

HOUSING (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Registered Social Landlords

Chapter 4 – Enforcement

Management and constitution of registered social landlords

Section 72 - Management Tender

161. This section inserts a new paragraph 15B into Schedule 1 to the 1996 Act. Sub-paragraph (1) of new paragraph 15B specifies that the Welsh Ministers may use the power conferred by this paragraph where they are satisfied that a RSL has failed to meet a standard set under new section 33A of the 1996 Act, or that there has been misconduct or mismanagement in its affairs.
162. If the Welsh Ministers are satisfied that one of the conditions in sub-paragraph (1) is met, sub-paragraph (3) gives them the power to require the RSL to put the RSL's management functions out to tender. The Welsh Ministers must specify the process that the social landlord is to follow in putting the services out to tender and making an appointment as a result of that process.
163. The services to be tendered out may relate to the RSLs affairs generally, or may relate to specified affairs.
164. The Welsh Ministers must specify certain matters when they exercise this power, as follows:
 - the constitution of the panel which has the responsibility for selection, must include provision for ensuring tenants' interests will be represented on that panel,
 - provision for ensuring that the procurement process follows best practice, and
 - the terms and conditions on which the manager is to be appointed, that will include the setting of the required standards, how those standards will be monitored and enforced, and resources.