

HOUSING (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 6: Amendments to the Housing Act 1985

Section 31 – Consequence of the Welsh Ministers deciding to consider certain applications

63. **Section 31(2)** inserts new section 122A into the 1985 Act which sets out the effect an application to suspend the right to buy in parts of Wales has on a claim to exercise the right to buy under section 122(1) of the 1985 Act. A claim is stayed (unless withdrawn by the tenant) if the Welsh Ministers are considering an application for a direction under section 4(1) or (2) or section 11(1) or (2) of the Measure and the right to buy claim is made under section 122(1) of the 1985 Act in respect of a dwelling-house covered by the draft direction or enlarging elements of the draft direction. New section 122A(3) & (4) of the 1985 Act sets out what happens to the stay where the Welsh Ministers refuse to issue the direction (stay is lifted on date of refusal) or if the application for the direction is withdrawn (stay lifted on date of withdrawal).
64. If the Welsh Ministers have not granted or rejected an application for a direction within six months beginning with the date on which they decided to consider the application (see sections 4(4) and 11(4)), the stay is lifted on the day after the end of that period. If a claim to exercise the right to buy is stayed at the time the Welsh Ministers grant an application for a direction, the claim is deemed not to have been made and the computation of any period under Schedule 4 to the 1985 Act (qualifying period for right to buy and discount) is not affected.
65. Subsection (3) inserts new subsection (3) into section 124 of the 1985 Act. This sets out the periods for serving notices in respect of the right to buy when a stay is lifted.
66. Subsection (4) amends section 153A of the 1985 Act (tenant's notices of delay).

Section 32 – Effect of direction to suspend the right to buy

67. **Section 32** inserts new section 122B into the 1985 Act. While a direction suspending the right to buy has effect a tenant cannot make a right to buy claim under section 122 of the 1985 Act (tenant's notice claiming to exercise right to buy). New section 122B does not affect the computation of any period under Schedule 4 to the 1985 Act.