



# Housing (Wales) Measure 2011

2011 nawm 5

## PART 1

### SUSPENSION OF THE RIGHT TO BUY AND RELATED RIGHTS

#### CHAPTER 3

##### EXTENSION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

#### **18 Extension application: power to apply**

- (1) A local housing authority may apply to the Welsh Ministers for an extension of the period for which a direction issued under this Part is to have effect if—
  - (a) within the period of six months preceding the application, the authority has completed a consultation exercise in accordance with section 19, and
  - (b) in the light of that exercise, and having considered any other relevant information, the authority concludes that the housing pressure condition continues to exist.
- (2) A local housing authority may apply for the extension of a direction which has already been extended but an extended direction may not have effect beyond a period of ten years from the date on which the direction was issued under section 6.

#### **19 Extension application: consultation**

- (1) This section provides for the consultation exercise that a local housing authority must carry out before it may make an application to the Welsh Ministers for an extension of the period for which a direction issued under this Part is to have effect.
- (2) The consultation exercise must seek views on whether there is a need to apply for an extension of the period for which the direction is to have effect.
- (3) The persons to be consulted are—

- (a) each social housing provider—
  - (i) which appears to the authority to be a landlord of a dwelling-house situated in the authority’s area (but the authority need not consult itself), and
  - (ii) which the authority considers would be affected if its application for an extension of a direction is granted;
- (b) any body or bodies appearing to the authority to represent the interests of tenants of dwelling-houses within the authority’s area where—
  - (i) the landlords of those dwelling-houses are social housing providers, and
  - (ii) the authority considers that the tenants of those dwelling-houses would be affected if its application for an extension of a direction is granted;
- (c) any other local housing authority whose area is adjacent to the area to which it is proposed that the extended direction is to apply, and
- (d) such other persons as the authority considers appropriate.

## 20 Application for extension

- (1) This section sets out the requirements to be met by a local housing authority’s application to the Welsh Ministers for an extension of a direction issued under this Part.
- (2) The application must—
  - (a) explain why the authority has concluded that the housing pressure condition exists;
  - (b) explain why the authority is of the opinion that an extension of the period for which a direction is to have effect would be an appropriate response to its having concluded that the housing pressure condition exists;
  - (c) explain what other action the authority has taken to reduce the imbalance between the demand for social housing and its supply within the authority’s area since the direction was issued under section 6;
  - (d) explain what other action the authority proposes to take to reduce the imbalance between the demand for social housing and its supply within the authority’s area during the proposed period of extension;
  - (e) describe what the authority has done to discharge its obligation to consult under section 19, and
  - (f) state the proposed period of extension (which must not be more than five years from the date on which, but for this Chapter, the direction would have ceased to have effect).

## 21 Decision of the Welsh Ministers on the application

- (1) The Welsh Ministers may reject a local housing authority’s application for an extension of the period for which a direction issued under this Part is to have effect (without considering whether subsection (3) requires them to grant it) if the Welsh Ministers are of the opinion that—
  - (a) the authority has failed to comply with a requirement imposed under section 27 in relation to the application, or
  - (b) where the authority is required to have a strategy relating to housing under section 87(1) of the Local Government Act 2003, the strategy, in so far as it

relates to the imbalance between demand for and supply of social housing in the authority's area, is inadequate.

- (2) The Welsh Ministers must not make a decision under subsection (1)(b) unless they have considered—
- (a) any statement that the authority is required to prepare under section 87(2) of the Local Government Act 2003, and
  - (b) any other information which the Welsh Ministers consider relevant.
- (3) The Welsh Ministers must grant the application if—
- (a) they agree with the authority's opinion as to why the housing pressure condition exists;
  - (b) they agree with the authority's opinion that the proposed extension of the period for which the direction is to have effect is an appropriate response to the authority having concluded that the housing pressure condition exists;
  - (c) they are satisfied that, before making the application, the authority complied with their obligation to carry out a consultation exercise under section 19;
  - (d) they are satisfied that the action taken by the authority to reduce the imbalance between the demand for social housing and its supply since the direction was issued under section 6 has been adequate, and
  - (e) they are satisfied that the authority's proposals included in its application in accordance with section 20(2)(d) are likely to contribute to a reduction in the imbalance between the demand for social housing and its supply within the authority's area.
- (4) If the Welsh Ministers are not satisfied that the action taken by the authority to reduce the imbalance between the demand for social housing and its supply since the direction was issued under section 6 has been adequate, they may refuse the application.
- (5) If any of paragraphs (a) to (c) or (e) of subsection (3) are not met, the Welsh Ministers must reject the application.

## **22 Issue of direction as extended**

- (1) Where the Welsh Ministers grant a local housing authority's application under section 21, they must issue in writing an altered direction which—
- (a) states the date on which it is to cease to have effect (being the date specified in the authority's application under section 20(2)(f)), and
  - (b) in all other respects is identical to the direction in respect of which the application was made (the "replaced direction").
- (2) A direction issued under this section has effect as from the date on which the replaced direction ceases to have effect.