



# Housing (Wales) Measure 2011

2011 nawm 5

## PART 1

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

#### CHAPTER 1

##### DIRECTIONS SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

#### **1 Power to apply for direction suspending the right to buy and related rights**

- (1) A local housing authority may apply to the Welsh Ministers for a direction suspending the right to buy and related rights in its area for a period of up to five years if—
  - (a) within the period of six months preceding the application, the authority has completed a consultation exercise in accordance with section 2, and
  - (b) in the light of that exercise, and having considered any other relevant information, the authority concludes that the condition described in subsection (2) exists.
- (2) The condition (referred to in this Part as the “housing pressure condition”) is that—
  - (a) within the local housing authority’s area, the demand for social housing substantially exceeds its supply or is likely to do so, and
  - (b) that imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.
- (3) For the purposes of this Part, the following are rights related to the right to buy—
  - (a) the right to buy as extended under section 171 of the Housing Act 1985;
  - (b) the preserved right to buy under section 171A of the Housing Act 1985;
  - (c) the right to acquire under section 16 of the Housing Act 1996;
  - (d) the right to acquire as extended under section 16A of the Housing Act 1996.
- (4) A local housing authority may conclude that paragraph (a) of subsection (2) is met—
  - (a) in relation to all social housing in its area;

- (b) in relation to all social housing in a certain part or parts of its area;
  - (c) in relation to a certain type or types of social housing (whether throughout its area or in a certain part or parts of its area).
- (5) For the purposes of this Part, a type of social housing may be identified by reference to any, or any combination of, the following—
- (a) special needs of tenants;
  - (b) description of dwelling-house;
  - (c) type of social housing provider (which may include a particular provider).

## **2 Consultation**

- (1) This section provides for the consultation exercise that a local housing authority must carry out before it may apply to the Welsh Ministers for a direction suspending the right to buy and related rights.
- (2) The consultation exercise must seek views on whether there is a need for the authority to apply for such a direction.
- (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 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 a direction is granted;
  - (c) any other local housing authority whose area is adjacent to the area to which it is proposed that the direction is to apply, and
  - (d) such other persons as the authority considers appropriate.

## **3 Application for direction suspending the right to buy and related rights**

- (1) This section sets out the requirements to be met by a local housing authority's application to the Welsh Ministers for a direction suspending the right to buy and related rights.
- (2) The application must—
- (a) include a draft of the direction which—
    - (i) clearly identifies the area to which it is to apply (whether that is the whole of the authority's area or one or more parts of its area);
    - (ii) states whether or not the direction is to apply to every relevant dwelling-house within that area;
    - (iii) if the direction is not to apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it is to apply;

- (iv) states the period for which it is to have effect (which must be no longer than five years from the date on which, if the application were granted, it would be issued);
- (b) explain why the authority has concluded that the housing pressure condition exists;
- (c) explain why the authority is of the opinion that the direction is an appropriate response to its having concluded that the housing pressure condition exists;
- (d) explain what other action the authority proposes to take to reduce the imbalance between the demand for social housing and its supply within its area during the period for which the direction is to have effect, and
- (e) describe what the authority has done to discharge its obligation to carry out a consultation exercise under section 2.

#### **4 Consideration by the Welsh Ministers of an application**

- (1) If the Welsh Ministers are of the opinion that a local housing authority's application for a direction suspending the right to buy and related rights meets the requirements of section 3, they must consider the application.
- (2) If the Welsh Ministers are of the opinion that an application does not meet the requirements of section 3 they must refuse to consider it unless, in their opinion, the failure to comply with the requirements is immaterial or insignificant in which case they may consider the application.
- (3) The Welsh Ministers must notify an authority in writing if they—
  - (a) are obliged under subsection (1) to consider an application for a direction suspending the right to buy and related rights made by the authority;
  - (b) decide under subsection (2) to consider such an application, or
  - (c) are obliged under subsection (2) to refuse to consider an application.
- (4) The day after that on which a notice was sent under subsection (3)(a) or (b) is to be treated as the date on which the Welsh Ministers decided to consider the application.
- (5) If, before the Welsh Ministers have decided to consider an application, a local housing authority provides further information under section 27, it is to be treated as if it formed part of the application.

#### **5 Decision of the Welsh Ministers on the application**

- (1) This section applies where the Welsh Ministers are considering a local housing authority's application for a direction suspending the right to buy and related rights in accordance with section 4(1) or (2).
- (2) The Welsh Ministers may reject the application (without considering whether subsection (4) requires them to grant it) if they 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 any imbalance between demand for and supply of social housing in the authority's area, is inadequate.

- (3) The Welsh Ministers must not make a decision under subsection (2)(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.
- (4) The Welsh Ministers must grant the application if—
- (a) they agree with the authority’s conclusion as to why the housing pressure condition exists;
  - (b) they agree with the authority’s opinion that the direction is an appropriate response to the authority having concluded that the housing pressure condition exists;
  - (c) they are satisfied that the authority’s proposals included in its application in accordance with section 3(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, and
  - (d) they are satisfied that, before making the application, the authority complied with its obligation to carry out a consultation exercise under section 2.
- (5) If any of paragraphs (a) to (d) of subsection (4) are not met, the Welsh Ministers must reject the application.
- (6) The Welsh Ministers must grant or reject an application in accordance with this section within six months beginning with the date on which they decided to consider the application (see section 4(4)).
- (7) The validity of the Welsh Ministers' decision is not affected by a failure to comply with subsection (6).

## **6 Issue of direction**

- (1) Where the Welsh Ministers grant a local housing authority’s application under section 5, they must issue in writing a direction which—
- (a) clearly identifies the area to which it applies (whether that is the whole of the authority’s area or one or more parts of its area);
  - (b) states whether or not the direction applies to every relevant dwelling-house within that area;
  - (c) if the direction does not apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it does apply;
  - (d) states the period for which it is to have effect (which must be no longer than five years from the date on which it is issued).
- (2) The Welsh Ministers must not issue a direction under this section which differs in any material respect from the draft of the direction included in the local housing authority’s application in accordance with section 3(2)(a).

## CHAPTER 2

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

#### 7 **Meaning of “enlarging variation” and “reducing variation” etc**

- (1) For the purposes of this Chapter, an “enlarging variation” is a variation of a direction issued under this Part which makes either or both of the following changes (and no others)—
- (a) alters the direction so that it applies to an area to which it did not previously apply;
  - (b) alters the direction so that it applies to a type or types of relevant dwelling-house to which it did not previously apply;
- and “enlarging elements” must be construed accordingly.
- (2) For the purposes of this Chapter, a “reducing variation” is a variation of a direction issued under this Part which makes either or both of the following changes (and no others)—
- (a) alters the direction so that it no longer applies to an area to which it did previously apply;
  - (b) alters the direction so that it no longer applies to a type or types of relevant dwelling-house to which it did previously apply;
- and “reducing elements” must be construed accordingly.

#### 8 **Enlarging variation: power to apply**

- (1) A local housing authority may apply to the Welsh Ministers for an enlarging variation of a direction issued under this Part if—
- (a) the direction was issued in response to an application made by the authority;
  - (b) the application for a variation is made at least six months before the date on which the direction is to cease to have effect;
  - (c) within the period of six months preceding the application, the authority has completed a consultation exercise in accordance with section 9, and
  - (d) in the light of that exercise, and having considered any other relevant information, the authority concludes that, in relation to the enlarging elements of the variation, the condition described in subsection (2) exists.
- (2) The condition is that—
- (a) the demand for social housing falling within the enlarging elements of the variation substantially exceeds its supply or is likely to do so, and
  - (b) that imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.

#### 9 **Enlarging variation: consultation**

- (1) This section provides for the consultation exercise that a local housing authority must carry out before it may apply to the Welsh Ministers for an enlarging variation of a direction issued under this Part.

- (2) The consultation exercise must seek views on whether there is a need to apply for such a variation.
- (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 enlarging variation 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 enlarging variation 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 enlarging elements of the direction are to apply; and
  - (d) such other persons as the authority considers appropriate.

## **10 Application for enlarging variation**

- (1) This section sets out the requirements to be met by a local housing authority’s application to the Welsh Ministers for an enlarging variation of a direction issued under this Part.
- (2) The application must—
- (a) include a draft of the direction (as it would be varied if the application were granted) which, if it were included in an application for a direction under section 3, would comply with the requirements of section 3(2)(a);
  - (b) explain why the authority has concluded that the condition described in section 8(2) exists;
  - (c) explain why the authority is of the opinion that the variation is an appropriate response to its having concluded that the condition described in section 8(2) exists;
  - (d) explain what other action the authority proposes to take to reduce the imbalance between the demand for social housing and its supply within its area during the period for which the direction (as varied) is to have effect; and
  - (e) describe what the authority has done to discharge its obligation to carry out a consultation exercise under section 9.

## **11 Consideration by the Welsh Ministers of an application for an enlarging variation**

- (1) If the Welsh Ministers are of the opinion that a local housing authority’s application for an enlarging variation meets the requirements of section 10, they must consider the application.
- (2) If the Welsh Ministers are of the opinion that an application does not meet the requirements of section 10 they must refuse to consider it unless, in their opinion, the

failure to comply with the requirements is immaterial or insignificant in which case they may consider the application.

- (3) The Welsh Ministers must notify an authority in writing if they—
  - (a) are obliged under subsection (1) to consider an application for an enlarging variation;
  - (b) decide under subsection (2) to consider such an application, or
  - (c) are obliged under subsection (2) to refuse to consider an application.
- (4) The day after that on which a notice was sent under subsection (3)(a) or (b) is to be treated as the date on which the Welsh Ministers decided to consider the application.
- (5) If, before the Welsh Ministers have decided to consider an application, a local housing authority provides further information under section 27, it is to be treated as if it formed part of the application.

## **12 Decision of the Welsh Ministers on the application**

- (1) This section applies where the Welsh Ministers are considering a local housing authority's application for an enlarging variation in accordance with section 11(1) or (2).
- (2) The Welsh Ministers may reject the application (without considering whether subsection (2) requires them to grant it) if they 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.
- (3) The Welsh Ministers must not make a decision under subsection (2)(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.
- (4) The Welsh Ministers must grant the application if—
  - (a) they agree with the authority's opinion as to why the condition described in section 8(2) exists;
  - (b) they agree with the authority's opinion that the variation is an appropriate response to the authority having concluded that the condition exists;
  - (c) they are satisfied that the authority's proposals included in its application in accordance with section 10(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, and
  - (d) they are satisfied that, before making the application, the authority complied with its obligation to carry out a consultation exercise under section 9.
- (5) If any of paragraphs (a) to (d) of subsection (4) are not met, the Welsh Ministers must reject the application.

- (6) The Welsh Ministers must grant or reject an application in accordance with this section within six months beginning with the date on which they decided to consider the application (see section 11(4)).
- (7) The validity of the Welsh Ministers' decision is not affected by a failure to comply with subsection (6).

### **13 Issue of direction as varied to include enlarging elements**

- (1) Where the Welsh Ministers grant a local housing authority's application under section 12, they must issue in writing a varied direction which—
  - (a) clearly identifies the area to which it applies;
  - (b) states whether or not the direction applies to every relevant dwelling-house within that area;
  - (c) if the direction does not apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it does apply;
  - (d) states the period for which it is to have effect.
- (2) The Welsh Ministers must not issue a direction under this section which differs in any material respect from the draft of the direction included in the local housing authority's application in accordance with section 10(2)(a).

### **14 Reducing variation: power to apply**

- (1) A local housing authority may apply to the Welsh Ministers for a reducing variation of a direction issued under this Part if—
  - (a) the direction was issued in response to an application made by the authority, and
  - (b) the authority concludes that the condition described in subsection (2) exists.
- (2) The condition is that either—
  - (a) the demand for social housing falling within the reducing elements of the variation does not substantially exceed its supply or is not likely to do so, or
  - (b) even if demand does substantially exceed supply, or is likely to do so, that imbalance between supply and demand is not likely to increase as a result of the exercise of the right to buy and related rights.

### **15 Application for reducing variation**

- (1) This section sets out the requirements to be met by a local housing authority's application to the Welsh Ministers for a reducing variation of a direction issued under this Part.
- (2) The application must—
  - (a) include a draft of the direction (as it would be varied if the application were granted) which, if it were included in an application for a direction under section 3, would comply with the requirements of section 3(2)(a), and
  - (b) explain why the authority has concluded that the condition described in section 14(2) exists.



**16 Decision of the Welsh Ministers on the application**

- (1) The Welsh Ministers may reject a local housing authority's application for a reducing variation (without considering whether subsection (2) requires them to grant it) if they are of the opinion that the authority has failed to comply with a requirement imposed under section 27 in relation to the application.
- (2) The Welsh Ministers must grant the application if they agree with the authority's opinion as to why the condition described in section 14(2) exists and, if the Welsh Ministers do not so agree, they must reject the application.

**17 Issue of direction as varied to include reducing elements**

- (1) Where the Welsh Ministers grant a local housing authority's application under section 16, they must issue in writing a varied direction which—
  - (a) clearly identifies the area to which it applies;
  - (b) states whether or not the direction applies to every relevant dwelling-house within that area;
  - (c) if the direction does not apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it does apply;
  - (d) states the period for which it is to have effect.
- (2) The Welsh Ministers must not issue a direction under this section which differs in any material respect from the draft of the direction included in the local housing authority's application in accordance with section 15(2)(a).

**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.

## CHAPTER 4

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

#### **23 Revocation of direction: power to apply**

- (1) A local housing authority may apply to the Welsh Ministers for the revocation of a direction issued under this Part if the authority concludes that the condition described in subsection (2) exists.
- (2) The condition is that either—
  - (a) the demand for social housing to which the direction relates does not substantially exceed its supply or is not likely to do so, or
  - (b) even if demand does substantially exceed supply, or is likely to do so, that imbalance between supply and demand is not likely to increase as a result of the exercise of the right to buy and related rights.

#### **24 Application for revocation**

A local housing authority's application to the Welsh Ministers for revocation of a direction issued under this Part must be in writing and must explain why the authority has concluded that the condition described in section 23(2) exists.

#### **25 Decision of the Welsh Ministers on the application**

- (1) The Welsh Ministers may reject a local housing authority's application under section 23 (without considering whether subsection (2) requires them to grant it) if they are of the opinion that the authority has failed to comply with a requirement imposed under section 27 in relation to the application.
- (2) The Welsh Ministers must grant the application if they agree with the authority's conclusion as to why the condition described in section 23(2) exists.
- (3) If the Welsh Ministers grant the application, they must notify the local housing authority in writing of that fact and the direction ceases to have effect on the date on which such notice is given.

## CHAPTER 5

### APPLICATIONS: GENERAL PROVISIONS

#### **26 Withdrawal of application**

At any time before the Welsh Ministers have made a decision on a local housing authority's application for a direction, or for the revocation of a direction, under this Part, the authority which made the application may by notice in writing withdraw it.

## **27 Provision of further information**

- (1) The Welsh Ministers may require a local housing authority to provide further information in addition to that provided in an application for a direction, or for the revocation of a direction, under this Part.
- (2) The power under subsection (1) is exercisable if the Welsh Ministers reasonably consider that the further information is required in order for them to decide whether to consider the authority's application or to determine the authority's application.

## **28 Publication of directions**

- (1) As soon as reasonably practicable after the issue of a direction under this Part, the local housing authority which applied for the direction must publish it in whatever manner it thinks appropriate.
- (2) The authority must also take other reasonable steps to bring a direction, or the revocation of a direction, issued under this Part to the attention of persons likely to be affected by it.

## **29 Restriction on repeat applications**

- (1) Subsection (2) applies where the Welsh Ministers have refused to grant a local housing authority's application for a direction under this Part.
- (2) Where this subsection applies, the local housing authority which made the application must not, during the period of two years beginning with the date of refusal, make an application for a direction that is substantially the same as the direction the application for which was refused.
- (3) Subsection (4) applies where the Welsh Ministers have issued a direction 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).
- (4) Where this subsection applies, the local housing authority must not, during the period described in subsection (5), make an application under section 1 for another direction that is substantially the same as the relevant direction.
- (5) The period referred to in subsection (4)—
  - (a) begins on the date that the relevant direction has effect, and
  - (b) ends two years from the date on which the relevant direction ceases to have effect.
- (6) In a case where there has been a variation under section 13 or 17, the references in subsections (4) and (5)(b) to the relevant direction are references to the direction having effect after the variation.
- (7) In a case where there has been an extension under section 22, the reference in subsection (5)(b) to the time when the relevant direction ceases to have effect is a reference to the time when the direction ceases to have effect in accordance with the extension.

### 30 Guidance

In the exercise of its functions under sections 3, 10, 15, 20 and 24, a local housing authority must have regard to any guidance given from time to time in writing by the Welsh Ministers.

## CHAPTER 6

### AMENDMENTS TO THE HOUSING ACT 1985

### 31 Consequence of the Welsh Ministers deciding to consider certain applications

- (1) The Housing Act 1985 is amended as follows.
- (2) Insert the following after section 122 of the Housing Act 1985—

**“122A Applications to suspend the right to buy etc in parts of Wales:  
 effect on claims to exercise the right**

- (1) Subsection (2) applies if—
  - (a) the Welsh Ministers are considering a local housing authority’s application for a direction (“the draft direction”) in accordance with section 4(1) or (2) or 11(1) or (2) of the Housing (Wales) Measure 2011;
  - (b) a claim to exercise the right to buy is made under section 122(1) in respect of a dwelling-house to which—
    - (i) in the case of an application which is being considered in accordance with section 4(1) or (2) of the 2011 Measure, the draft direction applies, or
    - (ii) in the case of an application which is being considered in accordance with section 11(1) or (2) of the 2011 Measure, the enlarging elements (within the meaning of section 7 of that Measure) of the draft direction apply;
  - (c) the claim was made after the date on which the Welsh Ministers decided to consider the application for the proposed direction, and
  - (d) the application has not been determined or withdrawn.
- (2) The claim to exercise the right to buy shall be stayed unless withdrawn by the tenant under section 122(3).
- (3) If the Welsh Ministers refuse to issue the direction, the stay shall be lifted on the date of refusal.
- (4) If the application for the direction is withdrawn, the stay shall be lifted on the date of withdrawal.
- (5) 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) of the 2011 Measure), the stay shall be lifted on the day after the end of that period.
- (6) 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.

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*Status: This is the original version (as it was originally enacted).*

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- (7) This section does not affect the computation of any period under Schedule 4.”
- (3) In section 124 (landlord’s notice admitting or denying right to buy)—
- (a) in subsection (1), insert “or (3)” after “subsection (2)”;
  - (b) after subsection (2) insert—
- “(3) But the period for serving a notice in a case where the stay of a claim to exercise the right to buy has been lifted under subsection (3), (4) or (5) of section 122A is four weeks beginning with the lifting date where the requirement of section 119 is satisfied by a period or periods during which the landlord was the landlord on which the tenant’s notice under section 122 was served, and eight weeks beginning with the lifting date in any other case.”
- (4) In section 153A (tenant’s notices of delay), in subsection (1)(a), insert “or (3)” after “subsection (2)”.

### **32 Effect of direction to suspend the right to buy**

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 122 (tenant’s notice claiming to exercise right to buy), at the beginning of subsection (1) insert “Unless section 122B applies”.
- (3) After section 122A (inserted by section 31 of this Measure) insert the following—

#### **“122B Suspension of the right to buy in parts of Wales**

- (1) This section applies to a secure tenant of a dwelling-house to which a direction having effect under Part 1 of the Housing (Wales) Measure 2011 applies.
- (2) While the direction has effect, the tenant may not claim to exercise the right to buy under section 122.
- (3) This section does not affect the computation of any period in accordance with Schedule 4.”

## **CHAPTER 7**

### **MISCELLANEOUS**

### **33 Interpretation of Part 1**

- (1) Unless the context otherwise requires, an expression used in this Part and the Housing Act 1985 has the same meaning in this Part as it does in that Act.
- (2) For the purposes of this Part—
- “housing pressure condition” (“*cyflwr o bwysau oherwydd prinder tai*”) has the meaning given by section 1(2);
  - “local housing authority” (“*awdurdod tai lleol*”) means a local housing authority in Wales;

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*Status: This is the original version (as it was originally enacted).*

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“related rights” (“*hawliau cysylltiedig*”) has the meaning given to “rights related to the right to buy” (see section 1(3));

“social housing” (“*tai cymdeithasol*”) means any housing provided by a social housing provider.

- (3) For the purposes of this Part, “relevant dwelling-house”, in relation to an application for a direction, or a direction issued, under this Part means—
- (a) a dwelling-house—
    - (i) the landlord of which is a social housing provider, and
    - (ii) the tenant of which has the right to buy, or a right related to the right to buy, or would have such a right if he or she met the conditions which give rise to such a right, and
  - (b) includes a dwelling-house which meets the requirements of paragraph (a) after the date on which the application for a direction is made.
- (4) For the purposes of this Part, “social housing provider” means—
- (a) a local authority, and
  - (b) a person (other than a local authority) which—
    - (i) provides housing to, or
    - (ii) has functions relating to allocation of housing to, people whose needs are not adequately served by the commercial housing market;
 but a local authority or such other person is a social housing provider only insofar as it provides, or has functions relating to allocation of, housing.

### **34 Consequential etc orders**

- (1) The Welsh Ministers may by order make such provision as the Welsh Ministers consider appropriate in consequence of, or for giving full effect to, any provision made by this Part.
- (2) The Welsh Ministers may by order make such provision as the Welsh Ministers consider appropriate for applying or extending any provision made by this Part (with or without modifications) to any provision about or connected with a right related to the right to buy.
- (3) The powers under subsections (1) and (2) include, but are not limited to, powers to make provision which amends, repeals or revokes any provision of—
  - (a) any Act of Parliament or Measure of the National Assembly for Wales (including this Measure), and
  - (b) subordinate legislation.
- (4) In this section “subordinate legislation” has the same meaning as in the Interpretation Act 1978.