

Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children



Llywodraeth Cymru
Welsh Government

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John Griffiths AM
Chair, Equalities, Local Government and Communities Committee
National Assembly for Wales

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-20-17 Papur 4/ Paper 4

21st June 2017

Dear John

ABOLITION OF THE RIGHT TO BUY AND ASSOCIATED RIGHTS (WALES) BILL

In the Statement of Policy Intent, sent to the Committee on 13 March 2017, I undertook to provide a draft of the anticipated consequential amendments that will need to be made to the Housing Act 1985 (the 1985 Act).

I am pleased to enclose a draft Schedule of consequential amendments to the 1985 Act. The Bill provides for the amendments to be made by secondary legislation to allow flexibility for the timing of such amendments, in light of the interaction between the implementation of the Bill and of the Renting Homes (Wales) Act 2016.

A comprehensive programme of work is in place to implement Renting Homes and if the Bill to end the Right to Buy is passed by the National Assembly we anticipate abolition will come into effect at a point very close to the time Renting Homes is due to be implemented. Now the timetable for the Right to Buy Bill is known, consideration is being given to the appropriate date for Renting Homes to come into effect to ensure coherence between the two. It is anticipated this would be after abolition of the Right to Buy.

If Renting Homes comes into force before abolition, amendments will need to be made to the 1985 Act to continue the Right to Buy under Renting Homes, and then subsequent amendments made to give effect to abolition. The simpler option is if abolition occurs before Renting Homes, in which case only one set of amendments will need to be made to the 1985 Act to give effect to abolition. This will help minimise the scope for a potentially confusing situation for tenants.

As the current implementation dates of both abolition and Renting Homes are looking to fall very close together, the amendments are to be made by secondary legislation to allow flexibility to make the correct ones. The amendments will be made under section 9 of the Bill and will be subject to the affirmative procedure.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Carl.Sargeant@llyw.cymru
Correspondence.Carl.Sargeant@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

It would not have been appropriate to include amendments on the face of this Bill, given the potential uncertainty of the precise nature of the legislation at the time that abolition is to take effect and therefore the exact amendments required.

For illustrative purposes and to aid the Committee with scrutiny, we have prepared the draft amendments we anticipate will need to be made should the Bill receive Royal Assent before Renting Homes fully comes into force.

I am sending a copy of this letter and the draft amendments to Huw Irranca-Davies AM, Chair of the Constitutional and Legislative Affairs Committee.

Yours sincerely



Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

DRAFT CONSEQUENTIAL AMENDMENTS TO THE HOUSING ACT 1985

- 1 (1) The Housing Act 1985 (c. 68) is amended as follows.
- (2) In section 115 (meaning of long tenancy), in subsection (1)(c), omit "as it has effect".
- 5 (3) In section 118 (the right to buy), in subsection (1), after "secure tenant" insert "of a dwelling-house in England".
- (4) In section 119 (qualifying period for right to buy) –
- (a) in subsection (A1), for "In the application of this Part to England, the" substitute "The";
- (b) omit subsection (1);
- 10 (a) in subsection (2), omit "or (1)".
- (5) In section 121AA (information to help tenants decide whether to exercise right to buy), in subsection (1), after "dwelling-houses" insert "in England".
- (6) In section 121B (provision of information) –
- (a) in subsection (2)(b), after "secure tenants" insert "of dwelling-houses in England";
- 15 (b) in subsection (5), after "secure tenants" insert "of dwelling-houses in England".
- (7) In section 122 (tenant's notice claiming to exercise the right to buy), in subsection (1), for "Unless section 122B applies a" substitute "A".
- (8) Omit section 122A (applications to suspend the right to buy etc. in parts of Wales: effect on claims to exercise the right).
- 20 (9) Omit section 122B (suspension of the right to buy in parts of Wales).
- (10) In section 124 (landlord's notice admitting or denying right to buy) –
- (a) in subsection (1), omit "or (3)";
- (b) omit subsection (3).
- 25 (11) In section 153A (tenant's notice of delay), in subsection (1)(a), omit "or (3)".
- (12) In section 171A (cases in which the right to buy is preserved), in subsection (1), after "dwelling-house" insert "in England".
- (13) In section 171B (extent of preserved right: qualifying persons and dwelling-houses) –
- (a) in subsection (1), after "the preserved right to buy" insert "a relevant dwelling-house in England";
- 30 (b) in subsection (6), after "another dwelling-house" insert "in England".
- (14) In section 171D (subsequent dealings: disposal of landlord's interest in qualifying dwelling-house) –
- (a) in subsection (2), for "appropriate authority" substitute "Secretary of State";
- 35 (b) omit subsection (2A).
- (15) In Schedule 5 (exceptions to the right to buy), in paragraph 11, in sub-paragraph (5A), omit paragraph (b) and the "and" preceding it.