

Explanatory Memorandum for:

***The Renting Homes (Wales) Act 2016 (Consequential Amendments)
Regulations 2023***

This Explanatory Memorandum has been prepared by the Climate Change and Rural Affairs Group of the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the subordinate legislation listed above.

Julie James
Minister for Climate Change
03 April 2023

PART 1

1. Description

This Explanatory Memorandum (“EM”) provides information covering subordinate legislation which is being made under the Renting Homes (Wales) Act 2016 (‘the 2016 Act’) as amended by the Renting Homes (Wales) (Amendment) Act 2021 (‘the 2021 Act’).

The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2023 (the ‘*Consequential Amendment Regulations*’) make necessary amendments to the Rent Act 1977 as a consequence of the provisions of the 2016 Act.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

None.

3. Legislative background

Section 255 of the 2016 Act enables the Welsh Ministers to make any necessary consequential amendments for the purpose of giving full effect to any provision of the Act, or in consequence of any such provision.

4. Purpose and intended effect of the legislation

This SI makes amendments to the Rent Act 1977, specifically to provide for succession to a secure contract where previously the right of succession specified an assured tenancy (assured tenancies were abolished in Wales by the 2016 Act).

Generally, these amendments ensure that existing provision in primary legislation continues to have appropriate effect by referencing the relevant occupation contracts alongside references to types of tenancies which now only exist in England.

These amendments are necessary to give full effect to the provisions of the 2016 Act, provide coherence, clarity and ensure operability and consistency of the law.

5. Consultation

Due the technical nature of this SI, and the fact that none of the amendments make any substantive changes to policy positions set out in the primary legislation itself, no formal consultation has been undertaken.

6. Regulatory Impact Assessment

Given that the effect of this SI is to preserve as far as is possible the balance of rights and entitlements that landlords and tenants/licensees enjoy, and ensure

primary legislation operates in accordance with previously stated Welsh Government policy, no Regulatory Impact Assessment has been undertaken in relation to this SI.