

*Draft Regulations laid before Senedd Cymru under section 256(3) and (5) of the Renting Homes (Wales) Act 2016, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2022 No. (W. )**

**HOUSING, WALES**

**The Renting Homes (Wales) Act  
2016 (Consequential Amendments)  
Regulations 2022**

**EXPLANATORY NOTE**

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

These Regulations are made under section 255 of the Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”).

The 2016 Act provides for most tenancies and licences of dwellings occupied by individuals as homes in Wales to be occupation contracts. Two types of occupation contract can exist under the 2016 Act: secure contracts (which are periodic contracts) or standard contracts (which are either fixed term or periodic contracts) (see sections 8 to 17 of the 2016 Act). Not all tenancies and licences of dwellings will be occupation contracts (see Schedule 2 to the 2016 Act). The 2016 Act also makes provision as to the terms of occupation contracts.

These Regulations make consequential amendments to primary legislation to reflect the new provisions in the 2016 Act.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.

*Draft Regulations laid before Senedd Cymru under section 256(3) and (5) of the Renting Homes (Wales) Act 2016, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2022 No. (W. )**

**HOUSING, WALES**

**The Renting Homes (Wales) Act  
2016 (Consequential Amendments)  
Regulations 2022**

*Made*

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*Coming into force*

*1 December 2022*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 255 of the Renting Homes (Wales) Act 2016<sup>(1)</sup>.

In accordance with section 256(3) and (5) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru<sup>(2)</sup>.

**Title, commencement and interpretation**

**1.**—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 and, subject to paragraphs (2) to (9), they come into force on 1 December 2022.

(2) Regulation 10(2) comes into force immediately after section 191<sup>(3)</sup> of the Legal Services Act 2007<sup>(4)</sup> comes into force.

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- (1) 2016 anaw 1. Section 255(2) was amended by section 14 of and paragraph 8 of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).
- (2) The reference in section 256(3) and (5) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).
- (3) Section 191 inserts section 60A into the County Courts Act 1984 (c. 28).
- (4) 2007 c. 29.

(3) Regulation 25(4)(b), (c)(i) and (d) come into force immediately after section 118(1) of and paragraphs 19 and 20 of Schedule 7 to the Housing and Planning Act 2016(2) come into force.

(4) Regulation 25(5) comes into force immediately after section 120(3) of and paragraph 8 of Schedule 8 to the Housing and Planning Act 2016 come into force.

(5) Regulation 25(6) comes into force immediately after section 120 of and paragraph 9 of Schedule 8 to the Housing and Planning Act 2016 come into force.

(6) Regulation 25(9) comes into force immediately after section 120 of and paragraph 11 of Schedule 8 to the Housing and Planning Act 2016 come into force.

(7) Regulation 25(10) comes into force immediately after section 120 of and paragraph 12 of Schedule 8 to the Housing and Planning Act 2016 come into force.

(8) Regulation 25(11)(a) comes into force immediately after section 120 of and paragraph 11 of Schedule 8 to the Housing and Planning Act 2016 come into force.

(9) Regulation 25(11)(b) comes into force immediately after section 120 of and paragraph 13(3) of Schedule 8 to the Housing and Planning Act 2016 come into force.

(10) In these Regulations, “the Act” means the Renting Homes (Wales) Act 2016.

### **Distress for Rent Act 1737**

**2.—**(1) The Distress for Rent Act 1737(4) is amended as follows.

(2) After section 18 (tenants holding after the time they notify for quitting, to pay double rent), insert—

“**18A.**—(1) Section 18 does not apply if the lease is an occupation contract in relation to a dwelling in Wales.

(2) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

- (a) “occupation contract” (see section 7 of that Act), and
- (b) “dwelling” (see section 246 of that Act).”

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(1) Section 118 gives effect to Schedule 7 (secure tenancies etc: phasing out of tenancies for life).

(2) 2016 c. 22.

(3) Section 120 gives effect to Schedule 8 (succession to secure tenancies and related tenancies).

(4) 1737 c. 19.

## **Landlord and Tenant Act 1927**

**3.**—(1) The Landlord and Tenant Act 1927<sup>(1)</sup> is amended as follows.

(2) After section 19(4)<sup>(2)</sup> (provisions as to covenants not to assign, &c without licence or consent), insert—

“(5) This section does not apply to occupation contracts within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1).”

(3) After section 20(2) (apportionment of rents), insert—

“(3) This section does not apply to occupation contracts within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1).”

## **Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951**

**4.**—(1) The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951<sup>(3)</sup> is amended as follows.

(2) In section 20<sup>(4)</sup> (modifications of Rent Acts as respects occupation by employees), in subsection (1), after “broken or not performed”, insert “or the ground in section 157 of the Renting Homes (Wales) Act 2016 (anaw 1) (which relates to breach of contract)”.

(3) In section 22<sup>(5)</sup> (facilities for action on behalf of men serving abroad in proceedings as to tenancies), in subsection (1)—

- (a) after “or under Part 1 of the Housing Act 1988,”, insert “or under Part 9 of the Renting Homes (Wales) Act 2016 (anaw 1) (termination etc of occupation contracts),”;

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(1) 1927 c. 36.

(2) Section 19(4) was amended by section 100 of and paragraph 15 of Schedule 14 to the Agricultural Holdings Act 1986 (c. 5) and section 40 of and paragraph 6 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8).

(3) 1951 c. 65.

(4) Section 20 was amended by section 117(2) of and Schedule 15 to the Rent Act 1968 (c. 23), section 155 of and paragraph 8 of Schedule 23 to the Rent Act 1977 (c. 42), section 140 of and Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), section 99 of and paragraphs 69 and 71 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and section 190 of and paragraph 16 of Schedule 25 to the Water Act 1989 (c. 15).

(5) Section 22 was amended by section 117(2) of and Schedule 15 to the Rent Act 1968 (c. 23), section 12 of and paragraph 1 of Schedule 1 to the Protection from Eviction Act 1977 (c. 43), section 155 of and paragraph 9 of Schedule 23 to the Rent Act 1977 (c. 42), section 140 of and Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), section 13 of and Schedule 2 to the Agricultural Holdings (Notices to Quit) Act 1977 (c. 12) and article 6(1) of and paragraphs 1 and 2 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

- (b) before “or under this Part of this Act”, insert  
“or under the Renting Homes (Wales) Act  
2016,”.

#### **Landlord and Tenant Act 1954**

**5.**—(1) The Landlord and Tenant Act 1954<sup>(1)</sup> is amended as follows.

(2) After section 53(4)<sup>(2)</sup> (jurisdiction of county court where lessor refuses licence or consent), insert—

“(5) This section does not apply to occupation contracts within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1).”

#### **Sexual Offences Act 1956**

**6.**—(1) The Sexual Offences Act 1956<sup>(3)</sup> is amended as follows.

(2) In the First Schedule<sup>(4)</sup> (rights of landlord where tenant convicted of permitting use of premises as a brothel), in paragraph 1, after “assign”, insert “or transfer”.

#### **Land Compensation Act 1973**

**7.**—(1) The Land Compensation Act 1973<sup>(5)</sup> is amended as follows.

(2) In section 29<sup>(6)</sup> (right to home loss payment where person displaced from dwelling)—

(a) in subsection (1)—

(i) after paragraph (e), insert—

“(f) the making of an order for possession of a dwelling subject to a tenancy which is a secure contract on ground A or ground B of the Estate Management Grounds in Part 1 of Schedule 8 to the Renting

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(1) 1954 c. 56.

(2) Section 53(1) was amended by section 148(1) of and paragraph 23 of Schedule 2 to the County Courts Act 1984 (c. 28).

(3) 1956 c. 69.

(4) Paragraph 5 of the First Schedule was amended by section 194 of and paragraph 5 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42).

(5) 1973 c. 26.

(6) Section 29 was amended by section 265 of and paragraphs 1 to 3 of Schedule 15 to the Housing Act 2004 (c. 34), section 130 of and paragraph 38 of Schedule 13 to the Housing Act 1974 (c. 44), section 4 of and paragraph 24 of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), sections 68, 70 and 84 of and paragraph 22 of Schedule 15 to and Part 3 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34), section 9(3) of the Housing and Planning Act 1986 (c. 63), article 4 of and paragraphs 3 and 4 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5(1) of and paragraph 3(2) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

Homes (Wales) Act 2016 (anaw 1),”

;

(ii) in paragraph (v), after “paragraph (e)”, insert “or (f)”;

(b) in subsection (4)—

(i) at the end of paragraph (e)(iii), omit “or”;

(ii) after paragraph (e)(iv), insert—

“(v) the licence is a secure contract, or

(vi) the licence is an introductory standard contract.”

(3) In section 32(1) (supplementary provisions about home loss payments), after subsection (7B), insert—

“(7C) Where a landlord obtains possession by agreement of a dwelling in Wales subject to a tenancy which is a secure contract and—

(a) notice of proceedings for possession of the dwelling has been served, or might have been served, specifying ground A or ground B of the estate management grounds in Part 1 of Schedule 8 to the Renting Homes (Wales) Act 2016 (anaw 1), or

(b) the landlord has applied, or could apply, to the Welsh Ministers for approval for the purposes of estate management ground B of a scheme for the disposal and redevelopment of an area of land consisting of or including the whole or part of the dwelling,

the landlord may make to any person giving up possession or occupation a payment corresponding to any home loss payment or discretionary payment which they would be required or authorised to make to that person if an order for possession had been made on either of those grounds.”

(4) In section 87(2) (general interpretation), in subsection (1), at the appropriate places in alphabetical order, insert—

““introductory standard contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 16 of that Act);”;

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(1) Section 32 was amended by sections 68 and 70 of and paragraph 23 of Part 2 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34), section 9(4) of the Housing and Planning Act 1986 (c. 63), sections 114 and 194 of and Part 13 of Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65), section 140 of and Part 2 of Schedule 17 to the Housing Act 1988 (c. 50), paragraph 23 of Part 6 of Schedule 18 to the Government of Wales Act 1998 (c. 38) and article 5 of and paragraphs 3 and 5 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).

(2) There are amendments to section 87 which are not relevant to these Regulations.

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”.

### **Rent (Agriculture) Act 1976**

**8.**—(1) The Rent (Agriculture) Act 1976(1) is amended as follows.

(2) In section 4(2) (statutory tenants and tenancies)—

(a) at the end of subsection (4), insert “or, in the case of a dwelling-house in Wales, will be entitled to a secure contract of the dwelling-house by succession”;

(b) after subsection (6), insert—

“(7) In this section, “secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act).”

(3) In section 33(3) (suspension of condition attached to planning permission)—

(a) in subsection (2), after “a tenancy to which subsection (3) below applies”, insert “, or an occupation contract to which subsection (3A) below applies”;

(b) after subsection (3), insert—

“(3A) This subsection applies to an occupation contract which immediately before the appointed day was an assured agricultural occupancy, within the meaning of Chapter 3 of Part 1 of the Housing Act 1988 (c. 50).”;

(c) after subsection (5), insert—

“(6) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

“appointed day” (see section 242 of that Act);

“occupation contract” (see section 7 of that Act).”

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(1) 1976 c. 80.

(2) Section 4 was amended by section 76(3) of the Housing Act 1980 (c. 51), sections 39 and 140 of and Part 2 of Schedule 4 and Schedule 18 to the Housing Act 1988 (c. 50), section 81 of and paragraph 10 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 155 of and paragraph 72 of Schedule 23 to the Rent Act 1977 (c. 42), and regulation 41(a) of and paragraph 4 of Part 1 of Schedule 3 to the Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458).

(3) Section 33 was amended by section 194(1) of and paragraph 49 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), section 55 of and paragraph 77 of Schedule 23 to the Rent Act 1977 (c. 42) and section 32 of and paragraph 4 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

## **Protection from Eviction Act 1977**

**9.**—(1) The Protection from Eviction Act 1977<sup>(1)</sup> is amended as follows.

(2) In section 5<sup>(2)</sup> (validity of notices to quit)—

- (a) in subsection (1A)<sup>(3)</sup>, for “subsection (1B)”, substitute “subsections (1B) and (1C)”, and
- (b) after subsection (1B)<sup>(4)</sup>, insert—

“(1C) Because of section 232 (forfeiture and notices to quit) of the Renting Homes (Wales) Act 2016 (anaw 1), this section does not apply to a dwelling in Wales which is subject to an occupation contract.”

(3) In section 8<sup>(5)</sup> (interpretation), in subsection (1), after paragraph (g), insert—

“(h) an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act).”

## **County Courts Act 1984**

**10.**—(1) The County Courts Act 1984<sup>(6)</sup> is amended as follows.

(2) In section 60A<sup>(7)</sup> (rights of audience etc of employees of housing management bodies)—

(a) in subsection (3)—

(i) after paragraph (a), insert—

“(aa) proceedings under section 116 (order imposing periodic standard contract because of prohibited conduct) of the Renting Homes (Wales) Act 2016 (anaw 1);”;

(ii) in paragraph (b), for “that Act”, substitute “the Housing Act 1985”;

(iii) after paragraph (b), insert—

“(bb) proceedings for possession of a dwelling-house subject to a secure

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(1) 1977 c. 43.

(2) Section 5(1) was amended by section 32(1) of the Housing Act 1988 (c. 50).

(3) Subsection (1A) was inserted by section 32(2) of the Housing Act 1988 (c. 50).

(4) Subsection (1B) was inserted by section 32(2) of the Housing Act 1988 (c. 50).

(5) Section 8 was amended by section 100 of and paragraph 61 of Schedule 14 to the Agricultural Holdings Act 1986 (c. 5), section 40 of, and paragraph 29(a) and (b) of the Schedule to, the Agricultural Tenancies Act 1995 (c. 8), sections 33(2) and 44(2)(b) of the Housing Act 1988 (c. 50) and section 194(1) of and paragraph 54 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42). There are other amendments to section 8 which are not relevant to these Regulations.

(6) 1984 c. 28.

(7) Section 60A was inserted by Part 8 of and section 191 of the Legal Services Act 2007 (c. 29).



contract under section 157(1) (breach of contract) of the Renting Homes (Wales) Act 2016 on the ground that the contract-holder has breached the contract under section 55 (anti-social behaviour and other prohibited conduct) of that Act;”;

(iv) after paragraph (c), insert—

“(cc) proceedings under section 178(1) (recovery of possession) of the Renting Homes (Wales) Act 2016 in relation to a prohibited standard contract;”;

(b) in subsection (7), at the appropriate places in alphabetical order, insert—

““prohibited conduct standard contract” has the same meaning as in section 116 of the Renting Homes (Wales) Act 2016;”;

““secure contract” has the same meaning as in section 8 of the Renting Homes (Wales) Act 2016;”.

(3) In section 77(1) (appeals: general provisions), in subsection (6), after paragraph (ef), insert—

“(eg) section 209 (breach of contract ground) of the Renting Homes (Wales) Act 2016 (anaw 1); or

(eh) section 210 (estate management grounds) of the Renting Homes (Wales) Act 2016; or”.

## **Housing Act 1985**

**11.**—(1) The Housing Act 1985(2) is amended as follows.

(2) In section 25(3) (increase of rent where tenancy not secure), in subsection (1), after “introductory tenancy”, insert “or a dwelling (in Wales) is let by such an authority on a weekly or other periodic tenancy which is not an occupation contract”.

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(1) Section 77 was amended by article 10 of the Access to Justice Act 1999 (Destination of Appeals) Order 2016 (S.I. 2016/917), paragraph 10 of Schedule 9(1) to the Crime and Courts Act 2013 (c. 22), paragraph 2 of Schedule 2 to the Civil Procedure Act 1997 (c. 12), section 125(2) of and paragraph 15 of Schedule 17 to the Courts and Legal Services Act 1990 (c. 41), section 4 of and paragraph 57(3) of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), section 140 of and paragraph 35(2) of Schedule 17 to the Housing Act 1988 (c. 50) and section 194(1) of and 195(2) of and paragraph 60 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42).

(2) 1985 c. 68.

(3) Section 25 was amended by article 2 of and paragraph 3(b) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(3) In section 27AB(1) (management agreements with tenant management organisations)—

- (a) in subsection (7)(b)(ii), after “secure tenants”, insert “or tenants who are secure contract-holders”;
- (b) in subsection (8), at the appropriate places, insert—

““contract-holder” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);”;

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”.

(4) In section 27BA(2) (consultation with respect to management), in subsection (8), after “secure tenants”, insert “or tenants who are secure contract-holders”.

(5) In section 32(3) (power to dispose of land held for purposes of this Part)—

- (a) in subsection (2) for “subsection (3)”, substitute “subsections (3) and (3A)”;
- (b) after subsection (3), insert—

“(3A) No consent is required for the letting of land (in Wales) under—

- (a) a secure contract,
- (b) a supported standard contract,
- (c) an introductory standard contract, or
- (d) a standard contract—

(i) in relation to which the exception in section 11(2) of the Renting Homes (Wales) Act 2016 (anaw 1) applies (first exception to requirement that contract made by a community landlord is a secure contract), and

(ii) which is within any of paragraphs 4 and 6 to 14 of Schedule 3 to that Act (occupation contracts made with or adopted by community landlords which may be standard contracts).”

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(1) Section 27AB was inserted by section 132(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28). There are amendments to section 27AB which are not relevant to these Regulations.

(2) Section 27BA was inserted by section 222 of and paragraph 3(2) of Schedule 18 to the Housing Act 1996 (c. 52).

(3) Section 32 was amended by article 2 of and paragraph 3(d) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74); there are other amendments to section 32 which are not relevant to these Regulations.

(6) In section 43(1) (consent required for certain disposals not within s.32)—

- (a) in subsection (1) for “appropriate national body”, substitute “Secretary of State”;
- (b) after subsection (1), insert—

“(1A) The consent of the Welsh Ministers is required for the disposal by a local authority of a dwelling belonging to the authority which is subject to a tenancy which is a secure contract or is an introductory standard contract.”;
- (c) in this section, after “house”, in each place it occurs, insert “or dwelling”;
- (d) in subsection (2)(b), after “houses”, insert “or dwellings”.

(7) In section 56(2) (minor definitions), after subsection (1), insert—

“(1A) In this Part, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

- (a) “contract-holder” (see section 7 (see also section 48) of that Act);
- (b) “dwelling” (see section 246 of that Act);
- (c) “introductory standard contract” (see section 16 of that Act);
- (d) “occupation contract” (see section 7 of that Act);
- (e) “secure contract” (see section 8 of that Act);
- (f) “standard contract” (see section 8 of that Act);
- (g) “supported standard contract” (see section 143 of that Act).”

(8) In section 57(3) (index of defined expressions: Part 2), at the appropriate places in the Table, insert—

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- (1) Section 43 was amended by section 311 of and paragraph 1 of Schedule 14 to the Housing and Regeneration Act 2008 (c. 17), sections 132 and 140 of and paragraph 39 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), section 227 of and Part 9 of Schedule 19 to the Housing Act 1996 (c. 52), section 77 of the Housing and Planning Act 2016 (c. 22), section 194 of and Part 1 of Schedule 12 to the Local Government and Housing Act 1989 (c. 42), section 78 of and paragraph 24 of Schedule 10 to the Environment Act 1995 (c. 25), article 2 of and paragraph 3 of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and article 6 of and paragraphs 3 and 15 of Schedule 2 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).
  - (2) Section 56 was amended by article 2 of and paragraph 3(f) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74), article 6 of and paragraphs 3 and 16 of Schedule 2 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).
  - (3) There are amendments to section 57 which are not relevant to these Regulations.

“contract-holder	section 56”
“dwelling	section 56”
“introductory standard contract	section 56”
“occupation contract	section 56”
“secure contract	section 56”
“standard contract	section 56”
“supported standard contract	section 56”

(9) In section 79 (secure tenancies)—

- (a) in subsection (1), after “dwelling-house”, insert “in England”, and
- (b) in subsection (3), after “dwelling-house”, insert “in England”.

(10) In section 84A(1) (absolute ground for possession for anti-social behaviour)—

- (a) omit subsection (11),
- (b) in subsection (12), after “(10)” omit “or (11)”, and
- (c) in subsection (13)—
  - (i) after “(10)” omit “or (11)”, and
  - (ii) omit paragraph (b) and the “, or” which precedes it.

(11) In section 85ZA(2) (review of decision to seek possession on absolute ground for anti-social behaviour)—

- (a) omit subsection (8),
- (b) in subsection (9), for “subsections (7) and (8)”, substitute “subsection (7)”, and
- (c) in subsection (10)(b), omit sub-paragraph (ii).

(12) Omit section 87(3) (persons qualified to succeed tenant: Wales).

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(1) Section 84A was added by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and amended by section 410 of and paragraph 84 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17).

(2) Section 85ZA was added by section 96 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(3) Section 87 was amended by section 160(2) of the Localism Act 2011 (c. 20) and section 81 of and paragraph 20 of Schedule 8 to the Civil Partnership Act 2004 (c. 33).

(13) In section 92(1) (assignments by way of exchange)—

(a) for subsection (1), substitute—

“(1) It is a term of every secure tenancy that the tenancy may, with the written consent of the landlord, assign the tenancy to—

(a) another secure tenant who satisfies the condition in subsection (2),

(b) an assured tenant who satisfies the conditions in subsection (2A), or

(c) a tenant who is a secure contract-holder and who satisfies the conditions in subsection (2B).”;

(b) after subsection (2A), insert—

“(2B) The conditions to be satisfied with respect to a tenant who is a secure contract-holder are that—

(a) their landlord is a community landlord, and

(b) they intend to transfer their secure contract to—

(i) the secure tenant referred to in subsection (1),

(ii) another secure tenant who satisfies the condition in subsection (2), or

(iii) another secure contract-holder.”;

(c) after subsection (6), insert—

“(7) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

(a) “community landlord” (see section 9 of that Act);

(b) “contract-holder” (see section 7 (see also section 48) of that Act);

(c) “secure contract” (see section 8 of that Act).”

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(1) Section 92 was amended by section 163(1) to (3) of the Local Government and Housing Act 1989 (c. 42), sections 140 and 152 of and paragraph 10 of Schedule 16 and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c. 38), article 5 of and paragraphs 15 and 21 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 14(9) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(14) In section 105(1) (consultation on matters of housing management)—

- (a) in subsection (1), after “secure tenants”, insert “or secure contract-holders”;
- (b) in subsection (2)—
  - (i) in paragraph (a), after “secure tenancies”, insert “or secure contracts”;
  - (ii) after “secure tenancy”, insert “or secure contract”;
- (c) in subsection (6), in paragraph (b), after “secure tenancies”, insert “or secure contracts”;
- (d) in subsection (7), after paragraph (b), insert—
  - “(c) secure contract-holders include prohibited conduct standard contract-holders;
  - (d) secure contracts include prohibited conduct standard contracts.”

(15) In section 106(2) (information about housing allocation)—

- (a) in subsection (1)(b) after “secure tenants”, insert “or secure contract-holders”;
- (b) after “secure tenancies”, in each place it occurs, insert “or secure contracts”.

(16) In section 106A(3) (consultation before disposal to private sector landlord), in subsection (2), after “disposal to which that Schedule applies”, insert “under paragraph 1(1) of that Schedule”.

(17) In section 116 (minor definitions)—

- (a) the existing provision becomes subsection (1);
- (b) after that subsection, insert—

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- (1) Section 105 was amended by section 140 of and paragraph 5 of Schedule 16 to the Government of Wales Act 1998 (c. 38), section 22(2) of and paragraph 5(7) of Schedule 8 to the Local Government (Wales) Act 1994 (c. 19), section 14(5) of and paragraph 2 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38), article 5 of and paragraph 14(10) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325) and article 5 of and paragraphs 15 and 22 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).
  - (2) Section 106 was amended by section 140 of and paragraph 5 of Schedule 16 to the Government of Wales Act 1998 (c. 38), section 22(2) of and paragraph 5(7) of Schedule 8 to the Local Government (Wales) Act 1994 (c. 19), section 173 of and paragraph 1 of Schedule 16 to the Housing Act 1996 (c. 52), section 18(1) of and paragraph 1 of Schedule 1 to the Homelessness Act 2002 (c. 7), article 5 of and paragraphs 15 and 23 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 14(11) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).
  - (3) Section 106A was inserted by section 6 of the Housing and Planning Act 1986 (c. 63) and subsection (2) was amended by article 2 of and paragraph 3(h) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

“(2) In this Part, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

- (a) “contract-holder” (see section 7 (see also section 48) of that Act);
- (b) “prohibited conduct standard contract” (see section 116 of that Act);
- (c) “secure contract” (see section 8 of that Act).”

(18) In section 117(1)(index of defined expressions: Part 4) at the appropriate places in the Table, insert—

“contract-holder	section 116”
“prohibited conduct standard contract	section 116”
“secure contract	section 116”

(19) In section 247 (changes of ownership or occupation of land to be notified to local housing authority)—

(a) after subsection (5)(ca)(2), insert—

“(cb) the grant of an occupation contract, or of a tenancy or licence which is not an occupation contract by reason only of the shared accommodation exception in paragraph 6 of Part 2 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1) applying and the notice condition in paragraph 3(3) of Part 2 of that Schedule not being met;”;

(b) after subsection (6), insert—

“(7) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).”

(20) In section 270 (demolition orders: recovery of possession of building to be demolished), in subsection (3)(3) after “Rent Acts”, insert “, the Renting Homes (Wales) Act 2016 (anaw 1) or secondary legislation made under that Act”.

(21) In section 553(4) (effect of repurchase on certain existing tenancies)—

(a) in the section heading, at the end, insert “(England)”;

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- (1) There are amendments to section 117 which are not relevant to these Regulations.
  - (2) Paragraph (ca) was inserted by section 140 of and paragraph 45 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50).
  - (3) Section 270(3) was amended by section 140 of and Part 1 of Schedule 17 to the Housing Act 1988 (c. 50) and section 165 of and paragraph 18(2) of Part 2 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).
  - (4) Section 553 was amended by section 140 of and paragraph 60 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50) and section 227 of and Part 4 of Schedule 19 to the Housing Act 1996 (c. 52).

- (b) in subsection (1), after “defective dwelling”, insert “in England”.

(22) After section 553, insert—

**“553A Effect of repurchase on certain existing tenancies (Wales)**

(1) Where an authority mentioned in section 80 (authorities satisfying the landlord condition for secure tenancy) acquire an interest in a defective dwelling in Wales in pursuance of Schedule 20 (repurchase) and—

- (a) the land in which the interest subsists is or includes a dwelling-house occupied as a separate dwelling, and
- (b) the interest of the person entitled to assistance by way of repurchase is, immediately before the completion of the authority’s acquisition, subject to a tenancy of the dwelling-house,

the tenancy shall not, on or after the acquisition, become a secure contract unless the conditions specified in subsection (2) are met.

(2) The conditions are—

- (a) that the tenancy was a protected tenancy throughout the period beginning with the making of an application for assistance under this Part in respect of the defective dwelling and ending immediately before the authority’s acquisition, and
- (b) no notice was given in respect of the tenancy in accordance with any of the Cases 11 to 18 and 20 in Schedule 15 to the Rent Act 1977 (c. 42) (notice that possession might be recovered under that Case).

(3) This section has effect notwithstanding any provision to the contrary in section 11 of the Renting Homes (Wales) Act 2016 (anaw 1).”

(23) In section 554(1) (grant of tenancy to former owner-occupier)—

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(1) Section 554 was amended by section 140 of and paragraph 61 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), section 81 of and paragraph 32 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), article 4 of and paragraphs 2 and 26 of Schedule 1 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), article 5 of and paragraphs 15 and 35 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).



- (a) in subsection (2), after “a secure tenancy”, insert “or secure contract”;
- (b) in subsection (2A)—
  - (i) after “secure tenancy”, insert “or, where the dwelling-house is in Wales, a secure contract”;
  - (ii) in paragraph (a), after “secure tenant”, insert “or a secure contract-holder”;
- (c) in subsection (3), at the end of paragraph (c), insert “, or
- (d) a secure contract.”

(24) In section 555 (grant of tenancy to former statutory tenant)—

- (a) in subsection (1), after “secure tenancy”, insert “or, where the dwelling-house is in Wales, a secure contract”;
- (b) in subsection (3), after “secure tenancy”, insert “or secure contract”;
- (c) after subsection (3), insert—
 

“(4) This section has effect notwithstanding any provision to the contrary in section 11 of the Renting Homes (Wales) Act 2016 (anaw 1).”

(25) In section 558 (interpretation of ss553 to 557), after paragraph (c), insert—

- “(d) references to the grant of a secure contract are to the grant of an occupation contract which would be a secure contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016 (anaw 1)) assuming that the contract-holder under the contract occupies the dwelling as their only or principal home;
- (e) the following terms have the same meaning as in the Renting Homes (Wales) Act 2016—
  - (i) “contract-holder” (see section 7 (see also section 48) of that Act);
  - (ii) “occupation contract” (see section 7 of that Act).”

(26) In section 577(1) (index of defined expressions: Part 16), in the Table, at the appropriate places in alphabetical order, insert—

“contract-holder	section 558”
“occupation contract	section 558”
“secure contract	section 558”

(27) In section 612(2) (exclusion of Rent Act protection), after “Rent Acts”, insert “, or the Renting Homes (Wales) Act 2016 (anaw 1)”.

(28) In Schedule 1 (tenancies which are not secure tenancies)—

- (a) in paragraph 4(3) (accommodation for homeless persons), omit “or Part 2 of the Housing (Wales) Act 2014 (homelessness)”;
- (b) in paragraph 4ZA(4) (family intervention tenancies)—
  - (i) omit sub-paragraph (10)(b) and the “and” which precedes it;
  - (ii) omit sub-paragraph (11)(b) and the “and” which precedes it;
  - (iii) in sub-paragraph (12), in the definition of “appropriate national authority”, omit paragraph (b) and the “and” which precedes it.

(29) In Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies), in Part 3 (grounds on which the court may order possession if it considers it reasonable and suitable alternative accommodation is available) omit Ground 16(5).

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- (1) Section 577 was amended by section 140 of and paragraphs 62 and 113 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), sections 140 and 152 of and paragraph 20 of Schedule 16 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), article 4 of and paragraphs 2 and 27 of Schedule 1 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002) and article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).
  - (2) Section 612 was amended by section 140 of and paragraph 63 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50) and paragraph 89 of Part 5 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).
  - (3) Paragraph 4 was substituted by section 216 of and paragraph 3 of Schedule 17 to the Housing Act 1996 (c. 52) and amended by section 100 of and paragraph 1 of Part 1 of Schedule 3 to the Housing (Wales) Act 2014 (anaw 7).
  - (4) Paragraph 4ZA was inserted by section 297(1) of the Housing and Regeneration Act 2008 (c. 17) and amended by section 181(1) of and paragraph 12 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). Paragraph 4ZA will be further amended by section 118 of and paragraphs 2 and 17 of Schedule 7 to the Housing and Planning Act 2016 (c. 22).
  - (5) There are amendments to Ground 16 which are not relevant to these Regulations.

## **Housing Associations Act 1985**

**12.**—(1) The Housing Associations Act 1985<sup>(1)</sup> is amended as follows.

(2) In section 10<sup>(2)</sup> (dispositions excepted from s 9), in subsection (2), at the end, insert—

“(f) a letting of land under a tenancy or licence that is an occupation contract, or

(g) a letting of land under a tenancy or licence under what would be an occupation contract if notice had been given (see Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1)), other than a long tenancy within the meaning of letting of the type described in paragraph 8 of that Schedule (meaning of long tenancies).”

(3) In section 39<sup>(3)</sup> (minor definitions), after the definition of “mental disorder”, insert ““occupation contract” has the same meaning as in section 7 of the Renting Homes (Wales) Act 2016 (anaw 1);”.

(4) In section 40<sup>(4)</sup> (Index of defined expressions: Part 1), in the Table, in column 1, after the entry for “mortgage (in relation to Scotland)”, insert “occupation contract” and in the corresponding column 2, insert “section 39”.

## **Landlord and Tenant Act 1985**

**13.**—(1) The Landlord and Tenant Act 1985<sup>(5)</sup> is amended as follows.

(2) In section 4 (provision of rent books), after subsection (3), insert—

“(4) This section does not apply to occupation contracts within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1).”

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(1) 1985 c. 69.

(2) Section 10 was amended by section 354(1) of and paragraph 45 of Part 2 of Schedule 7 to the Charities Act 2011 (c. 25), section 75(1) of and paragraph 78 of Schedule 8 to the Charities Act 2006 (c. 50), section 59 of and paragraph 8(1) of Schedule 6 to the Housing Act 1988 (c. 50), section 277 of and paragraph 10(1) and (2) of Schedule 9 to the Housing and Regeneration Act 2008 (c. 17), section 24(1) of and paragraph 10(6) of Part 1 of Schedule 5 to the Housing and Planning Act 1986 (c. 63) and article 4(1) of and Part 1 of Schedule 1 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(3) Section 39 was amended by section 59 of and paragraph 25 of Part 1 of Schedule 6 to the Housing Act 1988 (c. 50) and article 4(1) of and Part 1 of Schedule 1 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(4) Section 40 was amended by sections 59 and 140 of and paragraph 26 of Part 1 of Schedule 6 and Schedule 18 to the Housing Act 1988 (c. 50) and article 4(1) of and Part 1 of Schedule 1 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(5) 1985 c. 70.

(3) In section 8(1) (implied terms as to fitness for human habitation: Wales), after subsection (5), insert—

“(5A) This section does not apply if the contract is an occupation contract (for provisions about the condition of dwellings that are subject to an occupation contract, see Part 4 of the Renting Homes (Wales) Act 2016 (anaw 1)).

(5B) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).”

(4) In section 13(2) (leases to which s 11 applies: general rule), after subsection (1), insert—

“(1ZA) But in the case of a dwelling-house in Wales, section 11 does not apply if the dwelling-house is subject to an occupation contract (for provisions about repairing obligations in the case of occupation contracts, see Part 4 of the Renting Homes (Wales) Act 2016 (anaw 1)).

(1ZB) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).”

## **Insolvency Act 1986**

**14.**—(1) The Insolvency Act 1986(3) is amended as follows.

(2) In section 283 (definition of bankrupt’s estate), in subsection (3A)(4)—

(a) after paragraph (a), insert—

“(aa) a standard contract within the meaning of section 8 of the Renting Homes (Wales) Act 2016 (anaw 1) and the terms of which inhibit an assignment as mentioned in section 127(5) of the Rent Act 1977 (c. 42), or”;

(b) at the end of paragraph (d), for the full stop, substitute “, or”;

(c) after paragraph (d), insert—

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- (1) Section 8 was amended by section 1 of the Homes (Fitness for Human Habitation) Act 2018 (c. 34) and sections 39(2) and 115(2) of and paragraph 12(1) of Part 3 of Schedule 2 and Part 2 of Schedule 10 to the Protection of Freedoms Act 2012 (c. 9).
- (2) Section 13 was amended by section 166 of the Localism Act 2011 (c. 20) and will be further amended by section 118 of and paragraph 18(1) of Schedule 7 to the Housing and Planning Act 2016 (c. 22).
- (3) 1986 c. 45.
- (4) Subsection (3A) was inserted by section 117(1) of the Housing Act 1988 (c. 50).

“(e) a secure contract within the meaning of section 8 of the Renting Homes (Wales) Act 2016 (anaw 1) which is not capable of being assigned, except—

- (i) in the cases mentioned in section 251 (family property order) of that Act,
- (ii) in accordance with section 92(1) (assignment by way of exchange) of the Housing Act 1985 (c. 68), or
- (iii) to a person who would be qualified to succeed the contract-holder if the contract-holder died immediately before the assignment.”

### **Landlord and Tenant Act 1987**

**15.**—(1) The Landlord and Tenant Act 1987(2) is amended as follows.

(2) In section 3(3) (qualifying tenants)—

(a) in subsection (1)—

- (i) at the end of paragraph (c), for “or”, substitute “;”;
- (ii) at the end of paragraph (d), for the full stop, substitute a semi-colon;
- (iii) after paragraph (d), insert—

“(e) an occupation contract that immediately before the appointed day was an assured agricultural occupancy within the meaning of Part 1 of the Housing Act 1988 (c. 50); or

(f) a tenancy—

- (i) which is a secure contract, and
- (ii) in relation to which, the landlord is not a local authority.”;

(b) after subsection (4), insert—

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(1) Section 92 was amended by section 163(1) to (3) of the Local Government and Housing Act 1989 (c. 42), sections 140 and 152 of and paragraph 10 of Schedule 16 to and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c. 38), article 5 of and paragraph 14(9) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325) and article 5 of and paragraphs 15 and 21 of the Schedule to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).

(2) 1987 c. 31.

(3) Section 3 was amended by sections 119 and 140 of and paragraph 2 of Schedule 13 and Schedule 18 to the Housing Act 1988 (c. 50).

“(5) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

“appointed day” (see section 242 of that Act);

“secure contract” (see section 8 of that Act).”

(3) In section 46(1) (application of Part 6, etc), after subsection (1), insert—

“(1A) But this Part does not apply if the dwelling is in Wales and is subject to an occupation contract (see section 7 of the Renting Homes (Wales) Act 2016 (anaw 1)).”

## **Housing Act 1988**

**16.**—(1) The Housing Act 1988(2) is amended as follows.

(2) In section 1(3) (assured tenancies), in subsection (1), after “dwelling-house”, in the first place it occurs, insert “in England”.

(3) After section 1, insert—

### **“1A. Application of Chapters 1, 2 and 3 of this Part to dwelling in Wales**

(1) As a result of section 239 of the Renting Homes (Wales) Act 2016 (anaw 1), no tenancy or licence (whenever made) of a dwelling-house that is in Wales can be an assured tenancy or an assured agricultural occupancy.

(2) Accordingly, subject to subsection (3), nothing in sections 1 to 25 of this Act applies to a dwelling-house in Wales.

(3) The provisions of this Act which are referred to in Schedule 10 to the Local Government and Housing Act 1989 (c. 42) continue to apply, for the purposes of that Schedule, to a dwelling-house in Wales which is subject to a long tenancy.

(4) For the purposes of subsection (3), “long tenancy” has the meaning given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016.”

(4) In section 35 (removal of special regimes for

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(1) Section 46 was amended by section 158 of and paragraphs 7 and 9 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(2) 1988 c. 50.

(3) Section 1 was amended by section 10 of and paragraph 4 of the Schedule to the Prevention of Social Housing Fraud Act 2013 (c. 3), section 227 of and Part 13 of Schedule 19 to the Housing Act 1996 (c. 52) and regulation 2 of and paragraph 27 of the Schedule to the References to Rating (Housing) Regulations 1990 (S.I. 1990/434).

tenancies of housing associations etc), in subsection (3)(1), after “secure tenancy”, insert “or a secure contract”.

(5) In section 37 (no further assured tenancies under the Housing Act 1980), after subsection (6), insert—

“(7) Nothing in this section that purports to grant an assured tenancy, or purports to grant a contract for the grant of an assured tenancy, applies to a dwelling-house in Wales (see section 240 of the Renting Homes (Wales) Act 2016 (anaw 1) for provision about the conversion of existing tenancies to occupation contracts, and section 241 for provision about pre-existing contracts).”

(6) In section 38(2) (transfer of existing tenancies from public to private sector)—

(a) in subsection (4A), after “secure tenancy”, insert “or a secure contract”;

(b) in subsection (4B)—

(i) after “under a secure tenancy”, insert “or a secure contract”;

(ii) after “to be a secure tenancy”, insert “or secure contract”.

(7) In section 45(3) (interpretation of Part 1), in subsection (1), at the appropriate place in alphabetical order, insert—

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.

(8) In section 61(4) (consultation and publicity), in subsection (2), after “secure tenants or introductory tenants”, insert “or secure contract-holders or introductory standard contract-holders”.

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(1) Section 35(3) was amended by article 5 of and paragraphs 63 and 66 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 18(2) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(2) Section 38(4A) was inserted by section 194 of and paragraph 106 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42) and amended by article 5 of and paragraphs 63 and 67 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 18(3) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325). Section 38(4B) was inserted by article 2 of and paragraph 3 of the Schedule to the Government of Wales Act 1998 (Housing) (Amendments) Order 1999 (S.I. 1999/61). There are other amendments to section 38 which are not relevant to these Regulations.

(3) Section 45(1) was amended by article 6(1) of and paragraphs 80 and 94 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

(4) Section 61 was amended by paragraph 9 of Schedule 22 to the Deregulation Act 2015 (c. 20) and article 2 of and paragraph 6(a) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(9) In section 75(1) (supplementary provisions as to transfer orders), in subsection (3)—

- (a) after “secure tenant”, insert “,” and omit “or”;
- (b) after “introductory tenant”, insert “, tenant who is a secure contract-holder or tenant who is an introductory standard contract-holder”.

(10) In section 79(2) (disposal of land by housing action trusts)—

- (a) in subsection (2)—
  - (i) after “secure tenancy”, insert “,” and omit “or”;
  - (ii) after “introductory tenancy”, insert “, a tenancy which is a secure contract or a tenancy which is an introductory standard contract”;
- (b) in subsection (5A) after “introductory tenancies”, insert “, tenancies which are secure contracts and tenancies which are introductory standard contracts”.

(11) In section 82(3) (provision of legal assistance to tenants after disposal), in subsection (1)—

- (a) for paragraph (a), substitute—

“(a) was the secure tenant, introductory tenant, secure contract holder or introductory standard contract-holder of the house immediately before the disposal; or”;
- (b) for paragraph (b), substitute—

“(b) is the widow, widower or surviving civil partner of the person who was then the secure tenant, introductory tenant, secure contract-holder, or

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- (1) Section 75 was amended by article 2 of and paragraph 6(b) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
  - (2) Section 79 was amended by sections 55(1) and 227 of and paragraph 11 of Schedule 3 and Part 1 of Schedule 19 to the Housing Act 1996 (c. 52), sections 124(1) and 187(2) of and Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 45(2) of the Housing Act 1985 (c. 68), article 2 of and paragraph 6(c) and (d) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and article 5 of and paragraphs 63 and 70 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).
  - (3) Section 82 was amended by section 81 of and paragraph 42 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 140 of and paragraph 69(2) of Schedule 16 to the Government of Wales Act 1998 (c. 38), section 24 of and paragraphs 42 and 43 of Schedule 4 to the Access to Justice Act 1999 (c. 22), sections 38(1) and 39(1) of and paragraph 37 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), article 5 of and paragraphs 63 and 72 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), article 2 of and paragraph 6(f) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and modified by section 9 of the Administration of Justice Act 1985 (c. 61).



introductory standard contract-holder of it.”

(12) In section 84(1) (provisions applicable to disposals of dwelling-houses subject to secure tenancies)—

(a) for subsection (1)(a), substitute—

“(a) a housing action trust proposes to make a disposal of one or more houses let on secure tenancies, introductory tenancies, tenancies which are secure contracts or tenancies which are introductory standard contracts which would result in a person who, before the disposal, is a secure tenant, an introductory tenant, a tenant who is a secure contract-holder or a tenant who is an introductory contract-holder of the trust becoming, after the disposal, the tenant of another person, and”;

(b) in subsection (4)—

(i) after “in writing on”, insert “the tenant who is the secure contract-holder, the tenant who is the introductory standard contract-holder,”;

(ii) in paragraph (c), after “his position as a”, insert “tenant who is a secure contract-holder, tenant who is an introductory contract-holder,”.

(13) In section 84A(2) (transfer by order of certain dwelling-houses let on secure tenancies)—

(a) in subsection (6), after “which is let on”, insert “a tenancy which is a secure contract, a tenancy which is an introductory standard contract,”;

(b) in subsection (7)(a), after “letting, on”, insert “tenancies which are secure contracts or tenancies which are introductory standard contracts,”.

(14) In section 85 (rents generally), after subsection (2), insert—

“(3) The Renting Homes (Wales) Act 2016 (anaw 1) which provides for the variation of rent and other consideration payable under an occupation contract (for provision in relation to secure contracts see section 104 (variation of

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(1) Section 84 was amended by sections 124 and 125 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and article 2 of and paragraph 6(g) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(2) Section 84A was inserted by section 125(5) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and amended by article 2 of and paragraph 6(h) and (i) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

rent) and section 105 (variation of other consideration); for periodic standard contracts see section 123 (variation of rent) and section 124 (variation of other consideration); and for fixed term standard contracts see section 134 (variation) and section 135 (limitation on variation)) shall apply in respect of any housing accommodation subject to an occupation contract.”

(15) In section 86(1) (increase of rent where tenancy not secure), in subsection (1)—

- (a) after “secure tenancy”, insert “,” and omit “or”;
- (b) after “introductory tenancy”, insert “, or an occupation contract”.

(16) In section 92(2) (interpretation of Part 3), after subsection (1), insert—

“(1A) The following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

“contract-holder” (see section 7 of that Act);

“introductory standard contract” (see section 16 of that Act);

“occupation contract” (see section 7 of that Act);

“secure contract” (see section 8 of that Act).”

(17) In section 133(3) (consent required for certain subsequent disposals), in subsection (11), after paragraph (f), insert—

“(fa) the grant of an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.

(18) In Schedule 1 (tenancies which cannot be assured tenancies)—

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- (1) Section 86 was amended by article 2 of and paragraph 6(j) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
  - (2) Section 92 was amended by article 2 of and paragraph 6(k) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and section 4 of and paragraph 79(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).
  - (3) Section 133(11) was amended by section 13(3) of the Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4). There are other amendments to section 133 of the 1988 Act which are not relevant to these Regulations.

- (a) in paragraph 12(1) (local authority tenancies etc)—
  - (i) in sub-paragraph (1)(h) omit the words from “unless” to the end;
  - (ii) omit sub-paragraph (3);
- (b) in paragraph 12ZA(2) (family intervention tenancies)—
  - (i) in sub-paragraph (10)—
    - (aa) in paragraph (a) for “; and”, substitute “.”;
    - (bb) omit paragraph (b);
  - (ii) in sub-paragraph (11)—
    - (aa) in paragraph (a) for “; and”, substitute “.”;
    - (bb) omit paragraph (b);
  - (iii) in sub-paragraph (12), in the definition of “appropriate national authority”—
    - (aa) in paragraph (a) for “; and”, substitute “.”;
    - (bb) omit paragraph (b).

## **Landlord and Tenant Act 1988**

**17.**—(1) The Landlord and Tenant Act 1988(3) is amended as follows.

(2) In section 5(3)(4) (interpretation), at the end, insert “or to an occupation contract (within the

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- (1) Paragraph 12 of Schedule 1 was amended by section 152 of and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), section 22 of and paragraphs 25 and 29 of Schedule 22 of Localism Act 2011 (c. 20), section 209(2) of and paragraph 44 of Part 2 of Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28), section 59 of and paragraph 6 of Part 3 of Schedule 13 to Deregulation Act 2015 (c. 20), sections 22 and 39 of and paragraph 9 of Schedule 8 to and paragraph 31 of Schedule 13 to the Local Government (Wales) Act 1994 (c. 19), section 137 of the Housing (Wales) Act 2014 (anaw 7), section 78 of and paragraph 28 of Schedule 10 to the Environment Act 1995 (c. 25), sections 6 and 9 of and paragraphs 56 and 58 of Part 2 of Schedule 1 and paragraphs 81 and 83 of Part 2 of Schedule 2 to the Policing and Crime Act 2017 (c. 3), section 119 of and paragraph 79 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 43 of and paragraph 62 of Part 2 of Schedule 4 to the Policy and Magistrates’ Courts Act 1994 (c. 29) and section 99 of and paragraph 178 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).
  - (2) Paragraph 12ZA of Schedule 1 was inserted by section 297 of the Housing and Regeneration Act 2008 (c. 17) and amended by section 181(1) of and paragraph 20 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and article 6 of and paragraph 21 of Schedule 2 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).
  - (3) 1988 c. 26.
  - (4) Section 5(3) was amended by article 2 of and paragraph 5 of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1)).”

### **Local Government and Housing Act 1989**

**18.**—(1) The Local Government and Housing Act 1989(1) is amended as follows.

(2) In section 74(5)(b) (duty to keep Housing Revenue Account), at the end, insert “or which is a long tenancy within the meaning given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1).”

(3) In section 173 (consent required for subsequent disposals)—

- (a) in subsection (1)(2) after “a secure tenancy”, insert “or, in Wales, a secure contract”;
- (b) in subsection (10)—
  - (i) at the end of paragraph (a), omit “and”;
  - (ii) at the end of paragraph (b), for the full stop, substitute “; and”;
  - (iii) after paragraph (b), insert—

“(c) “secure contract” has the same meaning as in section 8 of the Renting Homes Wales Act 2016 (anaw 1).”

(4) In section 186 (security of tenure on ending of long residential tenancies)—

- (a) in subsection (1), after “assured periodic tenancies”, insert “or standard occupation contracts”;
- (b) after subsection (1), insert—

“(1A) In this section, “standard occupation contract” has the same meaning as in section 8 of the Renting Homes (Wales) Act 2016 (anaw 1).”

(5) In Schedule 10 (security of tenure on ending of long residential tenancies)—

- (a) in paragraph 1(3) (preliminary), in subparagraph (1), for the words from “are such that” to the end, substitute—

“are such that—

  - (a) in relation to a dwelling-house in England, if the tenancy were not at a low rent, it would at that time be an assured tenancy within the meaning

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(1) 1989 c. 42.

(2) Section 173(1) was amended by section 191(4)(a) of the Housing and Regeneration Act 2008 (c. 17) and regulation 1(2) of the Regulation of Registered Social Landlords (Wales) Act 2018 (Consequential Amendments) Regulations 2018 (S.I. 2018/870 (W. 171)).

(3) There are amendments to paragraph 1 of Schedule 10 which are not relevant to these Regulations.

of Part 1 of the Housing Act 1988 (c. 50);

- (b) in relation to a dwelling-house in Wales, if the tenancy were not at a low rent and assured tenancies had not been abolished in Wales (by section 239 of the Renting Homes (Wales) Act 2016), it would at that time be an assured tenancy within the meaning of Part 1 of the Housing Act 1988.”;

- (b) after paragraph 1, insert—

“**1A.**—(1) In relation to a dwelling-house in Wales, when a long tenancy not at a low rent—

- (a) comes to an end after the appointed day,
- (b) the fixed term has come to an end otherwise than by virtue of—
  - (i) an order of the court, or
  - (ii) a surrender or other action on the part of the tenant,
- (c) at that time, it would have been an assured tenancy, within the meaning of Part 1 of the Housing Act 1988, if assured tenancies had not been abolished in Wales (by section 239 of the Renting Homes (Wales) Act 2016), and
- (d) the tenant remains in occupation of the dwelling-house after the end of the term,

the landlord and the tenant are to be treated as having made a new periodic standard contract in relation to the dwelling-house.

(2) The new contract arising under sub-paragraph (1)—

- (a) has an occupation date falling immediately after the end of the fixed term,
- (b) has rental periods that are the same as those for which rent was last payable under the fixed term tenancy, and
- (c) incorporates the fundamental and supplementary provisions applicable to periodic standard contracts as terms of the new contract without modification.

(3) Subject to sub-paragraph (2), the new contract has the same terms as the long tenancy immediately before it ended.

(4) A new occupation contract does not arise as described in sub-paragraph (1) if the landlord and the contract-holder have made a new occupation contract in relation to the same (or

substantially the same) dwelling which has an occupation date falling immediately after the long tenancy ends.

(5) If, before or on the occupation date of a new occupation contract arising as described in sub-paragraph (1) or (4)—

- (a) the tenant enters into an obligation to do an act which will cause the new contract to end, or
- (b) the tenant gives any notice or other document that would, but for this paragraph, cause the new contract to end,

the obligation is unenforceable or (as the case may be) the notice or document is of no effect.

(6) The requirement in section 39(1) of the 2016 Act (provision by landlord of information about the landlord) does not apply in relation to a periodic standard contract arising under sub-paragraph (1).”;

(c) in paragraph 2(1)—

(i) after sub-paragraph (2), insert—

“(2A) The following terms have the same meaning as in the Renting Homes (Wales) Act 2016—

“appointed day” (see section 242 of that Act);

“contract-holder” (see section 7 of that Act);

“fundamental term” (see section 19 of that Act);

“standard contract” (see section 8 of that Act);

“written statement” (see section 31 of that Act).”;

(ii) in sub-paragraph (3), at the beginning, insert “In relation to England,”;

(iii) after sub-paragraph (3), insert—

“(3A) In relation to Wales, “long tenancy” has the meaning given by paragraph 8 of Schedule 2 to the 2016 Act.”;

(iv) in sub-paragraph (6), after the definition of “the 1988 Act”, insert ““the 2016 Act” means the Renting Homes (Wales) Act 2016 (anaw 1).”;

(d) in paragraph 4(1) (termination of tenancy by the landlord)—

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(1) Paragraph 2 of Schedule 10 was amended by regulation 2 of and paragraphs 33 and 34 of the Schedule to the References to Rating (Housing) Regulations 1990 (S.I. 1990/434).

- (i) in sub-paragraph (5)(a), after “dwelling-house”, insert “in England”;
- (ii) at the end of sub-paragraph (5)(a), omit “or”;
- (iii) after sub-paragraph (5)(a), insert—
  - “(aa) it proposes a periodic standard occupation contract of the dwelling-house in Wales, the written statement of which is attached to the notice, where—
    - (i) the rent for that contract is such that it would not be at a low rent, and
    - (ii) section 173 (landlord’s notice) of the 2016 Act is not incorporated as a fundamental term of the contract; or”;
- (iv) in sub-paragraph (6), after “assured tenancy”, insert “of the dwelling-house in England,”;
- (v) in sub-paragraph (7)(a), after “assured tenancy”, insert “or an occupation contract”;
- (e) in paragraph 6(2) (interim rent)—
  - (i) in sub-paragraph (1), after “assured tenancy”, insert “or a periodic standard contract”;
  - (ii) in sub-paragraph (3)(b), after “assured tenancy”, insert “or a periodic standard occupation contract”;
  - (iii) at the end of sub-paragraph (3)(b), omit “and”;
  - (iv) at the beginning of sub-paragraph (3)(c), insert “in relation to a dwelling-house in England,”;
  - (v) for the full stop at the end of sub-paragraph (3)(c), substitute—
    - “; and
  - (d) in relation to a dwelling-house in Wales, which affords the tenant security of tenure equivalent to that afforded by Part 9 of the 2016 Act to periodic standard occupation contracts

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(1) Paragraph 4 of Schedule 10 was amended by article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

(2) Paragraph 6 of Schedule 10 was amended by article 2(1) of and paragraph 20 of Schedule 1 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

- and in respect of which possession may not be recovered under section 173 (landlord's notice) of the 2016 Act.”;
- (f) in paragraph 9 (the assured periodic tenancy)—
    - (i) in the heading, at the end, insert “or periodic standard contract”;
    - (ii) in sub-paragraph (1), after “assured tenancy”, insert “or a periodic standard contract”;
    - (iii) in sub-paragraph (1), after “assured periodic tenancy”, insert “or a periodic standard contract”;
    - (iv) in sub-paragraph (2), after “assured periodic tenancy”, insert “or periodic standard contract”;
    - (v) in sub-paragraph (4), after “assured periodic tenancy” in both places, insert “or a periodic standard contract”;
  - (g) in paragraph 10(1) (initial rent under and terms of assured periodic tenancy)—
    - (i) in the heading, at the end, insert “or periodic standard contract”;
    - (ii) in sub-paragraph (1), after “assured tenancy”, insert “or periodic standard contract”;
    - (iii) in sub-paragraph (1)(a)(i), after “assured periodic tenancy”, insert “or the periodic standard contract”;
    - (iv) in sub-paragraph (1)(b), after “assured periodic tenancy”, insert “or the periodic standard contract”;
    - (v) in sub-paragraph (2)(b), after “assured periodic tenancy”, insert “or the periodic standard contract”;
  - (h) in paragraph 11(2)—
    - (i) in sub-paragraph (1)(a), after “assured periodic tenancy”, insert “or the periodic standard contract”;
    - (ii) in sub-paragraph (3), after “dwelling-house”, insert “in England”;
    - (iii) in sub-paragraph (3), after “(not being an assured shorthold tenancy)”, insert “, or a

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(1) Paragraph 10 of Schedule 10 was amended by article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

(2) Paragraph 11 of Schedule 10 was amended by article 2(1) of and paragraph 20 of Schedule 1 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).



- periodic standard contract of the dwelling-house in Wales which does not incorporate section 173 (landlord's notice) of the 2016 Act as a term of the contract”;
- (iv) in sub-paragraph (3)(c), after “1988 Act”, insert “in relation to the dwelling-house in England or under section 173 (landlord's notice) of the 2016 Act in relation to the dwelling-house in Wales”;
  - (v) in sub-paragraph (5), after “assured periodic tenancy,”, insert “or the periodic standard contract”;
  - (vi) in sub-paragraph (5), after “assured tenancy”, insert “of the dwelling-house in England”;
  - (vii) in sub-paragraph (5), after “(not being an assured shorthold tenancy)”, insert “or a periodic standard contract of the dwelling-house in Wales”;
  - (viii) in sub-paragraph (5)(c), after “1988 Act”, insert “of the dwelling-house in England or under section 173 (landlord's notice) of the 2016 Act of the dwelling-house in Wales”;
  - (ix) in sub-paragraph (8), after “assured periodic tenancy”, insert “or the periodic standard contract”;
  - (x) after sub-paragraph (8), insert—
    - “(8A) Where the tribunal has determined the terms of the occupation (including a term relating to rent) of a dwelling-house in Wales, the tribunal may—
    - (i) attach a written statement of the occupation contract to its order, or
    - (ii) order the landlord to give the contract-holder the modified written statement of the contract.”;
  - (xi) in sub-paragraph (9), after “assured periodic tenancy”, insert “of a dwelling-house in England”;
  - (xii) after sub-paragraph (9), insert—
    - “(10) Nothing in this Schedule affects the right of the landlord and the contract-holder under the occupation contract of the dwelling-house in Wales to vary by agreement any term of the occupation contract (including a term relating to rent) subject to section 122 of the 2016 Act.”;
  - (i) in paragraph 12—
    - (i) in sub-paragraph (2), for “of the assured periodic tenancy (including a term

- relating to the rent)”, substitute “(including a term relating to the rent) of the assured periodic tenancy of the dwelling-house in England or of the periodic standard contract of a dwelling-house in Wales subject to section 20 (incorporation and modification of fundamental provisions), section 24 (incorporation and modification of supplementary provisions) and section 28 (additional terms) of the 2016 Act,”;
- (ii) at the end of sub-paragraph (3), insert “or the periodic standard contract”;
- (j) in paragraph 15 (provisions where tenant not ordered to give up possession)—
  - (i) in sub-paragraph (4) after “assured tenancy”, insert “or periodic standard contract”;
  - (ii) in sub-paragraph (7) after “assured tenancy”, insert “or an occupation contract”.

### **Coal Mining Subsidence Act 1991**

**19.**—(1) The Coal Mining Subsidence Act 1991<sup>(1)</sup> is amended as follows.

(2) In Schedule 4 (home loss payments), in paragraph 1(2)—

- (a) in sub-paragraph (4)—
  - (i) at the end of paragraph (e), for the full stop, substitute a semi-colon;
  - (ii) after paragraph (e), insert—
    - “(f) in the case of a dwelling-house in Wales, a right to occupy the dwelling-house under a licence which is a secure contract or under an introductory standard contract.”;
- (b) after sub-paragraph (6), insert—
  - “(7) In this paragraph the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—
    - “introductory standard contract” (see section 16 of that Act);
    - “secure contract” (see section 8 of that Act).”

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(1) 1991 c. 45.

(2) Paragraph 1(4)(d) was amended by article 2 of and paragraph 7 of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

## **Local Government Finance Act 1992**

**20.**—(1) Section 6(1) (persons liable to pay council tax) of the Local Government Finance Act 1992(2) is amended as follows.

(2) In subsection (2), after paragraph (c), insert—

“(ca) in the case of a dwelling in Wales, the person is both such a resident and has a tenancy of the whole or any part of the dwelling which is a secure contract or an introductory standard contract;”.

(3) In subsection (6), at the appropriate places in alphabetical order, insert—

““introductory standard contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 16 of that Act);”;

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”.

## **Social Security Contributions and Benefits Act 1992**

**21.**—(1) Section 130C(3) (relevant orders for possession) of the Social Security Contributions and Benefits Act 1992(4) is amended as follows.

(2) In subsection (1), after paragraph (c), insert—

“(d) an order made under section 157 (breach of contract) of the Renting Homes (Wales) Act 2016 (anaw 1) in relation to a secure contract on the ground that the contract-holder has breached the contract under section 55 (anti-social behaviour and other prohibited conduct) of that Act.”

## **Leasehold Reform, Housing and Urban Development Act 1993**

**22.**—(1) The Leasehold Reform, Housing and Urban Development Act 1993(5) is amended as follows.

(2) In section 2 (acquisition of leasehold interests)—

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- (1) Section 6 was amended by section 13 of the Local Government Finance Act 2012 (c. 17), section 74(1) of the Local Government Act 2003 (c. 26), article 2 of and paragraph 8 of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74), and regulation 2 of the Council Tax (Joint and Several Liability of Care Leavers) (Wales) Regulations 2022 (S.I. 2022/210 (W. 68)).
- (2) 1992 c. 14.
- (3) Section 130C was inserted by section 31(1) of the Welfare Reform Act 2007 (c. 5) and has been repealed (for certain purposes) by section 147 of and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5).
- (4) 1992 c. 4.
- (5) 1993 c. 28.

- (a) in subsection (5)(1), after “introductory tenancy”, insert “or a secure contract (or an introductory standard contract)”;
  - (b) in subsection (6)(2), in paragraph (a), after “introductory tenancy”, insert “or the secure contract (or the introductory standard contract)”;
  - (c) in subsection (6), in paragraph (b), in both places after “introductory tenancy”, insert “or the secure contract (or the introductory standard contract)”.
- (3) In section 38(1)(3) (interpretation of Chapter 1), at the appropriate places, insert—
- ““introductory standard contract” has the same meaning given by section 16 of the Renting Homes (Wales) Act 2016 (anaw 1);”;
- ““secure contract” has the same meaning given by section 8 of the Renting Homes (Wales) Act 2016;”.
- (4) In section 69 (estate management schemes)—
- (a) in subsection (3), at the end of paragraph (c), insert “provided that where obligations are imposed in relation to an occupation contract they are not incompatible with a fundamental provision of the Renting Homes (Wales) Act 2016 (anaw 1)”;
  - (b) after subsection (3), insert—
 

“(3A) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

    - (a) “fundamental provision” (see section 18 (see also section 19) of that Act);
    - (b) “occupation contract” (see section 7 of that Act).”
- (5) In Part 2 (mandatory leaseback) of Schedule 9—
- (a) in the heading to paragraph 2, after “secure tenancies”, insert “or secure contracts”;
  - (b) in paragraph 2(1)(1), after “an introductory tenancy”, insert “or a secure contract (or an introductory standard contract)”;

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(1) Section 2(5) was amended by article 2 of and paragraph 9(a) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(2) Section 2(6) was amended by article 2 of and paragraph 9(a) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(3) Section 38(1) was amended by sections 124 and 180 of and paragraphs 2 and 27 of Schedule 8 and Schedule 15 to the Commonhold and Leasehold Reform Act 2002 (c. 15), article 2 of and paragraph 9(b) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and article 6(1) of and paragraphs 99 and 105 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

- (c) in paragraph 2(1)(b), after “the introductory tenancy”, insert “or the secure contract (or the introductory standard contract)”;
- (d) in paragraph 2(2)(2), after “the introductory tenancy”, insert “or the secure contract (or the introductory standard contract)”;
- (e) in the heading to paragraph 3, after “secure tenancies”, insert “or secure contracts”;
- (f) in paragraph 3(1)(3) after “secure tenancy”, insert “or secure contract”;
- (g) in paragraph 4(3), after “introductory tenancy”, insert “or the secure contract (or introductory standard contract)”;
- (h) after paragraph 4, insert—
 

“**4A** In this Part of this Schedule, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

  - (a) “introductory standard contract” (see section 16 of that Act);
  - (b) “secure contract” (see section 8 of that Act).”

### **Landlord and Tenant (Covenants) Act 1995**

**23.**—(1) The Landlord and Tenant (Covenants) Act 1995(4) is amended as follows.

(2) After section 1(7) (tenancies to which this Act applies), insert—

“(8) This Act does not apply to occupation contracts within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1).”

### **Family Law Act 1996**

**24.**—(1) The Family Law Act 1996(5) is amended as follows.

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- (1) Paragraph 2(1) of Schedule 9 was amended by section 107(4) of and paragraph 20 of Schedule 10 to the Housing Act 1996 (c. 52) and article 2 of and paragraph 9(d) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
  - (2) Paragraph 2(2) of Schedule 9 was amended by article 2 of and paragraph 9(d) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
  - (3) Paragraph 3(1) of Schedule 9 was amended by section 107(4) of and paragraph 20 of Schedule 10 to the Housing Act 1996 (c. 52).
  - (4) 1995 c. 30.
  - (5) 1996 c. 27.

(2) In section 30(1) (rights concerning home where one spouse or civil partner has no estate, etc.) in subsection (4)(b)—

- (a) after “Chapter 1 of Part 5 of the Housing Act 1996”, for “and”, substitute “;”;
- (b) after “the Prevention of Social Housing Fraud Act 2013”, insert “and the Renting Homes (Wales) Act 2016 (anaw 1)”.

(3) In Schedule 7 (transfer of certain tenancies on divorce etc. or on separation of cohabitants)—

- (a) in paragraph 1(2) (interpretation), in the definition of “a relevant tenancy”—
  - (i) at the end of paragraph (d), omit “or”;
  - (ii) at the end of paragraph (e), insert “or”;
  - (iii) after paragraph (e), insert—

“(f) an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7).”;
- (b) in paragraph 7(3) (protected, secure or assured tenancy or assured agricultural occupancy)—
  - (i) in sub-paragraph (1)—
    - (aa) after “Part 1 of the Housing Act 1988”, for “or”, substitute “;”;
    - (bb) after “Chapter 1 of Part V of the Housing Act 1996”, insert “or an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7)”;
  - (ii) after sub-paragraph (6), insert—

“(7) If the spouse, civil partner or cohabitant so entitled is a priority successor within the meaning of section 75 of the Renting Homes (Wales) Act 2016 (anaw 1)—

    - (a) the former spouse (or, in the case of judicial separation, the spouse),

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(1) Section 30 was amended by section 82 of and paragraph 1 of Part 1 of Schedule 9 to the Civil Partnership Act 2004 (c. 33), article 2 of and paragraph 10 of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and section 10 of and paragraph 6 of Schedule 1 to the Prevention of Social Housing Fraud Act 2013 (c. 3).

(2) Paragraph 1 of Schedule 7 was amended by section 82 of and paragraph 16 of Part 1 of Schedule 9 to the Civil Partnership Act 2004 (c. 33), section 17(6) of and paragraphs 129 and 145 of Part 1 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and article 2 of and paragraph 10 of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(3) Paragraph 7 of Schedule 7 was amended by paragraph 16 of Schedule 9 to the Civil Partnership Act 2004 (c. 33) and article 2 of and paragraph 10 of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

- (b) the former civil partner (or, if a separation order is in force, the civil partner), or
  - (c) the former cohabitant,
- of the priority successor is to be deemed also to be a successor within the meaning of that section.”

## **Housing Act 1996**

**25.**—(1) The Housing Act 1996(1) is amended as follows.

(2) In section 42(2) (moratorium on disposal of land, &c), for subsection (3), substitute—

“(3) Consent is not required under this section for a letting of land under an occupation contract.”

(3) In Part 5, in the heading of Chapter 1, after “Tenancies”, insert “: England”.

(4) In section 124(3) (introductory tenancies)—

- (a) in subsection (1), after “regime”, insert “in England”;
- (b) omit subsection (2);
- (c) in subsection (2A)—
  - (i) for “subsections (1A)(b) and (2)(b)”, substitute “subsection (1A)(b)”,
  - (ii) at the end of paragraph (a), omit “or”, and
  - (iii) omit paragraph (b);
- (d) in subsection (3), for “Subsections (1A) and (2)”, substitute “Subsection (1A)”.

(5) Omit section 131(4) (persons qualified to succeed tenant to introductory tenancy: Wales).

(6) In section 133(5) (succession to introductory tenancy), omit subsection (2).

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(1) 1996 c. 52.

(2) Section 42 was amended by section 61 of the Housing and Regeneration Act 2008 (c. 17) and section 17 of and paragraphs 2 and 11 of Schedule 2 to the Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4).

(3) Section 124 was amended by article 5 of and paragraphs 81 and 96 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and will be further amended by section 118 of and paragraphs 19 and 20 of Schedule 7 to the Housing and Planning Act 2016 (c. 22).

(4) Section 131 was amended by article 20 of the Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336) and will be further amended by section 120 of and paragraph 8 of Schedule 8 to the Housing and Planning Act 2016 (c. 22).

(5) Section 133 was amended by sections 81 and 261(4) of and paragraph 53 of Schedule 8 and Schedule 30 to the Civil Partnership Act 2004 (c. 33) and will be further amended by section 120 of and paragraph 9 of Schedule 8 to the Housing and Planning Act 2016 (c. 22).

(7) In Part 5, in the heading of Chapter 1A(1), after “Tenancies”, insert “: England”.

(8) In section 143A(2) (demoted tenancies), in subsection (1), after “dwelling-house”, insert “in England”.

(9) Omit section 143H(3) (succession to demoted tenancy: Wales).

(10) In section 143I(4) (no successor tenant: termination), in subsection (1), omit “or 143H(3)”.

(11) In section 143J(5) (successor tenants)—

(a) in subsection (1), for “sections 143H and”, substitute “section”;

(b) in subsection (7)(a), omit “or 143H(4) or (5)”.

(12) In section 159(6) (allocation of housing accommodation)—

(a) in subsection (2), at the end of paragraph (b), omit “or”;

(b) in subsection (2), after paragraph (c), insert—

“(d) select a person to be a tenant under a secure contract or an introductory standard contract of housing accommodation held by them, or

(e) nominate a person to be a tenant under a secure contract or an introductory standard contract of housing accommodation held by another person.”;

(c) in subsection (3)—

- 
- (1) Chapter 1A was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38).
- (2) Section 143A was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38) and will be further amended by section 118 of and paragraphs 19 and 25 to Schedule 7 of the Housing and Planning Act 2016 (c. 22).
- (3) Section 143H was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38) and amended by section 81 of and paragraph 55 of Schedule 8 to the Civil Partnership Act 2004 (c. 33) and will be further amended by section 120 of and paragraph 11 of Schedule 8 to the Housing and Planning Act 2016 (c. 22).
- (4) Section 143I was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38) and amended by section 81 of and paragraph 56 of Schedule 8 to the Civil Partnership Act 2004 (c. 33) and will be further amended by section 120 of and paragraph 12 of Schedule 8 to the Housing and Planning Act 2016 (c. 22).
- (5) Section 143J was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38) and amended by section 81 of and paragraph 57 of Schedule 8 to the Civil Partnership Act 2004 (c. 33) and will be further amended by section 120 of and paragraphs 12 and 13 of Schedule 8 to the Housing and Planning Act 2016 (c. 22).
- (6) Section 159 was amended by article 5 of and paragraphs 81 and 100 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), section 145 of the Localism Act 2011 (c. 20) and section 13 of the Homelessness Act 2002 (c. 7).



- (i) after “secure tenant”, insert “, and the reference in subsection (2)(d) to selecting a person to be a tenant under a secure contract or an introductory standard contract,”;
- (ii) after “secure tenancy”, insert “, a secure contract or an introductory standard contract”;
- (d) in subsection (4), after “(2)(b)”, for “and (c)”, substitute “, (c) and (e)”;
- (e) in subsection (5)—
  - (i) after “already a”, insert “tenant under a”;
  - (ii) after “secure”, insert “contract”;
  - (iii) for “introductory tenant”, substitute “an introductory standard contract”.

(13) In section 160(1) (cases where provisions about allocation do not apply), after subsection (3), insert—

“(3A) They do not apply where—

- (a) a person succeeds to a secure occupation contract under section 73 (succession on death), section 78 (more than one qualified successor), or section 80 (substitute succession on early termination) of the Renting Homes (Wales) Act 2016 (anaw 1),
- (b) a secure contract is transferred to a potential successor under section 114 of that Act (transfer to potential successor),
- (c) a secure contract is transferred to another secure contract-holder under section 118 of that Act (transfer to another secure contract-holder),
- (d) a secure contract or a standard introductory contract vests or is otherwise disposed of in pursuance of an order under—
  - (i) section 24 of the Matrimonial Causes Act 1973 (c. 18) (property adjustment orders in connection with divorce proceedings, etc.),
  - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (c. 42) (orders for financial provision and property adjustment),

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(1) Section 160 was amended by section 159 of the Localism Act 2011 (c. 20) and sections 81 and 261(4) of and paragraph 60 of Schedule 8 and Schedule 30 to the Civil Partnership Act 2004 (c. 33).

- (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (c. 41) (orders for financial relief against parents), or
- (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004 (c. 33) (property adjustment orders in connection with civil partnership proceedings or overseas dissolution of civil partnership, etc.),
- (e) an introductory standard contract becomes—
  - (i) a secure contract under section 16 of the Renting Homes (Wales) Act 2016 (anaw 1) (introductory standard contracts), or
  - (ii) a prohibited conduct standard contract becomes a secure contract under section 117 of the Renting Homes (Wales) Act 2016 (conversion to secure contract).”

(14) In section 160A(1) (allocation only to eligible persons: Wales)—

- (a) in subsection (6)—
  - (i) omit paragraphs (a) and (b), and the “—” preceding them, and
  - (ii) insert, at the end of the remaining text, “a contract-holder in relation to housing accommodation allocated to that person by a local housing authority in Wales.”;
- (b) in subsection (8)—
  - (i) omit paragraphs (a), (aa) and (b) and the “—” preceding them, and
  - (ii) insert, at the end of the remaining text, “behaviour of the person concerned which would (if that person were a contract-holder of the authority) breach section 55 of the Renting Homes (Wales) Act 2016 (anaw 1) (anti-social behaviour and other prohibited conduct).”

(15) In section 174(1) (index of defined expressions: Part 6), at the appropriate places in alphabetical order in the Table, insert—

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(1) Section 160A was inserted by section 14(2) of the Homelessness Act 2002 (c. 7) and amended by section 146(2) of the Localism Act 2011 (c. 20), regulation 12 of the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) and article 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) (Wales) Order 2015 (S.I. 2015/1321 (W. 119)).

“contract-holder	section 230”
“introductory standard contract	section 230”
“prohibited conduct standard contract	section 230”
“secure contract	section 230”

(16) In section 230 (minor definitions: general), at the appropriate places in alphabetical order, insert—

““contract-holder” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 (see also section 48) of that Act);”  
;

““introductory standard contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 16 of that Act);”;

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”;

““standard contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”.

## **Housing Grants, Construction and Regeneration Act 1996**

**26.**—(1) The Housing Grants, Construction and Regeneration Act 1996(2) is amended as follows.

(2) In section 19(3) (disabled facilities grants: owner’s and tenant’s applications), in subsection (5), after paragraph (a), insert—

“(aa) a tenant or licensee under a secure contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act),

(ab) a tenant or licensee under an introductory standard contract within the meaning of the Renting Homes (Wales) Act 2016 (see section 16 of that Act),”.

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(1) Section 174 was amended by section 147 of the Localism Act 2011 (c. 20) and section 18(1) of and paragraphs 2 and 6 of Schedule 1 to the Homelessness Act 2002 (c. 7).

(2) 1996 c. 53.

(3) Section 19(5) was amended by articles 11 and 15 of and paragraphs 1 and 4 of Schedule 3 and Schedule 6 to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860). There are other amendments to section 19 which are not relevant to these Regulations.

(3) In section 59(1) (index of defined expressions: Chapter 1), in the table, at the appropriate places in alphabetical order, insert—

“introductory standard contract	section 19”
“secure contract	section 19”

## **Commonhold and Leasehold Reform Act 2002**

**27.**—(1) The Commonhold and Leasehold Reform Act 2002(2) is amended as follows.

(2) In Schedule 7(3) (right to manage: statutory provisions), in paragraph 3 (repairing obligations)—

- (a) in the heading, after “Repairing obligations”, insert “: England”;
- (b) after paragraph 3, insert—

### **“Repairing obligations: Wales**

#### **3A.**

(1) The obligations imposed on a landlord by virtue of section 91 (landlord’s obligation: fitness for human habitation), section 92 (landlord’s obligation to keep dwelling in repair) and section 93 (obligations under sections 91 and 92: supplementary) of the Renting Homes Wales Act 2016 (anaw 1) (referred to in this paragraph as “the 2016 Act”) are, so far as relating to any occupation contract of any flat or other unit contained in the premises, instead obligations of the RTM company.

(2) The RTM company owes to any person who is in occupation of a flat or other unit contained in the premises otherwise than under an occupation contract the same obligations as would be imposed on it by virtue of sections 91, 92 and 93 of the 2016 Act if that person were a contract-holder under an occupation contract of the flat or other unit.

(3) But sub-paragraphs (1) and (2) do not apply to an obligation to the extent that it relates to a matter concerning only the flat or other unit concerned.

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(1) There are amendments to section 59 which are not relevant to these Regulations.  
(2) 2002 c.15.  
(3) There are amendments to Schedule 7 which are not relevant to these Regulations.

(4) The obligations imposed on the RTM company by virtue of sub-paragraph (1) in relation to any occupation contract are owed to the landlord (as well as to the contract-holder).

(5) Where appropriate, sections 95 to 97 of the 2016 Act have effect with such modifications as are necessary in consequence of sub-paragraphs (1) to (3).

(6) The references in section 98 of the 2016 Act to the landlord include the RTM company; and a person who is in occupation of a flat or other unit contained in the premises otherwise than under an occupation contract has, in relation to the flat or other unit, the same obligation as that imposed on a contract-holder by virtue of that section.

(7) In this paragraph, the following terms have the same meaning as in section 7 of the 2016 Act—

- (a) “contract-holder” (see section 7 (see also section 48) of that Act);
- (b) “occupation contract” (see section 7 of that Act).”

#### **Housing Act 2004**

**28.**—(1) The Housing Act 2004(1) is amended as follows.

(2) In section 33(recovery of possession of premises in order to comply with order)—

- (a) at the end of paragraph (a), omit “or”;
- (b) at the end of paragraph (b), insert “or”;
- (c) after paragraph (b), insert—

“(c) Part 9 of the Renting Homes (Wales) Act 2016 (anaw 1),”.

(3) In section 75(2) (other consequences of operating unlicensed HMOs: restriction on terminating tenancies), in the heading, at the end, insert “(England)”.

(4) After section 75, insert—

#### **“75A Other consequences of operating unlicensed HMOs: restriction on terminating tenancies (Wales)**

(1) No section 173 notice, no section 186 notice, no paragraph 25B of Schedule 12 notice and no section 194 notice may be given in relation to a standard contract of a part of an

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(1) 2004 c. 34.

(2) There are modifications to section 75 which are not relevant to these Regulations.

unlicensed HMO as long as it remains such an HMO.

(2) In this section—

“2016 Act” means the Renting Homes (Wales) Act 2016 (anaw 1);

“section 173 notice” means a notice under section 173 of the 2016 Act (landlord’s notice);

“section 186 notice” means a notice under section 186 of the 2016 Act (landlord’s notice in connection with end of term of contract within Schedule 9B);

“section 194 notice” means a notice under section 194 of the 2016 Act (landlord’s break clause);

“paragraph 25B of Schedule 12 notice” means a notice under paragraph 25B of Schedule 12 to the 2016 Act (termination of contract by landlord);

“standard contract” has the same meaning as in the 2016 Act (see section 8 of the 2016 Act);

“unlicensed HMO” has the same meaning as in section 73 of this Act.”

(5) In section 98 (other consequences of operating unlicensed houses: restriction on terminating tenancies), in the heading, at the end, insert “(England)”.

(6) After section 98, insert—

**“98A Other consequences of operating unlicensed houses: restriction on terminating tenancies (Wales)”**

(1) No section 173 notice, no section 186 notice, no paragraph 25B of Schedule 12 notice and no section 194 notice may be given in relation to a standard contract of the whole or part of an unlicensed house as long as it remains such a house.

(2) In this section—

“2016 Act” means the Renting Homes (Wales) Act 2016 (anaw 1);

“section 173 notice” means a notice under section 173 of the 2016 Act (landlord’s notice);

“section 186 notice” means a notice under section 186 of the 2016 Act (landlord’s notice in connection with end of term of contract within Schedule 9B);

“section 194 notice” means a notice under section 194 of the 2016 Act (landlord’s break clause);

“paragraph 25B of Schedule 12 notice” means a notice under paragraph 25B of Schedule 12 to the 2016 Act (termination of contract by landlord);

“standard contract” has the same meaning as in the 2016 Act (see section 8 of the 2016 Act);

“unlicensed house” has the same meaning as in section 96 of this Act.”

(7) In section 212(1) (tenancy deposit schemes)—

- (a) for “appropriate national authority”, in each place it occurs, substitute “Secretary of State”;
- (b) in subsection (8), in the definition of “shorthold tenancy”, after “assured shorthold tenancy”, insert “of a dwelling-house in England”.

(8) In section 213(2) (requirements relating to tenancy deposits), in subsection (10), in the definition of “prescribed”, for “appropriate national authority”, substitute “Secretary of State”.

(9) In Schedule 10 (provisions relating to tenancy deposit schemes), for “appropriate national authority”, in each place it occurs, substitute “Secretary of State”.

## **Housing and Regeneration Act 2008**

**29.**—(1) The Housing and Regeneration Act 2008(3) is amended as follows.

(2) In section 149(4) (exempted disposals), after subsection (8), insert—

“(9) Exception 7 is a letting under an occupation contract (within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1)) in respect of a dwelling in Wales.”

(3) In section 153 (proposals: procedure)—

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(1) Section 212 was amended by section 128(1) and (2) of the Housing and Planning Act 2016 (c. 22).  
(2) Section 213 was amended by section 184(1) and (2) of the Localism Act 2011 (c. 20).  
(3) 2008 c. 17.  
(4) There are amendments to section 149 which are not relevant to these Regulations.

- (a) in subsection (1)(1), in paragraph (b), after “(so far as is reasonably practicable)”, insert “or its contract-holders (so far as is reasonably practicable),”;
  - (b) in subsection (3), in paragraph (b), after “its tenants”, insert “or contract-holders”;
  - (c) in subsection (7), in paragraph (b), after “its tenants”, insert “or contract-holders”.
- (4) In section 275(2) (general), insert at the appropriate places in alphabetical order —
- ““contract-holder” has the meaning given in section 7 (see also section 48) of the Renting Homes (Wales) Act 2016 (anaw 1),”;
- ““occupation contract” has the meaning given in section 7 of the Renting Homes (Wales) Act 2016,”.
- (5) In section 276(3) (index of defined terms) in the Table, insert at the appropriate places in alphabetical order—

“Contract-holder	Section 275”
“Occupation contract	Section 275”

## **Equality Act 2010**

**30.**—(1) Section 190 of the Equality Act 2010(4) (improvements to let dwelling houses) is amended as follows.

- (2) In subsection (1), after paragraph (a), insert—

“(aa) the tenancy is not a secure contract in relation to which the landlord is a local authority;”.

- (3) In subsection (9), at the appropriate place in alphabetical order, insert—

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.

## **Mortgage Repossessions (Protection of Tenants etc) Act 2010**

**31.**—(1) Section 1 of the Mortgage Repossessions (Protection of Tenants etc) Act 2010(5) (power of

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- (1) Section 153(1) was amended by section 151(1) of and paragraphs 121 and 122 of Part 2 of Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c.14) and article 2(c) of and paragraph 8 of Schedule 11 to the Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496).
  - (2) There are amendments to section 275 which are not relevant to these Regulations.
  - (3) There are amendments to section 276 which are not relevant to these Regulations.
  - (4) 2010 c. 15.
  - (5) 2010 c. 19.



court to postpone giving of possession) is amended as follows.

(2) After subsection (8)(a)(i), insert—

“(ia) an occupation contract (within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1)), or”.

### **Energy Act 2011**

**32.**—(1) Section 42 of the Energy Act 2011<sup>(1)</sup> (meaning of “domestic PR property” and “non-domestic PR property”: England and Wales) is amended as follows.

(2) In subsection (1)—

(a) at the end of sub-paragraph (a)(ii), omit “or”;

(b) after sub-paragraph (a)(ii), insert—

“(ia) under a tenancy which is a standard contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016 (anaw 1)) except where—

(i) the standard contract is a supported standard contract (within the meaning given by section 143 of the Renting Homes (Wales) Act 2016), or

(ii) the interest of the landlord belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department, or”.

(3) In subsection (2)—

(a) at the end of paragraph (b), omit “or”;

(b) at the end of paragraph (c), for the full stop substitute “, or”;

(c) after paragraph (c), insert—

“(d) if the landlord is a community landlord (within the meaning of section 9 of the Renting Homes (Wales) Act 2016.”

### **Prevention of Social Housing Fraud Act 2013**

**33.**—(1) The Prevention of Social Housing Fraud Act 2013<sup>(2)</sup> is amended as follows.

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(1) 2011 c. 16.

(2) 2013 c. 3.

(2) In section 1 (unlawful sub-letting: secure tenancies), in subsection (1) after “dwelling-house”, in the first place it occurs, insert “in England”.

(3) In section 2 (unlawful sub-letting: assured tenancies)—

- (a) in the heading, after “assured tenancies”, insert “and secure contracts”;
- (b) in subsection (1), after “assured tenancy”, insert “or a secure contract”;
- (c) in subsection (2), after “assured tenancy”, insert “or a secure contract”;
- (d) in subsection (3)—
  - (i) in the words before paragraph (a), after “assured tenancy”, insert “or a secure contract”;
  - (ii) in paragraph (a)—
    - (aa) for “or”, substitute “,”;
    - (bb) after “registered social landlord”, insert “or in relation to Wales a community landlord”.

(4) In section 5 (unlawful profit orders: civil proceedings)—

- (a) in subsection (1)—
  - (i) after “assured tenancy”, insert “or a secure contract”;
  - (ii) in paragraph (b), after “assured tenancy”, insert “or a secure contract”;
- (b) in subsection (4)—
  - (i) in the words before paragraph (a), after “assured tenancy”, insert “or a secure contract”;
  - (ii) in paragraph (a)—
    - (aa) after “social housing”, for “or”, substitute “,”;
    - (bb) after “registered social landlord”, insert “or in relation to Wales a community landlord”.

(5) In section 11 (interpretation)—

- (a) in subsection (1)—
  - (i) at the end of paragraph (a), omit “and”;
  - (ii) at the end of paragraph (b), for the full stop, substitute “, and”;
  - (iii) after paragraph (b), insert—

“(c) “secure contract” has the same meaning as in section 8 of the Renting Homes (Wales) Act 2016 (anaw 1).”;
- (b) after subsection (3), insert—

“(3A) In the application of this Act in relation to a secure contract, the following expressions

have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

- (a) “community landlord” (see section 9 of that Act);
- (b) “secure contract” (see section 8 of that Act).”;
- (c) in subsection (4), after “assured tenancy”, insert “or secure contract”;
- (d) after subsection (4), insert—

“(4A) References in this Act to a member of the tenant’s family (in relation to a secure contract) are to be construed in accordance with section 250 of the Renting Homes (Wales) Act 2016.”;
- (e) in subsection (6), after “assured tenancy”, in each place it occurs, insert “or a secure contract”;
- (f) in subsection (7), after “assured tenancy”, in each place it occurs, insert “or a secure contract”.

#### **Housing (Wales) Act 2014**

**34.**—(1) The Housing (Wales) Act 2014<sup>(1)</sup> is amended as follows.

(2) In section 2 (meaning of key terms), in subsection (1), in the definition of “domestic tenancy”, for paragraph (a), substitute—

“(a) a tenancy which is an occupation contract, except where the occupation contract—

- (i) is a supported standard contact, or
- (ii) is also a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (“the 1993 Act”) or, in the case of a shared ownership lease (within the meaning given by section 7(7) of the 1993 Act), would be such a lease if the tenant’s share (within the meaning given by that section) were 100 per cent;”.

(3) In section 5 (exceptions to the requirement for a landlord to be registered)—

- (a) number the existing provision, subsection (1);
- (b) in subsection (1), for paragraph (d), substitute—

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(1) 2014 anaw 7.

“(d) to a landlord falling within the definition of community landlord (whether or not the landlord is the landlord under an occupation contract);”.

(4) In section 8 (exceptions to requirements for landlords to be licensed)—

- (a) number the existing provision, subsection (1);
- (b) in subsection (1), for paragraph (d), substitute—

“(d) to a landlord falling within the definition of community landlord (whether or not the landlord is the landlord under an occupation contract);”.

(5) In section 30 (rent stopping orders), in subsection (3), after paragraph (c), insert—

“(ca) the amount of any compensation payable under section 87 of the Renting Homes (Wales) Act 2016 (anaw 1) (compensation for failures relating to provision of written statements etc.) is to be calculated as if the rent stopping order had not been made.”.

(6) Before section 43, after the heading “Supplementary”, insert—

#### **“42A Crown Application: Part 1**

Part 1 of this Act does not bind the Crown.”

(7) In section 44 (restriction on terminating tenancies)—

- (a) in subsection (1)—
  - (i) for “section 21 notice”, substitute “notice within subsection (1A)”;
  - (ii) for “an assured shorthold tenancy”, substitute “a standard occupation contract”;

- (b) after subsection (1), insert—

“(1A) A notice is within this subsection, if it is a notice—

- (a) given under section 173(1) of the Renting Homes (Wales) Act 2016 (anaw 1) (landlord’s notice);
- (b) given under section 186(1) of that Act (landlord’s notice in connection with end of term);
- (c) as described in section 194(1) of that Act (landlord’s break clause);
- (d) given under paragraph 25B of Schedule 12 to that Act (landlord’s

notice to terminate a converted fixed term standard contract).”;

- (c) in subsection (2), for “But subsection”, substitute “Subsection”;

- (d) omit subsection (3).

(8) In section 49(1) (interpretation of this Part and index of defined terms), at the appropriate places in alphabetical order, insert—

““community landlord” (*“landlord cymunedol”*) has the meaning given by section 9 of the Renting Homes (Wales) Act 2016 (anaw 1);”;

““occupation contract” (*“contract meddiannaeth”*) has the meaning given by section 7 of the Renting Homes (Wales) Act 2016;”;

““standard occupation contract” (*“contract meddiannaeth safonol”*) has the meaning given by section 8 of the Renting Homes (Wales) Act 2016;”.

(9) In section 76 (circumstances in which the duty in section 75 ends)—

- (a) in subsection (2)—

- (i) at the end of paragraph (a), omit “or”;

- (ii) after paragraph (a), insert—

“(aa) an offer of suitable accommodation in Wales under a tenancy which is an occupation contract, or”;

- (iii) in paragraph (b), after “accommodation”, insert “(in England)”;

- (b) in subsection (4)—

- (i) for paragraph (a), substitute—

“(a) it is an offer of—

- (i) a tenancy which is an occupation contract made by a private landlord to the applicant in relation to accommodation in Wales which is available for the applicant’s occupation, or

- (ii) an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation in England which is available for the applicant’s occupation,”;

- (ii) at the beginning of paragraph (c), insert “in relation to accommodation in England,”;

- (c) for subsection (9), substitute—

“(9) In this section—

“fixed term tenancy” (*“tenantiaeth cyfnod penodedig”*) in relation to accommodation in England has the meaning given in Part 1 of the Housing Act 1988 (c. 50);

“occupation contract” (*“contract meddiannaeth”*) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act).”

(10) In section 92 (interim accommodation: arrangements with private landlord)—

- (a) in the heading, after “accommodation”, insert “in England”;
- (b) in subsection (1), after “provide accommodation”, insert “in England”.

(11) After section 92, insert—

#### **“92A Accommodation in Wales**

(1) For provision which applies where a tenancy or licence in respect of accommodation in Wales is made with an individual by a local housing authority because of the authority’s functions under Part 2 of this Act (homelessness), see paragraph 11 of Part 4 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1) (tenancies and licences to which special rules apply: homelessness).

(2) For provision which applies where a local housing authority, in pursuance of any of its homelessness housing functions, makes arrangements with a relevant landlord for the provision of accommodation, see paragraph 12 of Part 4 of Schedule 2 to the Renting Homes (Wales) Act 2016 (tenancies and licences to which special rules apply: homelessness).”

(12) In section 99(1) (interpretation of this Chapter and index of defined terms)—

- (a) at the appropriate place in alphabetical order, insert—

““occupation contract” (*“contract meddiannaeth”*) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);”;

- (b) in the definition of “private landlord”, for “who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies)”, substitute “—

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(1) Section 99 was amended by paragraph 308(1) of Part 2 of Schedule 24 to the Sentencing Act 2020 (c. 17).

- (a) of a dwelling in Wales, who is within section 10 of the Renting Homes (Wales) Act 2016 (anaw 1) (private landlords);
- (b) of a dwelling in England, who is not within section 80(1) of the Housing Act 1985 (c. 68) (the landlord condition for secure tenancies);”.

### **Consumer Rights Act 2015**

**35.**—(1) The Consumer Rights Act 2015(1) is amended as follows.

(2) In section 83(2) (duty of letting agents to publicise fees etc), in subsection (4)(b)—

- (a) after “tenants”, insert “or contract-holders”;
- (b) after “tenant”, insert “or contract-holder”;
- (c) after “tenancy”, insert “or occupation contract”.

(3) In section 86 (letting agency work and property management work)—

- (a) in subsection (1)(a)—
  - (i) after “assured tenancy”, insert “or an occupation contract”;
  - (ii) after “such a tenancy”, insert “or occupation contract”;
- (b) in subsection (1)(b)—
  - (i) after “assured tenancy”, insert “or an occupation contract”;
  - (ii) after “such a tenancy”, insert “or occupation contract”;
- (c) in subsection (4)(b) after “assured tenancy”, insert “or an occupation contract”.

(4) In section 88 (supplementary provisions)—

- (a) in subsection (1) —
  - (i) at the appropriate places in alphabetical order, insert—
 

““contract-holder” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act) and includes a person who proposes to be a contract-holder under an occupation contract because the occupation contract has come to an end;”;

““occupation contract” has the same meaning as in the Renting Homes (Wales)

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(1) 2015 c. 15.

(2) Section 83(4) was amended by section 18 of the Tenant Fees Act 2019 (c. 4). There are other amendments to section 83, which are not relevant to these Regulations.

Act 2016 (see section 7 of that Act) except where—

- (a) the landlord is—
  - (i) a private registered provider of social housing,
  - (ii) a registered social landlord, or
  - (iii) a fully mutual housing association, or
- (b) the tenancy is a long lease;”;
- (ii) in the definition of “landlord”, after “tenancy”, in each place it occurs, insert “or an occupation contract”;
- (iii) in the definition of “long lease”, for paragraphs (a) and (b), substitute—
  - “(a) in relation to England—
    - (i) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), or
    - (ii) in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be a lease within sub-paragraph (a)(i) of this definition if the tenant’s total share (within the meaning given by that section) were 100%;
  - (b) in relation to Wales, falls within the definition of “long tenancy” given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1).”;
- (b) in subsection (3), after “tenancy”, in each place it occurs, insert “or occupation contract”.

*Name*

Minister for Climate Change, one of the Welsh Ministers

Date