

SCHEDULE 8

ESTATE MANAGEMENT GROUNDS

PART 2

APPROVAL OF REDEVELOPMENT SCHEMES FOR PURPOSES OF GROUND B

Approval of scheme and of variation of scheme

- 11 (1) The Welsh Ministers may, on the application of a landlord, approve for the purposes of estate management Ground B a scheme for the disposal and redevelopment of an area of land consisting of or including the whole or part of a dwelling subject to an occupation contract.
- (2) For the purposes of this paragraph—
- (a) “disposal” means a disposal of any interest in the land (including the grant of an option), and
 - (b) “redevelopment” means the demolition or reconstruction of buildings or the carrying out of other works to buildings or land,
- and it is immaterial whether the disposal is to precede or follow the redevelopment.
- (3) The Welsh Ministers may on the application of the landlord approve a variation of a scheme previously approved by them and may, amongst other things, approve a variation adding land to the area subject to the scheme.

Notice to contract-holders affected

- 12 (1) If a landlord proposes to apply to the Welsh Ministers for the approval of a scheme or variation of an approved scheme, the landlord must give a notice to the contract-holder under any affected occupation contract.
- (2) An occupation contract is affected if the dwelling subject to it is affected by the proposal.
- (3) The notice must state—
- (a) the main features of the proposed scheme, or of the proposed variations of the approved scheme,
 - (b) that the landlord proposes to apply to the Welsh Ministers for approval of the scheme or variation, and
 - (c) that, because of section 160 and estate management Ground B, the effect of such approval will be to enable the landlord to make a possession claim in respect of the dwelling.
- (4) The notice must also inform the contract-holder that—
- (a) he or she may make representations to the landlord about the proposal, and
 - (b) the representations must be made before the end of the period of 28 days starting with the day on which the notice is given to him or her (or such longer period as the landlord may specify in the notice).
- (5) The landlord may not apply to the Welsh Ministers until the landlord has considered any representations made before the end of that period.

Status: This is the original version (as it was originally enacted).

- (6) Sub-paragraph (7) applies in the case of a landlord under an occupation contract which would (but for this paragraph) be required under section 234 to consult the contract-holder as regards a redevelopment scheme (or a variation of a redevelopment scheme).
- (7) Where this sub-paragraph applies, this paragraph is to apply in relation to the landlord's consultation with the contract-holder instead of section 234.

Decision on approval or variation

- 13 (1) In considering whether to give its approval to a scheme or variation the Welsh Ministers must, among other things, take into account—
- (a) the effect of the scheme on the extent and character of housing accommodation in the neighbourhood,
 - (b) the period of time proposed in the scheme as the period within which the proposed disposal and redevelopment will take place, and
 - (c) the extent to which the scheme includes provision for housing provided under the scheme to be sold to, or occupied under occupation contracts by, relevant persons.
- (2) “Relevant persons” means existing contract-holders under an occupation contract with the landlord and, if the landlord is a community landlord, persons nominated by the landlord.
- (3) The Welsh Ministers must also take into account—
- (a) any representations made to them, and
 - (b) so far as they are brought to the Welsh Ministers' attention, any representations made to the landlord.
- (4) The landlord must give to the Welsh Ministers such information as to the representations made to the landlord, and other relevant matters, as the Welsh Ministers may request.

Scheme affecting part of dwelling etc.

- 14 The Welsh Ministers may not approve a scheme or variation so as to include in the area subject to the scheme—
- (a) part only of any dwelling subject to an occupation contract, or
 - (b) any dwelling subject to an occupation contract that is not affected by the works involved in the redevelopment but is proposed to be disposed of along with other land which is so affected,
- unless they are satisfied that the inclusion is justified in the circumstances.

Conditions in relation to approval

- 15 (1) The approval may be given subject to conditions and may be expressed to end after a specified period.
- (2) The Welsh Ministers, on the application of the landlord or otherwise, may vary an approval so as to—
- (a) add, remove or vary conditions to which the approval is subject, or
 - (b) extend or restrict the period after which the approval is to end.

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

Special provision for community landlords

- 16 For the purposes of this Part of this Schedule a community landlord is to be treated as being a landlord in relation to a dwelling if it has an interest of any description in that dwelling.