

Draft Regulations laid before Senedd Cymru under sections 256(3), (4)(h) and (5) of the Renting Homes (Wales) Act 2016 and section 142(3)(b)(i) of the Housing (Wales) Act 2014, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2023 No. (W.)

HOUSING, WALES

**The Renting Homes (Wales) Act
2016 and Homelessness (Suitability
of Accommodation) (Wales) Order
2015 (Amendment) Regulations
2023**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 (exceptions to section 7) to the Renting Homes (Wales) Act 2016 (anaw 1) (“the Act”), make a consequential amendment to section 243(3) of the Act and amend the definition of “B&B accommodation” in the Homelessness (Suitability of Accommodation) (Wales) Order 2015 (S.I. 2015/1268 (W. 87)) (“the Order”).

Regulation 2(2) amends Schedule 2 to the Act. Regulation 2(2)(a)(i) inserts a new paragraph 7(3)(l) into Part 3 of that Schedule. This provides that a licence relating to private sector temporary homelessness accommodation (as defined), is never an occupation contract.

Regulation 2(2)(a)(ii) inserts a new paragraph 10A into Part 3 of Schedule 2 to the Act which provides a definition of private sector temporary homelessness accommodation.

Regulation 2(2)(b) amends paragraph 12(1), in Part 4 of Schedule 2 to the Act, to make it clear that paragraph 12 does not apply to a licence of the kind described in the newly inserted paragraph 7(3)(l) of Schedule 2.

Regulation 2(3) amends section 243(3) of the Act to make it clear that the definition of “local housing authority” set out in that section does not apply in relation to the newly inserted paragraph 7(3)(l) of Schedule 2.

Prior to the coming into force of these Regulations, occupation contracts are prevented from arising in relation to private sector temporary homelessness accommodation, by virtue of regulation 16 of the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172 (W. 242)).

Regulation 3 amends the definition of “B&B accommodation” in article 2 of the Order, to more clearly reflect the characteristics of that accommodation.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

Draft Regulations laid before Senedd Cymru under section 256(3), (4)(h) and (5) of the Renting Homes (Wales) Act 2016 and section 142(3)(b)(i) of the Housing (Wales) Act 2014, for approval by resolution of Senedd Cymru.

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2023 No. (W.)

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**The Renting Homes (Wales) Act
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of Accommodation) (Wales) Order
2015 (Amendment) Regulations
2023**

Made

Coming into force

30 November 2023

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 17 of Schedule 2(1) to, and section 256(1) of the Renting Homes (Wales) Act 2016(2) and sections 59(3) and 142(2) of the Housing (Wales) Act 2014(3).

In accordance with section 256(3), (4)(h)(4) and (5) of the Renting Homes (Wales) Act 2016 and section 142(3)(b)(i) of the Housing (Wales) Act 2014, a draft of these Regulations has been laid before, and approved by resolution of, Senedd Cymru(5).

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- (1) There are amendments to Schedule 2 but none are relevant to paragraph 17.
(2) 2016 anaw 1.
(3) 2014 anaw 7.
(4) There are amendments to section 256(4) but none are relevant to these Regulations.
(5) The references in sections 142 of the Housing (Wales) Act 2014 and 256(3) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023 and they come into force on 30 November 2023.

(2) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Renting Homes (Wales) Act 2016;

“the Order” (“*y Gorchymyn*”) means the Homelessness (Suitability of Accommodation) (Wales) Order 2015(1).

Amendments to the Act

2.—(1) The Act is amended as follows.

(2) In Schedule 2 (exceptions to section 7)—

(a) in Part 3 (tenancies and licences that are never occupation contracts)—

(i) in paragraph 7(3)(2), at the end of paragraph (k), insert—

“(l) a licence which relates to private sector temporary homelessness accommodation (see paragraph 10A).”;

(ii) after paragraph 10 insert—

“Meaning of “private sector temporary homelessness accommodation”

10A.—(1) Private sector temporary homelessness accommodation is accommodation which—

(a) is provided by a private landlord under arrangements made with a local housing authority in pursuance of any of that authority’s homelessness housing functions, and

(b) is within the definition of “B&B accommodation” in article 2 (interpretation) of the Homelessness (Suitability of Accommodation) (Wales) Order 2015 (S.I. 2015/1268 (W.87)), as it has effect on 30 November 2023, which is the date on which the Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023 (S.I.

(1) S.I. 2015/1268 (W. 87).

(2) Paragraph 7(3) was amended by section 14 of and paragraphs 1 and 5(2) of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3), section 66 of and paragraph 2(n) of Part 1 of Schedule 11 to the Immigration Act 2016 (c. 19) and regulation 2 of S.I. 2022/803 (W. 179).

2023/XXXX (W. XX) came into force.

(2) In this paragraph “local housing authority” and “homelessness housing functions” have the meanings given in paragraph 12(5).”;

(b) in Part 4 (tenancies and licences to which special rules apply: homelessness), in paragraph 12(1), after “accommodation” insert “, but this paragraph does not apply in relation to a licence of the kind described in paragraph 7(3)(1)”.

(3) In section 243(3) (local authority and other authorities), after “other than in” insert “paragraph 10A and”.

Amendment to the Order

3. In article 2 (interpretation) of the Order, for the definition of “B&B accommodation”, substitute—

““B&B accommodation” (*“llety Gwely a Brecwast”*) means accommodation (whether or not breakfast is included) which meets the following conditions—

(a) the first condition is that—

(i) a kitchen is either unavailable to the licensee, or it is available to the licensee but it is shared by people who are not part of the same household, and

(ii) the following amenities are available to the licensee but may be shared by people who are not part of the same household—

(aa) a toilet;

(bb) personal washing facilities;

(b) the second condition is that the accommodation is not owned or managed by a community landlord (within the meaning of section 9 (community landlords) of the Renting Homes (Wales) Act 2016 (anaw 1)), a registered charity or a voluntary organisation(1).”

Name

Minister for Climate Change, one of the Welsh Ministers

Date

(1) See the definition of “voluntary organisation” (*“corff gwirfoddol”*) in section 99 of the Housing (Wales) Act 2014. Section 99 has been amended but none of the amendments are relevant to this instrument.