

*Draft Regulations laid before Senedd Cymru under section 256(3) and (4)(h), (i), (la), (m), (mb) and (mc) 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 (Amendment) Regulations  
2022**

**EXPLANATORY NOTE**

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

These Regulations amend Schedules 2, 3, 8A, 9, 9B and 9C to the Renting Homes (Wales) Act 2016 (“the Act”) (anaw 1).

Regulation 2 inserts into paragraph 7(3) of Schedule 2 (exceptions to section 7) to the Act, a reference to a tenancy or licence which relates to accommodation provided by the Secretary of State, or on behalf of the Secretary of State (for example, under or by virtue of arrangements made by the Secretary of State with another person), in connection with a requirement imposed under section 3(6) of the Bail Act 1976. It also adds a reference to accommodation provided under Part 1 of the Offender Management Act 2007 for the probation purposes (within the meaning of section 1 of that Act). This amendment means that such a tenancy or licence can never be an occupation contract under the Act.

Regulation 2 also inserts into paragraph 7(3) of Schedule 2 to the Act, a reference to a tenancy or licence which relates to:

- (a) accommodation provided under section 4 (accommodation) or Part 6 (support for asylum seekers) of the Immigration and Asylum Act 1999), and
- (b) facilities provided under paragraph 9 of Schedule 10 (immigration bail) to the Immigration Act 2016 for the accommodation of a person provided at an address specified in an immigration bail condition.

This amendment means that any such tenancy or licence can never be an occupation contract under the Act.

Regulation 3 amends Schedule 3 (occupation contracts made with or adopted by community landlords which may be standard contracts) to the Act to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 4 amends Schedule 8A (standard contracts which can be terminated on two months' notice under section 173 or a landlord's break clause) to the Act to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 5 amends Schedule 9 (standard contracts to which the limits in sections 175 and 196 (when landlord's notice may be given) do not apply) to the Act, to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 6 amends Schedule 9B (fixed term standard contracts which can be terminated by giving notice under section 186) to the Act, to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 7 amends Schedule 9C (fixed term standard contracts which may contain a landlord's break clause even if made for a term of less than two years) to the Act, to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 8 makes a consequential amendment to paragraph 2 of Schedule 11 to the Immigration Act 2016 ("the 2016 Act"). Paragraph 1 of Schedule 11 to the 2016 Act will, when it fully comes into force, repeal section 4 of the 1999 Act. The amendment made by regulation 8 will, when section 4 of the 1999 Act is repealed and paragraph 2 of Schedule 11 to the 2016 Act comes into force, omit the reference to section 4 of the 1999 Act in paragraph 7(3)(k)(i) of Schedule 2 to the Act (as inserted by regulation 2).

Regulation 9 makes consequential amendments to Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021, related to the provision in regulations 3 and 5.

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 (4)(h), (i), (la), (m), (mb) and (mc) 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 (Amendment) Regulations  
2022**

*Made*

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*Coming into force in accordance with regulation  
1(1)*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 17 of Schedule 2, paragraph 17 of Schedule 3, paragraph 13 of Schedule 8A(1), paragraph 13 of Schedule 9, paragraph 11 of Schedule 9B(2) and paragraph 11 of Schedule 9C(3) to and sections 255(4) and 256(1) and (2)(5) of the Renting Homes (Wales) Act 2016(6).

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- (1) Schedule 8A was inserted by section 3 of and Schedule 1 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).
- (2) Schedule 9B was inserted by section 10(3) of and Schedule 3 to the Renting Homes (Amendment) (Wales) Act 2021.
- (3) Schedule 9C was inserted by section 11(2) of and Schedule 4 to the Renting Homes (Amendment) (Wales) Act 2021.
- (4) Section 255(2) was amended by section 14 of and paragraph 8 of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021.
- (5) Section 256(2) was amended by section 18 of and paragraph 21(a) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021.
- (6) 2016 anaw 1.

In accordance with section 256(3) and (4)(h), (i), (la)(1), (m), (mb)(2) and (mc)(3) of that Act, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru(4).

### **Title, commencement and interpretation**

**1.**—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022 and they come into force on the day on which section 239 of the Renting Homes (Wales) Act 2016 comes into force(5).

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

### **Amendment to Schedule 2**

**2.** In Schedule 2 to the Act (exceptions to section 7), in paragraph 7(3)(6) after paragraph (i) insert—

“(j) a tenancy or licence which relates to accommodation provided—

(i) by, or on behalf of, the Secretary of State in connection with a requirement imposed under section 3(6) (general provisions)(7) of the Bail Act 1976 (c. 63)(8), or

(ii) under Part 1 (arrangements for the provision of probation services) of the Offender Management Act 2007 (c. 21)(9) for the probation

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- (1) Section 256(4)(la) was inserted by section 18 of and paragraph 21(b)(ii) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021.
- (2) Section 256(4)(mb) was inserted by section 18 of and paragraph 21(c) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021.
- (3) Section 256(4)(mc) was inserted by section 18 of and paragraph 21(c) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021.
- (4) The reference in section 256(3) 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).
- (5) Section 239 of the Renting Homes (Wales) Act 2016 comes into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (6) Paragraph 7(3) of Schedule 2 to the Act was amended by section 14 of and paragraph 5(2) of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021.
- (7) Sub-section (6) was amended by sections 27(2)(a) and 168(3) of, and Schedule 11 to the Criminal Justice and Public Order Act 1994 (c. 33), sections 13(1) and 332 of, and Part 2 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), section 54(2) of the Crime and Disorder Act 1988 (c. 37) and section 208(1) of and paragraphs 33 and 34 of Schedule 21 to the Legal Services Act 2007 (c. 29).
- (8) 1976 c. 63.
- (9) 2007 c. 21.

purposes (within the meaning of section 1(1) of that Act);

- (k) a tenancy or licence which relates to—
  - (i) accommodation provided under section 4 (accommodation)(2) or Part 6 (support for asylum-seekers, etc.) of the Immigration and Asylum Act 1999 (c. 33)(3), or
  - (ii) facilities provided under paragraph 9 of Schedule 10 to the Immigration Act 2016 (c. 19) (immigration bail)(4) for the accommodation of a person at an address specified in an immigration bail condition.”

### **Amendment to Schedule 3**

3. In Schedule 3 to the Act (occupation contracts made with or adopted by community landlords which may be standard contracts), omit paragraph 4(5) and the italic heading before that paragraph.

### **Amendment to Schedule 8A**

4. In Schedule 8A to the Act (standard contracts which can be terminated on two months’ notice under section 173 or a landlord’s break clause), omit paragraph 5 and the italic heading before that paragraph.

### **Amendment to Schedule 9**

5. In Schedule 9 to the Act (standard contracts to which limits in sections 175 and 196 (when landlord’s notice may be given) do not apply), omit paragraph 4(6) and the italic heading before that paragraph.

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- (1) Section 1 was amended by section 148(1) of and paragraph 83(a) and (b) of Part 2 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4); section 410 of and paragraph 261 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17); and section 38(3) of and paragraphs 24 and 25 of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2).
  - (2) Section 4 was amended by section 49 of the Nationality, Immigration and Asylum Act 2002 (c. 41), section 10(1) and (6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), section 43(7) of the Immigration, Asylum and Nationality Act 2006 (c. 13) and has been partially repealed by section 66 of and paragraph 1 of Part 1 of Schedule 11 to the Immigration Act 2016 (c. 19).
  - (3) 1999 c. 33.
  - (4) 2016 c. 19.
  - (5) Paragraph 4 of Schedule 3 to the Act was amended by section 18 of and paragraphs 1 and 23 of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021.
  - (6) Paragraph 4 of Schedule 9 to the Act was amended by section 18 of and paragraphs 1 and 26(1) and (3) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021.

### **Amendment to Schedule 9B**

6. In Schedule 9B to the Act (fixed term standard contracts which can be terminated by giving notice under section 186), omit paragraph 3 and the italic heading before that paragraph.

### **Amendment to Schedule 9C**

7. In Schedule 9C to the Act (fixed term standard contracts which may contain a landlord's break clause even if made for a term of less than two years), omit paragraph 3 and the italic heading before that paragraph.

### **Consequential amendments**

8. In the Immigration Act 2016, in paragraph 2 of Schedule 11, after paragraph (m), insert—

“(n) in paragraph 7(3)(k)(i) of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1), in the English language text omit “section 4 (accommodation) or” and in the Welsh language text omit “adran 4 (llety) neu”.”.

9. In the Renting Homes (Amendment) (Wales) Act 2021(1), in Schedule 6 (minor and consequential amendments)—

- (a) omit paragraph 23;
- (b) omit paragraph 26(3).

*Name*

Minister for Climate Change, one of the Welsh Ministers

Date

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(1) 2021 asc 3.