WELSH STATUTORY INSTRUMENTS

2012 No. 887 (W.118) (C.26)

FIRE AND RESCUE SERVICES, ENGLAND AND WALES
LOCAL GOVERNMENT, WALES
HOUSING, WALES

The Localism Act 2011 (Commencement No. 2 and Saving Provision) (Wales) Order 2012

Made - - - -	*14 March 2012*
Coming into force - -	*1 April 2012*

The Welsh Ministers make the following Order in exercise of the powers conferred upon them by section 240(3), (4) and (7) of the Localism Act 2011(**1**).

Title and interpretation

1.—(1) The title of this Order is the Localism Act 2011 (Commencement No. 2 and Saving Provision) (Wales) Order 2012.

(2) In this Order—

"the Act" ("*y Ddeddf*") means the Localism Act 2011; and

"the 2004 Act" ("*Deddf 2004*") means the Fire and Rescue Services Act 2004(**2**).

Appointed day for provisions coming into force in relation to England and Wales

2. The appointed day for the coming into force of the following provisions of the Act so far as relating to England and Wales is 1 April 2012—

(a) section 9(1) so far as it inserts—

(i) new sections 5A and 5B of the 2004 Act so far as relating to fire and rescue authorities in Wales,

(ii) new sections 5C and 5D of the 2004 Act so far as relating to power of the Welsh Ministers to make orders, and

(**1**) 2011 c. 20.
(**2**) 2004 c. 21.

(iii) new sections 5F to 5L of the 2004 Act;

(b) section 9(2) so far as relating to fire and rescue authorities in Wales;

(c) section 9(3), (6) and (7)(a) and (c);

(d) section 9(7)(b) so far as it inserts new section 62(1A)(a) and (d) of the 2004 Act;

(e) section 9(7)(b) so far as it inserts new section 62(1A)(b) of the 2004 Act so far as relating to power of the Welsh Ministers to make orders;

(f) section 10(1) to (3) and (5) so far as relating to fire and rescue authorities in Wales;

(g) section 10(4);

(h) so far as they relate to fire and rescue authorities in Wales, the entries for sections 5 and 19 of the 2004 Act in Part 2 of Schedule 25, and section 237 so far as relating to those entries; and

(i) the entry for section 62(3) of the 2004 Act in Part 2 of Schedule 25, and section 237 so far as relating to that entry.

Appointed day for provisions coming into force in relation to Wales

3. The appointed day for the coming into force of the following provisions of the Act so far as relating to Wales is 1 April 2012—

(a) section 46;

(b) subject to article 4, section 162(3)(b) and (c); and

(c) Parts 7 and 10 of Schedule 25, and section 237 so far as relating to those Parts.

Saving provision

4.—(1) The following saving provision has effect.

(2) The amendments made by section 162(3)(b) and (c) of the Act apply in respect of a tenancy where the secure tenant referred to in section 89(1) or 90(1) (as the case may be) of the Housing Act 1985(**3**) ("the previous tenant") died on or after 1 April 2012.

(3) Those amendments do not apply where the previous tenant died before that date.

(4) Words and phrases used in this article have the same meaning as in Part 4 of and Schedule 2 to the Housing Act 1985.

Carl Sargeant
Minister for Local Government and Communities, one of the Welsh Ministers.

14 March 2012

(**3**) 1985 c. 68.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second Commencement Order made by the Welsh Ministers under the Localism Act 2011 ("the Act").

Article 2 of the Order brings into force on 1 April 2012, in relation to England and Wales, parts of sections 9 and 10 which relate to the powers of fire and rescue authorities in Wales.

Article 3 brings into force on 1 April 2012, in relation to Wales, section 46 which repeals provisions within the Local Democracy, Economic Development and Construction Act 2009 about petitions to local authorities; section 162(3)(b) and (c) which makes amendments to the grounds for the recovery of possession in relation to secure tenancies after a previous tenant's death; and related repeal provisions within section 237 and Schedule 25.

Article 4 makes a saving provision.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in relation to Wales on 31 January 2012 by the Localism Act 2011 (Commencement No. 1) (Wales) Order 2012 (2012/193) (W.31) (C.6);

(a) Sections 38 to 43; and

(b) Section 69.

The following provisions of the Act have been brought into force in England and Wales by commencement orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 1(1) to (6)	18.2.2012	2012/411 (C. 11)
Sections 2 to 7	18.2.2012	2012/411 (C. 11)
Section 8(2)	3.12.2011	2011/2896 (C.103)
Section 8 (so ar as not already in force)	18.2.2012	2012/411 (C. 11)
Sections 9 and 10 (partially)	18.2.2012	2012/411 (C. 11)
Sections 11 to 14	18.2.2012	2012/411 (C. 11)
Section 15	3.12.2011	2011/2896 (C. 103)
Section 19	3.12.2011	2011/2896 (C. 103)
Section 20 (partially)	3.12.2011	2011/2896 (C.103)
Chapter 4 of Part 1 (so far as not already in force)	15.1.2012	2012/57 (C. 2)

* These provisions also extend to Scotland (see section 239 of the Act) and were brought into force in relation to Scotland by the same Order.