

HOUSING (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 5: Applications: General Provisions

Section 26 – Withdrawal of application

57. *Section 26* provides that an authority may withdraw its application for a direction, or for the revocation of a direction, at any time before the Welsh Ministers have made a decision on it.

Section 27 – Provision of further information

58. Under section 27 the Welsh Ministers can obtain further information from an authority. They must reasonably consider that the information is required in order for them to deal with an application.

Section 28 – Publication of directions

59. Under section 28 an authority must publish a direction by whichever means it considers appropriate and it must take other reasonable steps to bring a direction or a revocation to the attention of persons likely to be affected.

Section 29 – Restriction on repeat applications

60. *Section 29* deals with restrictions on repeat applications. If the Welsh Ministers have refused to grant an application for a direction an authority must not apply for a direction that is substantially the same, as the direction the application for which was refused, for a period of two years from the date of refusal.
61. Where a direction has been issued under section 6 (“the relevant direction”) (whether or not there has been a variation under section 13 or 17 or an extension under section 22), an authority must not during the period in subsection (5) make an application for another direction under section 1 that is substantially the same as the relevant direction. Under subsection (5), the period begins on the date the relevant direction has effect (subsection (5)(a)) and ends two years from the date when the relevant direction ceases to have effect (subsection (5)(b)). In the case of a variation under section 13 or 17, references to the relevant direction in subsections (4) and (5b) are to the direction as varied and where there has been an extension under section 22, the reference in subsection (5)(b) is to when the relevant direction ceases to have effect as extended. This means that an authority cannot make an application for a direction which is substantially the same as an existing one and which is timed to begin as soon as the existing direction comes to an end. Instead it must apply for an extension (with the additional condition of demonstrating it has taken adequate action to date to address the housing pressure condition) to which there is a limit of ten years. Otherwise the authority must wait for a period of two years to expire from the date the direction ceased to have effect.

Section 30 – Guidance

62. **Section 30** provides that in the exercise of the authority's functions under sections 3, 10, 15, 20 and 24 (which relate to authority applications), the authority must have regard to any guidance given by the Welsh Ministers.