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Llywodraeth Cymru  
Welsh Government

# **Abolition of the Right to Buy and Associated Rights (Wales) Bill**

Policy intent for subordinate legislation to be made  
under this Bill

March 2017

## **ABOLITION OF THE RIGHT TO BUY AND ASSOCIATED RIGHTS (WALES) BILL POLICY INTENT FOR SUBORDINATE LEGISLATION**

This document provides an indication of the current policy intention for the subordinate legislation that the Welsh Ministers are empowered or required to make under the provisions of the Abolition of the Right to Buy and Associated Rights (Wales) Bill. It has been published in order to assist the responsible Committee during the scrutiny of the Bill and should be read in conjunction with Chapter 5 of the Explanatory Memorandum and Explanatory Notes.

The Abolition of the Right to Buy and Associated Rights (Wales) Bill will end all variations of the *Right to Buy* and the *Right to Acquire*. There will be at least a one year period after Royal Assent before abolition. The rights in respect of new-supply social housing will end two months after Royal Assent.

The Bill provides for:

- Restriction on exercising the right to buy
- Exceptions to the restriction on exercising the right to buy
- Restriction on exercising the right to acquire
- Abolition of the right to buy and the right to acquire
- Information for tenants and prospective tenants
- Removal of power to make grants in respect of discounts
- Consequential amendments and repeals

Section 9 of the Bill provides that sections 5, 8 and 10 come into force on the day the Bill receives Royal Assent. Sections 1, 2 and 3 come into force at the end of the period of 2 months after Royal Assent. The remaining provisions in the Bill will be commenced by Order, but sections 4 and 6 cannot come into force before the end of the period of 12 months from Royal Assent.

**Table 2 - Summary of powers to make subordinate legislation for provisions in the Abolition of the right to buy and associated rights (Wales) Bill**

Section	Description	Policy intention
Section 3(2) (Inserts section 121ZB(4))	The Welsh Ministers may, by regulations, amend section 121ZB by adding further descriptions of cases in which the right to buy can be exercised in Wales	Section 121ZB lists the exceptions to the restrictions on exercising the right to buy. The power at section 121ZB (4) enables the Welsh Ministers to amend the list of exceptions by adding further circumstances in which the right to buy can be exercised. This power would only be used to reflect policy changes and/or to respond to changes in social housing market conditions.
Section 5(2) (Inserts section 16C(2))	The Welsh Ministers may, by regulations, amend section 16C by adding further circumstances in which the right to acquire can be exercised	Section 16C lists the exceptions to the restriction of the right to acquire. The power at section 16C(2) enables the Welsh Ministers to amend the list of exceptions by adding further circumstances in which the right to acquire can be exercised. This power would only be used to reflect policy changes and/or to respond to changes in social housing market conditions.
Section 9	Section 9 gives Welsh Ministers the power to, by regulations, make any supplemental, incidental, consequential, transitory, and transitional or savings provision they consider necessary for the provisions of the Bill to gain full effect.	<p>This power will only be used for making changes to other legislation needed in consequence of the provisions of this Bill.</p> <p>The majority of consequential changes to primary legislation have been included on the face of the Bill. Consequential amendments to the Housing Act 1985 are to be made by secondary legislation to allow flexibility for the timing of such amendments, in light of the interaction between the implementation of this Bill and of the Renting Homes (Wales) Act 2016. A draft of the consequential amendments required to the Housing Act 1985 will be made available to the committee.</p> <p>Transitional, saving and consequential elements are designed to cater for the process removing the right to buy and right to acquire in</p>

		Wales so that the new law operates as intended.
Section 11(3)	<p>The Welsh Ministers may, by order, provide for provisions of the Bill to come into force on a day appointed by the Welsh Ministers. In respect of sections 6 and 7 (abolition of the right to buy and associated rights and the removal of the power to make grants in respect of discounts) the Welsh Ministers may not appoint a day which is before the period of 12 months beginning with the day on which the Bill receives Royal Assent (section 11(4)).</p> <p>The Welsh Ministers may make transitory, transitional or saving provision in connection with the coming into force of any provision of the Bill (section 11(5)).</p>	<p>This power will only be used to bring into force provisions of the Bill.</p> <p>It is intended that a commencement order will be made shortly after Royal Assent to specify the date for coming into force of section 6 (amongst others) which will give effect to abolition. This will provide tenants and landlords with as much notice as possible before abolition. The relevant date will also be included in the information produced and sent to tenants under section 8 of the Bill.</p>