

SCHEDULE

Amendments to Right to Buy and Right to Acquire Subordinate Legislation consequential on Part 1 of the Housing (Wales) Measure 2011

Housing (Right to Acquire) Regulations 1997

3.—(1) The Housing (Right to Acquire) Regulations 1997⁽¹⁾ are amended as follows.

(2) In Schedule 1 (Modifications to Part V of the Housing Act 1985)—

- (a) in paragraph 1, after “Part V”, insert “(including section 122A and section 122B inserted by the Housing (Wales) Measure 2011)”;
- (b) in paragraph 2, after “Part V”, insert “(including section 122A and section 122B inserted by the Housing (Wales) Measure 2011)”;
- (c) in paragraph 4—
 - (i) at the beginning of the paragraph insert “(1) In section 122, after subsection (1) insert “Unless section 122B applies””; and
 - (ii) before “At”, insert “(2)”.

(3) In Schedule 2 (Part V as it applies in cases where the right to acquire applies), at the beginning of section 122(1) (Tenant’s notice claiming to exercise right to acquire), insert “Unless section 122B applies”.

(4) In Schedule 2, after section 122 (Tenant’s notice claiming to exercise right to acquire) insert—

“Applications to suspend the right to acquire etc in parts of Wales: effect on claims to exercise the right

122A.—(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 acquire 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- (d) the application has not been determined or withdrawn.

(2) The claim to exercise the right to acquire shall be stayed unless withdrawn by the tenant under section 122(3).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(4) If the application for the direction is withdrawn, the stay shall be lifted on the date of withdrawal.

(1) S.I.1997/619.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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 acquire is stayed at the time the Welsh Ministers grant an application for a direction, the claim is deemed not to have been made.

(7) This section does not affect the computation of any period under Schedule 4.

Suspension of the right to acquire in parts of Wales

122B.—(1) This section applies to a 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 acquire under section 122.

(3) This section does not affect the computation of any period in accordance with Schedule 4.”

(5) In section 124, (Landlord’s notice admitting or denying right to acquire)—

(a) in subsection (1), insert “or (3)” after “subsection (2)”; and

(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 acquire 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.”