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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2825 (W.248)**

**HOUSING, WALES**

The Selective Licensing of Houses  
(Additional Conditions) (Wales) Order 2006

*Made* - - - - 25 October 2006  
*Coming into force* - - 26 October 2006

The National Assembly for Wales, in exercise of the powers conferred on it by section 80(7) of the Housing Act 2004<sup>(1)</sup>, makes the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is The Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006, and it comes into force on 26 October 2006.

(2) This Order applies to houses and dwellings<sup>(2)</sup> to which Part 3 of the Act applies in relation to Wales.

**Interpretation**

2. In this Order—

- (a) “the Act” (“*Y Ddeddf*”) means the Housing Act 2004;
- (b) “the 1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989<sup>(3)</sup>; and
- (c) “the 2002 Order” (“*Gorchymyn 2002*”) means the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002<sup>(4)</sup>.

**Additional Conditions**

3.—(1) Subject to paragraph (2), for the purposes of section 80(2)(b) of the Act either the first or second condition applies—

- (a) the first condition is that, either

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(1) 2004 c. 34. The powers conferred by section 80(7) of the Act are exercisable as respects Wales by the National Assembly for Wales. See the definition of the “appropriate national authority” in section 261(1).  
(2) For the meaning of “house” and “dwelling”, see section 99 of the Act.  
(3) 1989 c. 42.  
(4) See S.I.2002/1860.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (i) a local housing authority has declared an area as a renewal area under section 89 of the 1989 Act; or
  - (ii) a local housing authority has provided assistance to any person in accordance with an adopted and published policy under articles 3 and 4 of the 2002 Order in that area (power of local housing authorities to provide assistance);
- (b) The second condition is that the area of their district or area in their district comprises a minimum of 25% of housing stock let by private sector landlords<sup>(5)</sup>.
- (2) A local housing authority must be satisfied that either of the conditions set out under subparagraph (a) or (b) of paragraph (1) are met before designating an area of their district or in their district as subject to selective licensing.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(6)</sup>.

25 October 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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<sup>(5)</sup> “Private sector landlord” does not include a Registered Social Landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52).

<sup>(6)</sup> 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 80 of the Housing Act 2004 (“the Act”) (Designation of selective licensing areas) allows a local housing authority to designate either the area of their district, or an area in their district as subject to selective licensing if the requirements of subsections (2) and (9) are met.

Section 80, subsection (7) of the Act allows the National Assembly for Wales to provide for any conditions specified in an order to apply as an additional set of conditions for the purposes of subsection (2). Subsection (2) provides that the authority must consider that the first or second set of general conditions mentioned in subsection (3) or (6), or any conditions specified in an order under subsection (7) as an additional set of conditions, are satisfied in relation to the area.

Article 3 of this Order sets out the additional conditions which must be met before a local housing authority designate an area of their district or an area in their district as subject to selective licensing.

A regulatory appraisal of the effects that this Order will have is available from the Private Sector Unit, Department for Social Justice and Regeneration, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ (telephone: 02920825111); email [HousingIntranet@wales.gsi.gov.uk](mailto:HousingIntranet@wales.gsi.gov.uk)).