
STATUTORY INSTRUMENTS

1994 No. 1005

NEW TOWNS

ENGLAND AND WALES

The Development Board for Rural Wales (Transfer of Housing Stock) (Amendment) Regulations 1994

<i>Made</i>	- - - -	<i>28th March 1994</i>
<i>Laid before Parliament</i>		<i>12th April 1994</i>
<i>Coming into force</i>	- -	<i>3rd May 1994</i>

The Secretary of State for Wales in exercise of the powers conferred upon him by section 172 and 190(1) of the Local Government and Housing Act 1989(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, Commencement, Application and Interpretation

1.—(1) These Regulations may be cited as the Development Board for Rural Wales (Transfer of Housing Stock) (Amendment) Regulations 1994 and shall come into force on 3rd May 1994.

(2) These Regulations apply in relation to the disposal of dwellings in Wales and of relevant property (wherever situated) relating to such dwellings.

(3) In these Regulations, “the principal Regulations” means the Development Board for Rural Wales (Transfer of Housing Stock) Regulations 1993(2).

(4) A reference in these Regulations to a numbered regulation, paragraph or sub-paragraph is a reference to the corresponding numbered regulation, paragraph or sub-paragraph in the principal Regulations.

(1) 1989 c. 42.
(2) S.I.1993/1808.

Amendments to the Principal Regulations

2. In regulation 2(1) for sub-paragraph (a) of the definition of “housing stock” there shall be substituted the following:—

“(a) any property, rights, liabilities and obligations within the meaning of section 172(9) of the 1989 Act which, taking account of any proposals there may be to dispose of any property vested in the Board other than its housing stock, are excluded from disposal on the determination of the Secretary of State; or”.

3. Regulation 4 shall be amended as follows:—

(a) in sub-paragraphs (a) to (d) of paragraph (2) for the words “in respect of”, where they occur in each of the sub-paragraphs, there shall be substituted the words “in the case of”;

(b) in paragraph (4) for the words from “except that the retained dwellings” to the end of the paragraph, there shall be substituted the words “except that a dwelling shall not be transferred under these Regulations so long as it remains a retained dwelling.”;

(c) for paragraph (5) there shall be substituted the following paragraph:—

“(5) Where dwellings which have been retained dwellings are transferred the transfer shall be on the terms on which the other dwellings included in the same parcel of stock have been transferred under the provisions of Part III of these Regulations.”; and

(d) in paragraph (7) for the words “sub-paragraph (5)” there shall be substituted the words “paragraph (5)”

4. In regulation 5(4) for the words “imposed in paragraph 5(3)(c)” there shall be substituted the words “imposed under paragraph (3)(c)”.

5. Paragraphs (1) and (2) of regulation 6 shall be amended by omitting the words and brackets “(which may be a negative amount)” in each of the places where they occur in these paragraphs.

6. In regulation 10 for the words “either by transferring the relevant property” there shall be substituted the words “by transferring the relevant property either”.

7. Regulation 11(1) shall be amended as follows:—

(a) for the words “disposed of by Part II of these Regulations” there shall be substituted the words “disposed of pursuant to Part II of these Regulations”;

(b) in sub-paragraph (a)(ii) for the word “representation” there shall be substituted the word “representations” and for the words “for the purpose stated in regulation 11(1)(b);” there shall be substituted the words “for the purpose of dividing the stock into parcels in connection with the service of notices under sub-paragraph (b);”; and

(c) in sub-paragraph (b) for the words “under sub-paragraph (a)(iii)” there shall be substituted the words “before the expiry of this period” and for the words “so that part of the housing stock” to the end of the sub-paragraph, there shall be substituted the words “so that each dwelling forming part of the housing stock is specified in a notice served.”.

8. Regulation 12(3) shall be amended as follows:—

(a) for the words “this regulation shall continue to apply insofar as:—” there shall be substituted the word “then:—”;

(b) in sub-paragraph (a) the word “then” shall be omitted and for the words “will be transferred” there shall be substituted the words “shall be transferred”; and

(c) in sub-paragraph (b) the word “then” shall be omitted and for the words “and thereafter the provisions of this paragraph will apply.” there shall be substituted the words “without prejudice, however, to the subsequent further application of this paragraph.”.

9. Regulation 13 shall be amended as follows:—

- (a) in paragraph (2)(a)(ii) for the words “in this regulation” there shall be substituted the word “the”;
- (b) in sub-paragraph (2)(a)(iii) for the words from “the tenant” to the end of the sub-paragraph there shall be substituted the words “a tenant wishing to vote has to return the voting form.”;
- (c) in paragraph (4) for the words “shall be consulted under that consultation” there shall be substituted the words “in connection with a particular consultation shall be consulted”; and
- (d) paragraph (6) shall be omitted.

10. In regulation 15(1) for the words “do not apply.” there shall be substituted the words “does not apply.”.

11. Regulation 16 shall be amended as follows:—

- (a) in paragraph (2) for the words “as he shall reasonably require.” there shall be substituted the words “as he or they may reasonably require.”;
- (b) for sub-paragraph (3)(d) there shall be substituted the following sub-paragraphs:—
 - “(d) that inflation is constant at 0% and
 - (e) that the rent in respect of a subsisting tenancy mentioned in sub-paragraph (a) of any dwelling occupied as such at the date of transfer:—
 - (i) for the period ending immediately before the first anniversary of the relevant date after the transfer will not exceed that charged by the Board at the date of transfer; and
 - (ii) thereafter would increase (if at all) on each anniversary of the relevant date by an amount not exceeding 4%.”; and
- (c) in paragraphs (4) and (5) for the words “paragraph (3)(d)” where they occur in each of the paragraphs, there shall be substituted the words “paragraph (3)(e)”.

28th March 1994

John Redwood
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Development Board for Rural Wales (Transfer of Housing Stock) Regulations 1993 (S. I.1993/1808) (“the principal Regulations”). The amendments made in regulations 2, 3, 7, 8, 9 and 11 of these Regulations clarify provisions in the principal Regulations.

The amendment made in regulation 5 of these Regulations ensures that there is a price for the transfer of dwellings which take place under the principal Regulations.

The amendments made in regulations 4, 6 and 10 of these Regulations correct errors in the principal Regulations.

The provisions of regulation 13(6) of the principal Regulations are removed by regulation 9(d) of these Regulations because sufficient provision is made for the matters set out in regulation 13(6) in the Local Government and Housing Act 1989.