

Changes to legislation: There are currently no known outstanding effects for the Housing (Wales) Act 2014, SCHEDULE 3. (See end of Document for details)

SCHEDULE 3 (as introduced by sections, 100, 110, 130,
139 and 141)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

HOMELESSNESS

Housing Act 1985

- 1 In paragraph 4 of Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), after “(homelessness)” insert “ or Part 2 of the Housing (Wales) Act 2014 (homelessness) ”.

Commencement Information

I1 Sch. 3 para. 1 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Housing Act 1996

- 2 The Housing Act 1996 is amended as follows.

Commencement Information

I2 Sch. 3 para. 2 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 3 In section 167 (allocation of housing accommodation in accordance with allocation scheme: Wales)—
- (a) in subsection (2)—
 - (i) in paragraph (a), for “(within the meaning of Part 7)” substitute “(within the meaning of Part 2 of the Housing (Wales) Act 2014)”;
 - (ii) for paragraph (b) substitute—
 - “(b) people who are owed any duty by a local housing authority under section 66, 73 or 75 of the Housing (Wales) Act 2014;”
 - (b) in subsection (2ZA), for “Part 7” substitute “ Part 2 of the Housing (Wales) Act 2014 ”;
 - (c) in subsection (2A)(c), for “section 199” substitute “ section 81 of the Housing (Wales) Act 2014 ”.

Commencement Information

I3 Sch. 3 para. 3 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 4 In the Part title of Part 7 (homelessness), after “Homelessness” insert “ : England ”.

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Commencement Information

I4 Sch. 3 para. 4 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 5 In subsection (1) of section 179 (duty of local housing authority to provide advisory services), after “local housing authority” insert “ in England ”.

Commencement Information

I5 Sch. 3 para. 5 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 6 In subsection (1) of section 180 (assistance for voluntary organisations), after “local housing authority” insert “ in England ”.

Commencement Information

I6 Sch. 3 para. 6 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 7 In subsection (1) of section 182 (guidance by the Secretary of State), after “social services authority” insert “ in England ”.

Commencement Information

I7 Sch. 3 para. 7 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 8 In subsection (1) of section 183 (application for assistance), after “local housing authority” insert “ in England ”.

Commencement Information

I8 Sch. 3 para. 8 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 9 In subsection (1) of section 187 (provision of information by Secretary of State), after “local housing authority” insert “ in England ”.

Commencement Information

I9 Sch. 3 para. 9 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 10 In section 193 (duty to persons with priority need who are not homeless intentionally)—
- (a) in subsection (10), for “appropriate authority” substitute “ Secretary of State ”;
 - (b) omit subsection (12).

Commencement Information

I10 Sch. 3 para. 10 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 11 In section 198 (referral of case to another local housing authority)—

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- (a) after subsection (4) insert—
 - “(4A) Subsection (4) is to be construed, in a case where the other authority is an authority in Wales, as if the reference to “this Part” were a reference to Part 2 of the Housing (Wales) Act 2014.”
- (b) in subsection (5), after “case” insert “ which does not involve a referral to a local housing authority in Wales ”;
- (c) after that subsection, insert—
 - “(5A) The question whether the conditions for referral of a case involving a referral to a local housing authority in Wales shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State and the Welsh Ministers may jointly direct by order.”;
- (d) in subsection (6)(b), after “Secretary of State” insert “ or, in the case of an order under subsection (5A), to the Secretary of State and the Welsh Ministers ”;
- (e) in subsection (7)—
 - (i) for “No such order shall” substitute “ An order under this section shall not ”; and
 - (ii) at the end, insert “ and, in the case of a joint order, a resolution of the National Assembly for Wales ”.

Commencement Information

I11 Sch. 3 para. 11 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 12 In subsection (4) of section 200 (duties to applicant whose case is considered for referral or referred)—
- (a) after “met” insert “ and the notified authority is not an authority in Wales ”, and
 - (b) at the end, insert “ ; for provision about cases where it is decided that those conditions are met and the notified authority is an authority in Wales, see section 83 of the Housing (Wales) Act 2014 (cases referred from a local housing authority in England) ”.

Commencement Information

I12 Sch. 3 para. 12 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 13 After section 201 (application of referral provisions to cases arising in Scotland) insert—

“201A Cases referred from a local housing authority in Wales

- (1) This section applies where an application has been referred by a local housing authority in Wales to a local housing authority in England under section 80 of the Housing (Wales) Act 2014 (referral of case to another local housing authority).

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- (2) If it is decided that the conditions in that section for referral of the case are met, the notified authority are subject to the duty under section 193 of this Act in respect of the person whose case is referred (the main housing duty); for provision about cases where it is decided that the conditions for referral are not met, see section 82 of the Housing (Wales) Act 2014 (duties to applicant whose case is considered for referral or referred).
- (3) References in this Part to an applicant include a reference to a person to whom a duty is owed by virtue of subsection (2).”

Commencement Information

I13 Sch. 3 para. 13 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 14 In subsection (1) of section 213 (co-operation between relevant housing authorities and bodies), after “local housing authority” insert “ in England ”.

Commencement Information

I14 Sch. 3 para. 14 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Homelessness Act 2002

- 15 The Homelessness Act 2002 is amended as follows.

Commencement Information

I15 Sch. 3 para. 15 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 16 In the cross-heading above section 1, after “strategies” insert “ : England ”.

Commencement Information

I16 Sch. 3 para. 16 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 17 In section 1 (duty of local housing authority to formulate a homelessness strategy) —
- (a) in subsections (1) and (5), after “local housing authority” insert “ in England ”;
 - (b) in the heading, after “local housing authority” insert “ in England ”.

Commencement Information

I17 Sch. 3 para. 17 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

- 18 In subsection (7A) of section 3 (homelessness strategies), omit “in England”.

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Commencement Information

I18 Sch. 3 para. 18 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Mental Health (Wales) Measure 2010

- 19 In subsection (1)(a) of section 50 of the Mental Health (Wales) Measure 2010 (meaning of housing or well-being services), for “Part 7 of that Act” substitute “Part 2 of the Housing (Wales) Act 2014”.

Commencement Information

I19 Sch. 3 para. 19 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Legal Aid, Sentencing and Punishment of Offenders Act 2012

- 20 (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In paragraph 34 of Part 1 of Schedule 1 (homelessness)—
- (a) in sub-paragraph (1), after paragraph (b) insert—
- “(c) Part 2 of the Housing (Wales) Act 2014 (homelessness).”;
- (b) in sub-paragraph (3) for “as in section 175 of the Housing Act 1996” substitute “—
- (a) as in section 175 of the Housing Act 1996 in cases where sub-paragraph (1) applies in relation to the provision of accommodation and assistance under—
- (i) Part 6 of that Act as it relates to England;
- (ii) Part 7 of that Act;
- (b) as in section 55 of the Housing (Wales) Act 2014 in cases where sub-paragraph (1) applies in relation to the provision of accommodation and assistance under—
- (i) Part 6 of the Housing Act 1996 as it relates to Wales;
- (ii) Part 2 of the Housing (Wales) Act 2014.”

Commencement Information

I20 Sch. 3 para. 20 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Prevention of Social Housing Fraud Act 2013

- 21 In subsection (7)(d) of section 7 of the Prevention of Social Housing Fraud Act 2013 (regulations about powers to require information), after “Housing Act 1996” insert “ or under Part 2 of the Housing (Wales) Act 2014 ”.

Commencement Information

I21 Sch. 3 para. 21 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

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Social Services and Well-being (Wales) Act 2014

- 22 (1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.
- (2) In paragraph (a) of section 48 (exception for provision of housing etc), for “Housing Act 1996” substitute “ Housing (Wales) Act 2014 ”.
- (3) In the table in Schedule 2 (social services functions)—
- (a) omit the entry for the Housing Act 1996;
 - (b) after the entry for the Care Act 2014 insert—

“ Housing (Wales) Act 2014 Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.	Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.”
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Commencement Information

I22 Sch. 3 para. 22 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

PART 2

GYPSIES AND TRAVELLERS

Local Government Act 2003

- 23 (1) The definition of “housing” in subsection (4) of section 87 of the Local Government Act 2003 (housing strategies and statements) is amended as follows—
- (a) omit the words “section 225 of the Housing Act 2004”, and
 - (b) after “of” where it first occurs insert—
 - “(a) section 225 of the Housing Act 2004, in the case of a local housing authority in England;
 - (b) Part 3 of the Housing (Wales) Act 2014, in the case of a local housing authority in Wales.”

Commencement Information

I23 Sch. 3 para. 23 in force at 25.2.2015 by S.I. 2015/380, art. 2(h)

Housing Act 2004

- 24 (1) The Housing Act 2004 is amended as follows.
- (2) In section 225 (duties of local housing authorities: accommodation needs of Gypsies and Travellers)—
- (a) in subsection (1), after “local housing authority” insert “ in England ”,
 - (b) in subsection (2), after “local housing authority” insert “ in England ”,
 - (c) in the definition of “gypsies and travellers” in subsection (5), for “appropriate national authority” substitute “ Secretary of State ”, and

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- (d) in the heading, after “local housing authorities” insert “ in England ”.
- (3) In subsection (1) of section 226 (guidance in relation to section 225)—
- (a) for “appropriate national authority” substitute “ Secretary of State ”, and
 - (b) after “local housing authorities” where it first occurs insert “ in England ”.

Commencement Information

I24 Sch. 3 para. 24 in force at 25.2.2015 by S.I. 2015/380, art. 2(h)

Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (Wales) Regulations 2007 (S.I. 2007/3235)

- 25 The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (Wales) Regulations 2007 (S.I. 2007/3235) are revoked.

Commencement Information

I25 Sch. 3 para. 25 in force at 25.2.2015 by S.I. 2015/380, art. 2(h)

Mobile Homes (Wales) Act 2013

- 26 (1) The Mobile Homes (Wales) Act 2013 is amended as follows.
- (2) In the definition of “Gypsies and Travellers” in section 62 (other interpretation), for the words from “persons” where it first occurs to the end substitute “—
- (a) persons of a nomadic habit of life, whatever their race or origin, including—
 - (i) persons who, on grounds only of their own or their family's or dependant's educational needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
 - (b) all other persons with a cultural tradition of nomadism or of living in a mobile home;”.
- (3) In sub-paragraph (1) of paragraph 10 of Schedule 1 (travelling showmen), after “a” where it first occurs insert “ non-local authority owned ”.

Commencement Information

I26 Sch. 3 para. 26 in force at 25.2.2015 by S.I. 2015/380, art. 2(h)

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PART 3

STANDARDS FOR SOCIAL HOUSING

Housing Act 1985

- 27 In section 24 (rents for occupation of local housing authority houses) of the Housing Act 1985—
- (a) omit subsections (3) and (4);
 - (b) after subsection (5), insert—
 - “(6) In exercising its functions under this section, a local housing authority in Wales must—
 - (a) comply with any standards relating to rent or service charges which are set for it under section 111 of the Housing (Wales) Act 2014, and
 - (b) have regard to any guidance relating to rent or service charges which is issued under section 112 of that Act.”

Commencement Information

I27 Sch. 3 para. 27 in force at 1.12.2014 by S.I. 2014/3127, art. 2(a), Sch. Pt. 1

Housing Act 1996

- 28 (1) The Housing Act 1996 is amended as follows.
- (2) In section 33A (standards of performance to be met by registered social landlords) after subsection (2), insert—
- “(2A) Standards set under subsection (1) may require registered social landlords to comply with rules specified in the standards.
- (2B) The Welsh Ministers may—
- (a) revise the standards by issuing further standards under this section;
 - (b) withdraw the standards by issuing further standards under this section or by notice.
- (2C) The Welsh Ministers must publish any standards or notice under this section.”
- (3) In section 33B (guidance from Welsh Ministers on standards for registered social landlords)—
- (a) for subsection (3) substitute—
 - “(3) The Welsh Ministers may—
 - (a) revise the guidance by issuing further guidance under this section;
 - (b) withdraw the guidance by issuing further guidance under this section or by notice.”
 - (b) for subsection (4) substitute—

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“(4) The Welsh Ministers must publish any guidance or notice under this section.”

- (4) In section 33C (consultation before setting standards for registered social landlords or issuing guidance on standards), after “setting” insert “, revising or withdrawing”.

Commencement Information

I28 Sch. 3 para. 28 in force at 1.12.2014 by S.I. 2014/3127, art. 2(a), Sch. Pt. 1

PART 4

COUNCIL TAX FOR CERTAIN TYPES OF DWELLING

Local Government Finance Act 1992

- 29 (1) The Local Government Finance Act 1992 is amended as follows.
- (2) In section 11(2) (discounts), for “and 12” substitute “, 12, 12A and 12B”.
- (3) In section 12 (discounts: special provision for Wales), after subsection (4) insert—
- “(4A) Subsections (3) and (4) are subject to section 12A(6) and 12B(7).”
- (4) In section 13(3) (reduced amounts), for “or 12” substitute “, 12, 12A or 12B”.
- (5) In section 66(2)(b) (judicial review), for “or 12” substitute “, 12, 12A or 12B”.
- (6) In section 67(2)(a) (functions to be discharged only by authority), for “or 12” substitute “, 12, 12A or 12B”.
- (7) In Schedule 2 (administration), in paragraph 4(7) for “(higher amount of tax for empty dwellings)” substitute “(higher amount of tax for empty dwellings: England), 12A(1)(b) (higher amount of tax for empty dwellings: Wales) or 12B(1)(b) (higher amount of tax for dwellings occupied periodically: Wales)”.

Commencement Information

I29 Sch. 3 para. 29 in force at 16.12.2015 for specified purposes by S.I. 2015/2046, art. 2

I30 Sch. 3 para. 29 in force at 1.4.2016 in so far as not already in force by S.I. 2015/2046, art. 2

PART 5

AMENDMENTS TO THE MOBILE HOMES (WALES) ACT 2013

- 30 (1) The Mobile Homes (Wales) Act 2013 is amended as follows.
- (2) In section 29(3) (decision whether a person is fit and proper to manage a site), for paragraph (b) substitute—
- “(b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010, or victimised another person contrary to

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that Act, in or in connection with the carrying on of any business,
or”.

- (3) In section 33 (repayment orders)—
 - (a) omit subsection (7);
 - (b) in subsection (8) for “(11)” substitute “ (10) ”;
 - (c) in subsection (9)(c) for “at any time” substitute “ previously ”.
- (4) In section 39(1) (interpretation of Part 2) omit the definition of “fire and rescue authority” and insert it into section 62 (other interpretation) at the appropriate place.
- (5) In section 49(4) (particulars of mobile home agreements) for “Act” substitute “ Part ”.
- (6) In section 53(4) (successors in title) for “Act” substitute “ Part ”.
- (7) In section 61(7) (meaning of “qualifying residents' association”) omit the definitions of “arbitration agreement” and “tribunal”.

Commencement Information

I31 Sch. 3 para. 30 in force at 1.12.2014 by S.I. 2014/3127, art. 2(a), Sch. Pt. 1

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