

HOUSING (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 2 - Variation of Direction to Suspend the Right to Buy

Section 12 – Decision of the Welsh Ministers on the application

37. **Section 12** applies where the Welsh Ministers are considering an authority's application for an enlarging variation and sets out when they may reject the application, when they must not make a decision, where they must grant the application and when they must reject the application. The Welsh Ministers can reject the application if the authority has failed to provide information it was required to give under section 27 or if its housing strategy is inadequate in so far as it deals with the imbalance between the demand for and the supply of social housing.
38. The Welsh Ministers must grant the application for an enlargement if they agree with the authority's opinion why the condition set out in section 8(2) exists and that the variation is an appropriate response. The Welsh Ministers must also be satisfied that the authority's proposals in its application under section 10(2)(d) are likely to contribute to a reduction in the imbalance between the demand for social housing and its supply. The authority must also have consulted properly.
39. If subsection (4)(a)-(d) are not satisfied, the Welsh Ministers must reject the application.
40. The Welsh Ministers must grant or reject an application for an enlarging variation within six months from when they decided to consider an application (see section 11(4)).
41. The validity of the Welsh Ministers' decision is not affected by a failure to comply with subsection (6).