

SL(6)274 – The Renting Homes (Rent Determination) (Converted Contracts) (Wales) (Amendment) Regulations 2022

Background and Purpose

The Renting Homes (Rent Determination) (Converted Contracts) (Wales) (Amendment) Regulations 2022 (“the Regulations”) are made by the Welsh Ministers, in exercise of the powers conferred on them by sections 236(3), and 256(1) and (2) of, and paragraph 15(2) of Schedule 12 to, the Renting Homes (Wales) Act 2016.

The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (“the Original Regulations”) make provision to enable a contract-holder under a relevant converted contract to apply to a prescribed person for a determination of rent, and make consequential amendments to the Rent Assessment Committees (England and Wales) Regulations 1971.

The Legislation, Justice and Constitution Committee considered the Original Regulations at its meeting of 26 September 2022 and [issued a report containing technical points](#). The Regulations make relevant technical and typographic amendments to both the English and Welsh versions of the Original Regulations in response to that report.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 3(2) inserts into the Original Regulations a new regulation 2, replacing the existing list of definitions. The defined terms “relevant preceding tenancy or licence” and “relevant tenant or licensee” have been omitted, and the definition of “relevant improvement” has been amended in response to technical reporting point 4 in the Committee’s report on the Original Regulations.



The Committee welcomes the clarification of the definition of “relevant improvement”, but notes that references within that definition to “a relevant preceding tenancy or licence” have been replaced with references to “an assured tenancy or an assured agricultural occupancy”. The Welsh Government is asked to clarify whether “licence” has been replaced with “assured agricultural occupancy” because an assured agricultural occupancy is the only type of licence that is within scope of the provision. If so, the Welsh Government is asked why references to “licence” elsewhere in the Original Regulations, particularly in the prescribed form in the Schedule, have not been similarly amended to make the scope of the law clear to those seeking to exercise their rights under the Original Regulations.

As noted in the Committee’s previous report, neither the Explanatory Note nor the Explanatory Memorandum to the Original Regulations explain whether, and to what extent, licences are within scope of this legislation.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

Technical Scrutiny point 1

The Welsh Government has considered technical scrutiny point 1 and confirms “licence” has been replaced with “assured agricultural occupancy” because an assured agricultural occupancy is the only type of licence that is within scope of the provision, as suggested in technical scrutiny point 1. References to “licence” elsewhere in the Original Regulations are clear and legally accurate, when read alongside the provisions which set out the types of occupation contracts in relation to which an application to the tribunal may be made under the Regulations.

The Welsh Government does not therefore consider an amendment is necessary to achieve the intended legal effect.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 14 November 2022 and reports to the Senedd in line with the reporting point above.

