

Constitutional and Legislative Affairs Committee
Statutory Instruments with Clear Reports
19 January 2015

CLA481 – The Secure Tenancies (Absolute Grounds for Possession for Anti-Social Behaviour) (Review Procedures) (Wales) Regulations 2014

Procedure: Negative

Section 84A of the Housing Act 1985 (the Act) provides for a new, absolute, anti-social behaviour ground for possession of a dwelling let under a secure tenancy.

Section 85ZA of the Act provides secure tenants of local housing authorities and housing action trusts with a right to request a review of a landlord's decision to seek possession under section 84A. The landlord must review the decision if the tenant requests it.

These Regulations make provision about the procedure to be followed in connection with such a review, including the information required for the tenants review application (Regulation 2), the right to a hearing (Regulation 3), review without a hearing (Regulation 5), review with a hearing (Regulation 6), the procedure at the hearing (Regulation 7), and the review decision (Regulation 10).

CLA482 – The Education (Wales) Measure 2009 (Pilot) (Revocation) Regulations 2014

Procedure: Negative

The Education (Wales) Measure 2009 (Pilot) Regulations 2012 (“the 2012 Regulations”) make provision to pilot the provisions of the Education Act 1996 (on special educational needs appeals) and the Equality Act 2010 (on disability discrimination claims) as amended by Part 1 of the Education (Wales) Measure 2009 (“the Measure”). The effect of is that the amendments made by Part 1 of the Measure to the Education Act 1996 and the Equality

Act 2010 apply only for the purposes of piloting in the local authority areas of Carmarthenshire and Wrexham.

The 2012 Regulations applied from 6 March 2012 and provided that they would cease to have effect at the end of 30 June 2015. Regulation 2 of these Regulations revokes the 2012 Regulations in their entirety from the earlier date of 5 January 2015. Regulation 2 also provides that article 4 of the Commencement Order is revoked. This provided for the continued application, to local authorities in Wales not within the pilot, of sections 332A and 332B of the Education Act 1996 as if the amendments to those sections by the Measure were not in force.

The effect of the revocations made by these Regulations is to end the pilot with the result that the amendments to the Education Act 1996 and Equality Act 2010 made by Part 1 of the Measure apply to all local authorities in Wales.