

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

DRAFT WELSH STATUTORY
INSTRUMENTS

2023 No. (W.)

HOUSING, WALES

**The Renting Homes (Wales) Act
2016 (Amendment of Schedule 12
and Consequential Amendment)
Regulations 2023**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 12 to the Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”) and make a consequential amendment to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3). Schedule 12 to the 2016 Act (“Schedule 12”) makes provision about tenancies and licences that existed before the 2016 Act came into force and which converted into occupation contracts on 1 December 2022 (the day on which section 239 of the 2016 Act came into force). These contracts are known as “converted contracts”. Schedule 12 is designed to ensure that the 2016 Act works correctly in relation to the same.

Paragraph 11 of Schedule 12 deals with the requirement upon the landlord to provide a written statement in relation to converted contracts, within the information provision period (defined in paragraph 11(1) of Schedule 12).

Paragraph 32 of Schedule 12 defines substitute contracts as specified contracts that arise after a converted contract ends and provides that substitute contracts are to be treated as if they were the same tenancy or licence as the converted contract.

These Regulations amend Schedule 12 to clarify the written statement requirements in relation to converted contracts, where there has been a change in the identity of the contract-holder before 1 June 2023 (which is the

end of the information provision period), and in relation to substitute contracts.

Regulation 3 amends paragraph 1 of Schedule 12 to insert a definition of “substitute contract” in consequence of amendments made by these Regulations.

Regulation 4 amends paragraph 11 of Schedule 12 to modify the operation of section 31(2) in relation to converted contracts where there has been a change in the identity of the contract-holder before 1 June 2023. Regulation 4 also disapplies paragraph 11 in relation to substitute contracts.

Regulation 5 inserts a new paragraph 11A into Schedule 12. New paragraph 11A(1) modifies section 31(1) and (2), section 36(3)(a), section 37(3)(a) and section 39(1) of the 2016 Act in relation to their application to substitute contracts which come into existence before 1 June 2023. New paragraph 11A(2) modifies section 31(1), section 36(3)(a), section 37(3)(a) and section 39(1) in relation to their application to substitute contracts that come into existence on or after 1 June 2023.

Regulation 6 amends paragraph 12A of Schedule 12 so that it does not apply to substitute contracts. Regulation 6 also amends the modified paragraph 2(a) of Schedule 9A (set out at paragraph 12A(b) of Schedule 12) in consequence of amendments made by these Regulations.

Regulation 7 amends paragraph 13(1) of Schedule 12 so that it does not apply to substitute contracts and separate provision is made for those contracts under paragraph 11A(1)(d) and (2)(b) of Schedule 12.

Regulation 8 amends paragraph 15(3)(b) of Schedule 12 to omit reference to paragraph 32 of that Schedule (as this is now included within the definitions in paragraph 1 of Schedule 12).

Regulation 9 amends paragraph 32 of Schedule 12 in consequence of amendments made by these Regulations.

Regulation 10 repeals paragraph 27(2) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021 in consequence of the amendments made by these 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 these Regulations.

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

DRAFT WELSH STATUTORY
INSTRUMENTS

2023 No. (W.)

HOUSING, WALES

**Renting Homes (Wales) Act 2016
(Amendment of Schedule 12 and
Consequential Amendment)
Regulations 2023**

Made

Coming into force

1 June 2023

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 256(2) of and paragraph 33 of Schedule 12 to the Renting Homes (Wales) Act 2016⁽¹⁾.

In accordance with section 256(3), (4)(n) and (5) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru⁽²⁾.

Title and coming into force

1. The title of these Regulations is the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2023 and they come into force on 1 June 2023.

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- (1) 2016 anaw 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) The reference in section 256(3) and (5) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Amendments to Schedule 12

2. Schedule 12(1) (conversion of tenancies and licences existing before commencement of Chapter 3 of Part 10) to the Renting Homes (Wales) Act 2016 is amended as follows.

3. In paragraph 1(1)(2) (definitions), at the appropriate place, insert—

““substitute contract” (*“contract sy’n cymryd lle contract arall”*) has the meaning given in paragraph 32.”

4. In paragraph 11(3) (written statement of converted contract and provision of information)—

(a) for sub-paragraph (1A) substitute—

“(1A) Where there has been a change in the identity of the contract-holder before 1 June 2023 (which is the first day after the end of the information provision period), section 31(2) (provision of written statement to new contract-holder) applies in relation to a converted contract as if for “the day on which the identity of the contract-holder changes” there were substituted “1 June 2023”.”

(b) after sub-paragraph (2) insert—

“(3) This paragraph does not apply in relation to a substitute contract (and accordingly section 31 applies, as modified by paragraph 11A, in relation to such contracts).”

5. After paragraph 11, insert—

“**11A** (1) In their application to a substitute contract that has come into existence before 1 June 2023—

(a) section 31(1) is to be read as if for “the occupation date” there were substituted “1 June 2023”;

(b) section 31(2) is to be read as if for “the day on which the identity of the contract-holder changes” there were substituted “1 June 2023”;

(1) Schedule 12 was amended by section 18 of, and paragraphs 1 and 27 of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 and by S.I. 2022/795 (W. 173) and by regulations 5(1) and (7) of S.I. 2022/799 (W. 176) and regulations 2 to 5 of S.I. 2022/1258 (W. 256).

(2) Paragraph 1 was amended by regulations 2 and 3 of S.I. 2022/795 (W. 173).

(3) Paragraph 11(1A) was inserted by section 18 of, and paragraphs 1 and 27(1) and (2) of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021.

(c) the following provisions are to be read as if for “the occupation date” there were substituted “1 June 2023”—

(i) section 36(3)(a);

(ii) section 37(3)(a);

(d) section 39(1) is to be read as if for “the occupation date of the contract” there were substituted “1 June 2023”.

(2) In their application to a substitute contract that has come into existence on or after 1 June 2023—

(a) the following provisions are to be read as if the references to the occupation date were references to the day on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract—

(i) section 31(1);

(ii) section 36(3)(a);

(iii) section 37(3)(a);

(b) section 39(1) is to be read as if the reference to the occupation date of the contract were a reference to the date on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract.”

6. In paragraph 12A(1)—

(a) after “converted contract” insert “, other than a substitute contract,”;

(b) in sub-paragraph (b), in the modified paragraph 2(a) of Schedule 9A, omit “(where it is not disappplied by paragraph 11(1A) of that Schedule)”.

7. In paragraph 13(1), after “converted contract” insert “, other than a substitute contract,”.

8. In paragraph 15(3)(b)(2), omit “(see paragraph 32)”.

9. In paragraph 32(1) (substitute occupation contracts), after “paragraph 28” insert “or where express provision is made to the contrary”.

(1) Paragraph 12A was inserted by section 18 of, and paragraphs 1 and 27(1) and (3) of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 and amended by regulations 2 and 9 of S.I. 2022/795 (W. 173).

(2) Paragraph 15 was amended by regulations 2 and 12 of S.I. 2022/795 (W. 173) and regulations 2 and 4 of S.I. 2022/1258 (W. 256).

**Amendment to the Renting Homes (Amendment)
(Wales) Act 2021**

10. Paragraph 27(2) of Schedule 6 (minor and consequential amendments) to the Renting Homes (Amendment) (Wales) Act 2021⁽¹⁾ is repealed.

Name

Minister for Climate Change, one of the Welsh
Ministers

Date

(1) 2021 asc 3.