



Housing (Wales) Measure 2011

2011 nawm 5

PART 1

SUSPENSION OF THE RIGHT TO BUY AND RELATED RIGHTS

CHAPTER 2

VARIATION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

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).