OFFERYNNAU STATUDOL CYMRU

2014 Rhif 2830 (Cy. 286) (C. 130)

TAI, CYMRU

Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2014

NODYN ESBONIADOL

(*Nid yw'r nodyn hwn yn rhan o'r Gorchymyn*)

Mae'r Gorchymyn hwn yn dod ag amryw o ddarpariaethau Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 ("Deddf 2014") i rym yng Nghymru.

Mae erthygl 2 yn dwyn i rym, o ran Cymru, ddarpariaethau sy'n ymwneud â sail absoliwt ar gyfer meddiannu am ymddygiad gwrthgymdeithasol (adrannau 94 – 97, 100(2) a (3) o Ddeddf 2014, ac Atodlen 3 iddi) a diwygiadau canlyniadol cysylltiedig, yn ogystal â diwygiadau canlyniadol mewn perthynas â Rhannau 1, 2 a 4 o Ddeddf 2014.

Mae erthygl 3 yn gwneud darpariaeth drosiannol mewn perthynas â dwyn adrannau 94 a 97 o Ddeddf 2014 i rym er mwyn sicrhau na fodlonir amod 5 yn y sail absoliwt newydd ar gyfer meddiannu ond pan gaiff y drosedd o dan Ddeddf Diogelu'r Amgylchedd 1990 ei chyflawni ar 20 Hydref 2014, neu wedi hynny.

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

(*Nid yw'r nodyn hwn yn rhan o'r Gorchymyn*)

Mae'r darpariaethau a ganlyn yn Neddf 2014 wedi eu dwyn i rym yn llawn (oni nodir fel arall) gan orchymyn cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Darpariaeth	*Dyddiad Cychwyn*	*Rhif O.S.*
Adran 96 (yn rhannol) (Lloegr yn unig)	17 Medi 2014	2014/2454

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2014 No. 2830 (W. 286) (C. 130)

HOUSING, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

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

Article 2 brings into force, in relation to Wales, provisions relating to the absolute ground for possession for anti-social behaviour (sections 94 – 97, 100(2) and (3), and Schedule 3 of the 2014 Act) and associated consequential amendments, as well as consequential amendments in relation to Parts 1, 2 and 4 of the 2014 Act.

Article 3 makes transitional provision in relation to the coming into force of sections 94 and 97 of the 2014 Act to ensure that condition 5 in the new absolute grounds for possession is only met where the offence under the Environmental Protection Act 1990 is committed on or after 20 October 2014.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2014 Act have been brought into force to their fullest extent (unless indicated otherwise) by commencement order made before the date of this Order:

Provision	*Date of Commencement*	*S.I. Number*
Section 96 (partially) (England only)	17 September 2014	2014/2454

Adran 98 (Lloegr yn unig)	13 Mai 2014	2014/949
Adran 98 (Cymru yn unig)	13 Mai 2014	2014/1241 (Cy. 129)
Adran 99	13 Mai 2014	2014/949
Adran 100(1) (Lloegr yn unig)	13 Mai 2014	2014/949
Adran 100(1) (Cymru yn unig)	13 Mai 2014	2014/1241 (Cy. 129)
Adran 101	13 Mai 2014	2014/949
Adran 104 (yn rhannol)	13 Mai 2014	2014/949
Adrannau 105 i 107	13 Mai 2014	2014/949
Adrannau 108 i 111	14 Gorffennaf 2014	2014/949
Adran 112	13 Mai 2014	2014/949
Adrannau 116 i 118	1 Medi 2014	2014/2125
Adran 119	13 Mai 2014	2014/949
Adrannau 120 a 121	16 Mehefin 2014	2014/949
Adrannau 123 i 130	13 Mai 2014	2014/949
Adrannau 131 a 132	1 Medi 2014	2014/2125
Adran 133 (yn rhannol)	1 Medi 2014	2014/2125
Adran 134	1 Medi 2014	2014/2125
Adran 136	1 Hydref 2014	2014/2454
Adrannau 138 a 139	1 Hydref 2014	2014/2454
Adran 140	21 Gorffennaf 2014	2014/1916
Adrannau 141 a 142	13 Mai 2014	2014/949
Adran 143	20 Mawrth 2014	2014/630
Adrannau 144 i 146	13 Mai 2014	2014/949
Adran 147	14 Mawrth 2014	2014/630
Adran 148 (yn rhannol)	13 Mai 2014	2014/949
	31 Gorffennaf 2014	2014/1916
	1 Ebrill 2015	2014/1916
Adran 149	2 Mehefin 2014	2014/1226
Adrannau 152 a 153	13 Mai 2014	2014/949
Adrannau 155 i 159	21 Gorffennaf 2014	2014/1916
Adrannau 161 i 167	21 Gorffennaf 2014	2014/1916

Section 98 (England only)	13 May 2014	2014/949
Section 98 (Wales only)	13 May 2014	2014/1241 (W. 129)
Section 99	13 May 2014	2014/949
Section 100(1) (England only)	13 May 2014	2014/949
Section 100(1) (Wales only)	13 May 2014	2014/1241 (W. 129)
Section 101	13 May 2014	2014/949
Section 104 (partially)	13 May 2014	2014/949
Sections 105 to 107	13 May 2014	2014/949
Sections 108 to 111	14 July 2014	2014/949
Section 112	13 May 2014	2014/949
Sections 116 to 118	1 September 2014	2014/2125
Section 119	13 May 2014	2014/949
Sections 120 and 121	16 June 2014	2014/949
Sections 123 to 130	13 May 2014	2014/949
Sections 131 and 132	1 September 2014	2014/2125
Section 133 (partially)	1 September 2014	2014/2125
Section 134	1 September 2014	2014/2125
Section 136	1 October 2014	2014/2454
Sections 138 and 139	1 October 2014	2014/2454
Section 140	21 July 2014	2014/1916
Sections 141 and 142	13 May 2014	2014/949
Section 143	20 March 2014	2014/630
Sections 144 to 146	13 May 2014	2014/949
Section 147	14 March 2014	2014/630
Section 148 (partially)	13 May 2014	2014/949
	31 July 2014	2014/1916
	1 April 2015	2014/1916
Section 149	2 June 2014	2014/1226
Sections 152 and 153	13 May 2014	2014/949
Sections 155 to 159	21 July 2014	2014/1916
Sections 161 to 167	21 July 2014	2014/1916

Adrannau 169 i 173	21 Gorffennaf 2014	2014/1916
Adran 174	6 Hydref 2014	2014/2454
Adran 176	13 Mai 2014	2014/949
Adran 178	13 Mai 2014	2014/949
Adran 179	1 Mehefin 2014	2014/949
Adran 181(1) (yn rhannol)	20 Mawrth 2014	2014/630
	13 Mai 2014	2014/949
	21 Gorffennaf 2014	2014/1916
	1 Medi 2014	2014/2125
	1 Hydref 2014	2014/2454
Adran 181(1) (yn rhannol) (Lloegr yn unig)	13 Mai 2014	2014/949
Adran 181(1) (yn rhannol) (Cymru yn unig)	13 Mai 2014	2014/1241 (Cy. 129)
Atodlen 4 (yn rhannol)	13 Mai 2014	2014/949
Atodlen 8	14 Mawrth 2014	2014/630
Atodlen 9 (yn rhannol)	13 Mai 2014	2014/949
	31 Gorffennaf 2014	2014/1916
	1 Ebrill 2015	2014/1916
Atodlen 10	13 Mai 2014	2014/949
Atodlen 11 (yn rhannol)	20 Mawrth 2014	2014/630
	13 Mai 2014	2014/949
	21 Gorffennaf 2014	2014/1916
	1 Medi 2014	2014/2125
	1 Hydref 2014	2014/2454
Atodlen 11 (yn rhannol) (Lloegr yn unig)	13 Mai 2014	2014/949
Atodlen 11 (yn rhannol) (Cymru yn unig)	13 Mai 2014	2014/1241 (Cy. 129)

Sections 169 to 173	21 July 2014	2014/1916
Section 174	6 October 2014	2014/2454
Section 176	13 May 2014	2014/949
Section 178	13 May 2014	2014/949
Section 179	1 June 2014	2014/949
Section 181(1) (partially)	20 March 2014	2014/630
	13 May 2014	2014/949
	21 July 2014	2014/1916
	1 September 2014	2014/2125
	1 October 2014	2014/2454
Section 181(1) (partially) (England only)	13 May 2014	2014/949
Section 181(1) (partially) (Wales only)	13 May 2014	2014/1241 (W. 129)
Schedule 4 (partially)	13 May 2014	2014/949
Schedule 8	14 March 2014	2014/630
Schedule 9 (partially)	13 May 2014	2014/949
	31 July 2014	2014/1916
	1 April 2015	2014/1916
Schedule 10	13 May 2014	2014/949
Schedule 11 (partially)	20 March 2014	2014/630
	13 May 2014	2014/949
	21 July 2014	2014/1916
	1 September 2014	2014/2125
	1 October 2014	2014/2454
Schedule 11 (partially) (England only)	13 May 2014	2014/949
Schedule 11 (partially) (Wales only)	13 May 2014	2014/1241 (W. 129)

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TAI, CYMRU

Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2014

Gwnaed *20 Hydref 2014*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adran 185(3) ac (8) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014(**1**).

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2014.

(2) Yn y Gorchymyn hwn, ystyr "Deddf 2014" ("*the 2014 Act*") yw Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014.

Cychwyn a chymhwyso

2. Daw'r darpariaethau a ganlyn yn Neddf 2014 i rym o ran Cymru ar 21 Hydref 2014—

(a) adran 94 (sail newydd ar gyfer troseddau difrifol neu dorri gwaharddiadau etc) ac Atodlen 3 (Atodlen i gael ei mewnosod fel Atodlen 2A i Ddeddf Tai 1985);

(b) adran 95 (gofynion hysbysu ar gyfer sail newydd);

(c) adran 96 (gofynion adolygu ar gyfer sail newydd);

(**1**) 2014 p. 12.

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2014 No. 2830 (W. 286) (C. 130)

HOUSING, WALES

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

Made *20 October 2014*

The Welsh Ministers make the following Order in exercise of the powers conferred by section 185(3) and (8) of the Anti-social Behaviour, Crime and Policing Act 2014(**1**).

Title and interpretation

1.—(1) The title of this Order is the Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No. 2 and Transitional Provisions) (Wales) Order 2014.

(2) In this Order, "the 2014 Act" ("*Deddf 2014*") means the Anti-social Behaviour, Crime and Policing Act 2014.

Commencement and application

2. The following provisions of the 2014 Act will come into force in relation to Wales on 21 October 2014—

(a) section 94 (new ground for serious offences or breach of prohibitions etc) and Schedule 3 (Schedule to be inserted as Schedule 2A to the Housing Act 1985);

(b) section 95 (notice requirements for new ground);

(c) section 96 (review requirements for new ground);

(**1**) 2014 c. 12.

(d) adran 97 (sail newydd gyfatebol a gofynion hysbysu ar gyfer tenantiaethau sicr);

(e) adran 100(2) a (3) (cyfyngiadau pan fo achosion meddiannu newydd yn mynd rhagddynt etc);

(f) adran 181(1) (diwygiadau) i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir ym mharagraff (g) isod; a

(g) yn Atodlen 11 (mân ddiwygiadau a diwygiadau canlyniadol)—

(i) paragraff 2;

(ii) paragraff 7;

(iii) paragraff 8;

(iv) paragraff 9;

(v) paragraff 10;

(vi) paragraff 13;

(vii) paragraff 14;

(viii) paragraff 15(4)(a) ac (c);

(ix) paragraff 16;

(x) paragraff 18; a

(xi) paragraff 19.

Darpariaeth drosiannol mewn perthynas â dwyn adrannau 94 a 97 i rym yng Nghymru

3. Mewn perthynas â dwyn adrannau 94 a 97 (sail absoliwt ar gyfer meddiannu) i rym yng Nghymru, ni fodlonir amod 5 yn adran 84A(7) o Ddeddf Tai 1985(**1**) ac amod 5 yn Sail 7A o Ran 1 o Atodlen 2 i Ddeddf Tai 1988(**2**) ond pan gaiff y drosedd o dan—

(a) adran 80(4) o Ddeddf Diogelu'r Amgylchedd 1990(**3**) (torri hysbysiad atal mewn perthynas â niwsans statudol), neu

(b) adran 82(8) o'r Ddeddf honno (torri gorchymyn llys i atal niwsans statudol ac ati),

ei chyflawni gan y tenant, neu berson sy'n preswylio yn y tŷ annedd neu'n ymweld ag ef, ar 20 Hydref 2014, neu wedi hynny.

(**1**) 1985 p. 68. Mae adran 84A wedi ei mewnosod yn rhagolygol gan adran 94(1) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014.

(**2**) 1988 p. 50. Mae Sail 7A o Ran 1 o Atodlen 2 wedi ei mewnosod yn rhagolygol gan adran 97(1) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014.

(**3**) 1990 p. 43.

(d) section 97 (corresponding new ground and notice requirements for assured tenancies);

(e) section 100(2) and (3) (restrictions where new possession proceedings in progress etc);

(f) section 181(1) (amendments) insofar as it relates to the provisions in Schedule 11 specified in paragraph (g) below; and

(g) in Schedule 11 (minor and consequential amendments)—

(i) paragraph 2;

(ii) paragraph 7;

(iii) paragraph 8;

(iv) paragraph 9;

(v) paragraph 10;

(vi) paragraph 13;

(vii) paragraph 14;

(viii) paragraph 15(4)(a) and (c);

(ix) paragraph 16;

(x) paragraph 18; and

(xi) paragraph 19.

Transitional provision in relation to the coming into force of sections 94 and 97 in Wales

3. In relation to the coming into force of sections 94 and 97 (absolute grounds for possession) in Wales, condition 5 in section 84A(7) of the Housing Act 1985(**1**) and condition 5 in Ground 7A of Part 1 of Schedule 2 to the Housing Act 1988(**2**) is only met if the offence under—

(a) section 80(4) of the Environmental Protection Act 1990(**3**) (breach of abatement notice in relation to statutory nuisance), or

(b) section 82(8) of that Act (breach of court order to abate statutory nuisance etc.),

is committed by the tenant, or a person residing in or visiting the dwelling-house, on or after 20 October 2014.

(**1**) 1985 c. 68. Section 84A is prospectively inserted by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014.

(**2**) 1988 c. 50. Ground 7A of Part 1 of Schedule 2 is prospectively inserted by section 97(1) of the Anti-social Behaviour, Crime and Policing Act 2014.

(**3**) 1990 c. 43.

Lesley Griffiths

Y Gweinidog Cymunedau a Threchu Tlodi, un o Weinidogion Cymru

20 Hydref 2014

Minister for Communities and Tackling Poverty, one of the Welsh Ministers

20 October 2014

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