WELSH STATUTORY INSTRUMENTS

2012 No. 2090 (W.240)

HOUSING, WALES

The Housing (Wales) Measure 2011 (Consequential Amendments to Subordinate Legislation) Order 2012

Made - - - -	*9 August 2012*
Laid before the National Assembly for Wales - -	*13 August 2012*
Coming into force - -	*3 September 2012*

The Welsh Ministers, in exercise of the powers conferred by section 34(1), (2) and (3)(b) and section 89(1) and (2) of the Housing (Wales) Measure 2011(**1**), make the following Order.

Title, application and commencement

1.—(1) The title of this Order is the Housing (Wales) Measure 2011 (Consequential Amendments to Subordinate Legislation) Order 2012 and it applies in relation to Wales.

(2) This Order comes into force on 3 September 2012.

Consequential amendments to right to buy and right to acquire subordinate legislation

2.—(1) The Schedule contains amendments to the right to buy and the right to acquire subordinate legislation in consequence of the commencement of Part 1 of the Housing (Wales) Measure 2011.

(2) The amendments listed in the Schedule to this Order come into force on 3 September 2012.

Huw Lewis
The Minister for Housing, Regeneration and Heritage, one of the Welsh Ministers

9 August 2012

(**1**) 2011 nawm 5.

SCHEDULE Article 2

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

Housing (Preservation of Right to Buy) Regulations 1993

1.—(1) The Housing (Preservation of Right to Buy) Regulations 1993(**2**) are amended as follows.

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

(a) in paragraph 1(1), after "Part V", insert "(including section 122A and section 122B inserted by the Housing (Wales) Measure 2011)";

(b) in paragraph 2(1), after "Part V", insert "(including section 122A and section 122B inserted by the Housing (Wales) Measure 2011)";

(c) in paragraph 5—

(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 buy is preserved) at the beginning of section 122(1) (Qualifying person's notice claiming to exercise right to buy) insert "Unless section 122B applies".

(4) In Schedule 2, after section 122, insert—

"**Applications to suspend the right to buy 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 buy is made under section 122(1) in respect of a qualifying 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 qualifying person 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.

(**2**) S.I.1993/2241. Schedule 5A to the 1993 Regulations was substituted in Wales under the Housing (Preservation of Right to Buy) (Amendment) (Wales) Regulations 2001 (*See* S.I. 2001/1301 (W. 78)).