

*Draft Order laid before the National Assembly for Wales under section 182(3) of the Anti-social Behaviour, Crime and Policing Act 2014, for approval by resolution of the National Assembly for Wales.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2015 No. (W.)**

**HOUSING, WALES**

**The Anti-social Behaviour, Crime  
and Policing Act 2014  
(Consequential Amendments)  
(Wales) Order 2015**

**EXPLANATORY NOTE**

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

Article 2 of this Order amends section 160A(8) of the Housing Act 1996 (“the 1996 Act”) by inserting a reference to a new section 84A of the Housing Act 1985 (“the 1985 Act”).

Section 160A of the 1996 Act provides that a local authority must not allocate housing accommodation under Part 6 of that Act to ineligible persons. Section 160A(7) provides that a local authority may decide that an applicant is to be treated as ineligible for an allocation if the applicant’s behaviour (or that of a household member) makes him or her unsuitable to be a tenant. Section 160A(8) provides that such behaviour is unacceptable if it would entitle the local authority (if the applicant were a secure tenant) to a possession order under section 84 of the 1985 Act.

Section 94 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”) inserted section 84A into the 1985 Act, providing a new absolute ground for possession of a dwelling, in respect of secure tenancies on the grounds of anti-social behaviour.

The effect of this Order is to amend section 160A(8) of the 1996 Act so that reference is made to the new absolute ground for possession. This amendment is therefore consequential upon the provisions in sections 94 to 96 of, and Schedule 3 to, the 2014 Act.

The Welsh Ministers' Code of Practice in the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument. This Order relates to the implementation of Part 5 of the 2014 Act. An impact assessment relating to that Part has been carried out by the Home Office and is published on the Home Office's website.

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>.

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*Made*

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*Coming into force*

*19 May 2015*

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 181(4)(a) of the Anti-social Behaviour, Crime and Policing Act 2014<sup>(1)</sup>.

A draft of this instrument was laid before and approved by resolution of the National Assembly for Wales in accordance with section 182(3) of that Act.

**Title and commencement**

**1.** The title of this Order is the Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) (Wales) Order 2015 and it comes into force on 19 May 2015.

**Amendment to the Housing Act 1996**

**2.—(1)** The Housing Act 1996<sup>(2)</sup> is amended as follows.

(2) In section 160A(8) (Allocation only to eligible persons: Wales)—

(a) after paragraph (a) insert—

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(1) 2014 c. 12  
(2) 1996 c. 52

“(aa) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84A of the Housing Act 1985; or”; and

- (b) in subsection (b) for “such a possession order” substitute “a possession order of the type referred to in paragraph (a) or (aa)”.

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

Date