

This Statutory Instrument corrects errors in S.I. 2022/781 (W. 170) and is being issued free of charge to all known recipients of that Statutory Instrument.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 1078 (W. 229)

HOUSING, WALES

**The Renting Homes (Rent
Determination) (Converted
Contracts) (Wales) (Amendment)
Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (S.I. 2022/781 (W. 170)) (“the 2022 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 (S.I. 1971/1065).

These Regulations correct technical and typographical errors in the 2022 Regulations.

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.

This Statutory Instrument corrects errors in S.I. 2022/781 (W. 170) and is being issued free of charge to all known recipients of that Statutory Instrument.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 1078 (W. 229)

HOUSING, WALES

**The Renting Homes (Rent
Determination) (Converted
Contracts) (Wales) (Amendment)
Regulations 2022**

Made 24 October 2022

Laid before Senedd Cymru 25 October 2022

Coming into force 30 November 2022

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 236(3) and 256(1) and (2)(1) of and paragraph 15(2) of Schedule 12 to the Renting Homes (Wales) Act 2016(2).

Title and commencement

1. The title of these Regulations is the Renting Homes (Rent Determination) (Converted Contracts) (Wales) (Amendment) Regulations 2022 and they come into force on 30 November 2022.

Interpretation

2. In these Regulations, “the 1971 Regulations” (“*Rheoliadau 1971*”) means the Rent Assessment Committees (England and Wales) Regulations 1971(3).

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- (1) Section 256(2) was amended by section 18 of and paragraphs 1 and 21(a) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).
(2) 2016 anaw 1. Schedule 12 is introduced by section 240.
(3) S.I. 1971/1065.

Amendments to the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022

3.—(1) The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022⁽¹⁾ are amended as follows.

(2) For regulation 2 (interpretation), substitute—

“2. In these Regulations—

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

“appointed day” (“*y diwrnod penodedig*”) has the meaning given by the Act (see section 242);

“assured agricultural occupancy” (“*meddiannaeth amaethyddol sicr*”) has the meaning given by the Act (see paragraph 1⁽²⁾ of Schedule 12 to the Act);

“assured tenancy” (“*tenantiaeth sicr*”) has the meaning given by the Act (see section 242⁽³⁾);

“billing authority” (“*awdurdod bilio*”) has the meaning given by section 1(2) of the Local Government Finance Act 1992⁽⁴⁾;

“category of dwellings” (“*categori o anheddau*”) has the meaning given by section 30(1) and (2) of the Local Government Finance Act 1992⁽⁵⁾;

“dwelling” (“*annedd*”) has the meaning given by the Act (see section 246⁽⁶⁾);

“hereditament” (“*hereditament*”) has the meaning given by section 3 of the Local Government Finance Act 1992;

“landlord” (“*landlord*”) has the meaning given by the Act (see section 244(2));

“relevant contract-holder” (“*deiliad contract perthnasol*”) means a contract-holder (which has the meaning given by the Act (see section 7(5)) under a relevant converted contract;

(1) S.I. 2022/781 (W. 170).

(2) Paragraph 1 of Schedule 12 to the Act was amended by regulations 2 and 3 of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)).

(3) There are amendments to section 242 of the Act, none of which are relevant to these Regulations.

(4) 1992 c. 14. Section 1(2) was amended by section 35(5) of the Local Government (Wales) Act 1994 (c. 19).

(5) Section 30 was amended by section 79 of and paragraphs 7 and 8 of Schedule 7 to the Localism Act 2011 (c. 20).

(6) Section 246(1) was amended by section 14 of and paragraphs 1 and 7 of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021.

“relevant converted contract” (“*contract wedi ei drosi perthnasol*”) has the meaning given by the Act (see paragraph 15(3)(1) of Schedule 12 to the Act);

“relevant improvement” (“*gwelliant perthnasol*”) means an improvement—

- (a) carried out during the relevant converted contract to which the notice under section 104 or 123 of the Act applies, or
- (b) which satisfies the following conditions—
 - (i) the improvement was carried out not more than twenty-one years before the date of service of the notice under section 104 or 123 of the Act,
 - (ii) at all times during the period beginning when the improvement was carried out and ending on the date of service of the notice under section 104 or 123 of the Act, the dwelling has been let under a relevant converted contract, an assured tenancy or an assured agricultural occupancy, and
 - (iii) on the coming to an end of an assured tenancy or an assured agricultural occupancy, at any time during that period, the tenant or licensee (or, in case of joint tenants or licensees, at least one of them) did not quit;

“rent” (“*rhent*”) does not include—

- (a) any service charge within the meaning of section 18 of the Landlord and Tenant Act 1985(2), or
- (b) any payments prohibited under section 4 of the Renting Homes (Fees etc.) (Wales) Act 2019(3),

but, subject to that, includes any sums payable by the relevant contract-holder to the landlord on account of the use of

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- (1) Paragraph 15(3) of Schedule 12 to the Act was amended by regulations 2 and 12(b) of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)).
 - (2) 1985 c. 70. Section 18 was amended by section 41 of and paragraph 1 of Schedule 2 to the Landlord and Tenant Act 1987 (c. 31) and by section 150 of and paragraph 7 of Schedule 9 to the Commonhold and Leasehold Reform Act 2002 (c. 15).
 - (3) 2019 anaw 2. Section 4 was amended by sections 15(2) and 16(1) and (3) of the Renting Homes (Amendment) (Wales) Act 2021.

furniture, in respect of council tax or for any of the matters referred to in section 18(1)(a) of the Landlord and Tenant Act 1985⁽¹⁾, whether or not those sums are separate from the sums payable for the occupation of the dwelling concerned or are payable under separate agreements;

“rent assessment committee” (*“pwyllgor asesu rhenti”*) means a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977⁽²⁾.”

(3) In regulation 6 (assumptions in accordance with which the rent assessment committee must determine rent)—

- (a) in the words before paragraph (a), in the Welsh text—
 - (i) for “gael ei osod”, substitute “gael ei gosod”;
 - (ii) for “ymwneud â hi”, substitute “ymwneud ag ef”;
- (b) in the words before paragraph (a), for “the same type of relevant converted contract as that”, substitute “an occupation contract of the same type as the relevant converted contract”;
- (c) in paragraph (a), for “relevant converted”, substitute “occupation”;
- (d) in paragraph (c), for “relevant tenant or licensee”, substitute “tenant, licensee”;
- (e) in paragraph (d)—
 - (i) after “failure by the”, omit “relevant tenant or licensee or”;
 - (ii) after “terms of the”, omit “relevant preceding tenancy or licence or”;
 - (iii) after “relevant converted contract”, insert “or the tenancy or licence which existed immediately before the appointed day”.

(1) Section 18(1)(a) was amended by section 41 of and paragraph 1 of Schedule 2 to the Landlord and Tenant Act 1987 (c. 31) and section 150 of and paragraph 7 of Schedule 9 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(2) 1977 c. 42. Schedule 10 was amended by sections 71(2), 148 and 152 of and paragraph 56 of Schedule 25 and Schedule 26 to the Housing Act 1980 (c. 51), section 26 of and paragraph 56 of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (c. 8), sections 222 and 227 of and paragraph 22 of Schedule 18 and Part 13 of Schedule 19 to the Housing Act 1996 (c. 52), section 62(2) of the Wales Act 2017 (c. 4) and section 121 of and paragraph 14 of Part 1 of Schedule 1 to the Public Service Pensions and Judicial Offices Act 2022 (c. 7). Amendments were also made by the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), which abolished rent assessment committees in England, and article 5(2)(c) of the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990 (S.I. 1990/776).

(4) In regulation 8 (consequential amendments to the Rent Assessment Committees (England and Wales) Regulations 1971)—

- (a) in paragraph (2)(b), which inserts definitions into regulation 2 of the 1971 Regulations—
 - (i) omit the definition of “relevant preceding tenancy or licence”;
 - (ii) omit the definition of “relevant tenant or licensee”;
 - (iii) in the Welsh text, in the words before the definition of “dwelling”, for “mannau”, substitute “lleoedd”;
- (b) in paragraph (4), in the text which is inserted into regulation 3(3)(c) of the 1971 Regulations, omit “, relevant tenant or licensee,”;
- (c) in paragraph (5), which amends regulation 5(1)(b) of the 1971 Regulations, for subparagraph (a), substitute—
 - “(a) for “assured tenancies or assured agricultural occupancies”, substitute “assured tenancies, assured agricultural occupancies or relevant converted contracts”,.”.

(5) In the Schedule, in the prescribed form, after “8. Improvements”, for paragraph (a) substitute—

- “(a) Have you or any former tenant(s) or licensee(s) carried out improvements or replaced fixtures, fittings or furniture for which you or they were NOT responsible under the terms of the tenancy or licence/occupation contract?”.

Julie James
Minister for Climate Change, one of the Welsh
Ministers
24 October 2022