HOUSING (WALES) MEASURE 2011

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EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 1 – Directions Suspending the Right to Buy and Related Rights

Section 3 – Application for direction suspending the right to buy

14.   This section sets out the requirements to be met by the authority's application for a direction to suspend the right to buy.

15.   Subsection (2)(a)-(d) describes what an application must contain. The authority must prepare a draft of the direction that it wishes the Welsh Ministers to issue. That draft direction must clearly identify the area to which it applies, which could be the whole of the authority's area or one or more parts of it. The draft direction must also make clear whether the direction is to apply to every relevant dwelling-house in that area and, if not, which type or types of relevant dwelling house to which it is to apply (e.g. it might apply only to 3 or 4 bedroom houses). The draft direction must also state the period for which the proposed direction is to have effect, which can be up to five years from the date of issue.

16.   A "relevant dwelling-house" is one where the landlord is a social housing provider and the tenant has the right to buy or would have such a right if he or she met the conditions which gave rise to such a right ("landlord and tenant requirements") and includes a dwelling-house which meets the landlord and tenant requirements after the date on which the application for a direction is made.

17.   An authority's application must also provide an explanation of the reasons why the authority has concluded that the housing pressure condition exists and an explanation of why suspending the right to buy is an appropriate way to deal with the housing pressure condition. The authority must set out the action that it intends to take, in addition to applying to suspend the right to buy, in order to address the imbalance between the demand for social housing and its supply. Finally, the application must include a description of the consultation exercise the authority has carried out.