of the Palace of Westminster).
17. Section 176 (low-value shoplifting).
18. Section 178 (protection arrangements for persons at risk).
19. Section 181(1) (amendments), insofar as it relates to the provisions of Schedule 11 specified in paragraph 23 below.
20. In Schedule 4 (ASB case reviews: supplementary provision)—
 - (a) paragraphs 1 to 5;
 - (b) paragraphs 8 and 9.
21. In Schedule 9 (port and border controls)—
 - (a) paragraph 1(1) and (3), to the extent that it inserts new paragraph 1A(1) to (3) into Schedule 7 to the Terrorism Act 2000^(a);
 - (b) paragraph 7(1) and (3), to the extent that it inserts new paragraph 20K(8) and (9) into Schedule 8 to the Terrorism Act 2000;
 - (c) paragraph 8.

(a) 2000 c. 11. There are amendments to Schedule 7 which are not relevant to this Order.

22. Schedule 10 (powers of community support officers).

23. In Schedule 11 (minor and consequential amendments)—

- (a) paragraph 15 (with the exception of sub-paragraph (4));
- (b) paragraph 47 (with the exception of sub-paragraph (4));
- (c) paragraph 84;
- (d) paragraph 85;
- (e) paragraph 86;
- (f) paragraph 88;
- (g) paragraph 92, to the extent that it inserts the entry “The College of Policing” into Part 6 of Schedule 1 to the Freedom of Information Act 2000(a);
- (h) paragraph 96;
- (i) paragraph 99;
- (j) paragraph 100;
- (k) paragraph 102, in relation to repeals relating to—
 - (i) the Greater London Authority Act 1999(b);
 - (ii) the Police Reform Act 2002(c);
 - (iii) section 24(2)(a) of, and paragraphs 30(3) and 35(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011(d);
- (l) paragraph 125;
- (m) paragraph 126.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

Article 2 brings into force, in relation to England, provisions relating to discretionary grounds for ordering possession of secure and assured tenancies (section 98) and supplemental provisions relating to the recovery of possession of dwelling houses on grounds of anti-social behaviour (section 100).

The provisions of the 2014 Act set out in the Schedule come into force on 13th May 2014 (article 3). These include provisions relating to discretionary grounds for ordering possession of secure and assured tenancies (section 99); provision relating to community remedies (section 101); provisions relating to the response to complaints about anti-social behaviour (sections 104, 105 and Schedule 4); provisions relating to dangerous dogs (sections 106 and 107); provision relating to the British Transport Police (section 112); provision relating to violent offender orders (section 119); provisions relating to the College of Policing (sections 123 to 130); provisions relating to chief officers of police and local policing bodies (sections 141 and 142); provisions relating to personal samples and DNA profiles (sections 144 to 146); provisions relating to port and border controls (section 148 and Schedule 9); provisions relating to the power of community support officers (section 152 and Schedule 10); provision relating to the use of amplified noise equipment in the vicinity of the Palace of Westminster (section 153); provision relating to low-value

(a) 2000 c. 36.
(b) 1999 c. 29.
(c) 2002 c. 30.
(d) 2011 c. 13.

shoplifting (section 176); and provision relating to protection arrangement for persons at risk (section 178).

Article 4 brings section 179 of the 2014 Act into force on 1st June 2014. This provision relates to surcharges in respect of imprisonment in default and remission of fines.

Article 5 brings sections 120 and 121 of the 2014 Act into force on 16th June 2014. These provisions relate to forced marriage.

Article 6 brings sections 108 to 111 of the 2014 Act into force on 14th July 2014. These provisions relate to firearms.

Articles 7 to 10 make transitional provisions. Article 7 makes transitional provision to make clear that the new grounds for possession of dwelling-houses for offences connected with a riot (Ground 2ZA of Part 1 of Schedule 2 to the Housing Act 1985 and Ground 14ZA of Part 2 of Schedule 2 to the Housing Act 1988) only apply where the offence was committed on or after 13th May 2014.

Article 8 contains transitional provisions to the effect that until section 104(4) is commenced, section 104(5) is to be read as if the word “other” were omitted.

Article 9 ensures that the increased relevant maximum sentences for offences under the Dangerous Dogs Act 1991, which are brought into force by section 106(2)(d)(iii) and (e) of the 2014 Act, shall not apply retrospectively (to offences committed before the commencement of these provisions).

Under article 10, section 120 is not commenced in any case where a power of arrest has been attached to a forced marriage protection order before 16th June 2014. The exception to this is where the power of arrest ceases to have effect on or after 16th June 2014.

Article 11 makes transitory modifications to section 138 of, and Schedule 1 to, the Housing Act 1985 and Schedule 1 to the Housing Act 1988 until sections 94 to 97 of the 2014 Act (absolute grounds for possession) come into force.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The following provisions of the Anti-social Behaviour, Crime and Policing Act 2014 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 143	20th March 2014	2014/630
Section 147	14th March 2014	2014/630
Section 181 (partially)	20th March 2014	2014/630
Schedule 8	14th March 2014	2014/630
Schedule 11 (partially)	20th March 2014	2014/630

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