

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

DRAFT WELSH STATUTORY
INSTRUMENTS

2022 No. (W.)

HOUSING, WALES

**The Renting Homes (Wales) Act
2016 (Amendment of Schedule 12
and Consequential Amendment)
Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”) changes the renting landscape in Wales by, amongst other things, introducing the concept of “standard” and “secure” “occupation contracts”.

Schedule 12 to the 2016 Act (“Schedule 12”) sets out provision about tenancies and licences that existed before the 2016 Act came into force and which convert into occupation contracts on the “appointed day” (the day on which the 2016 Act is fully brought into force). These are referred to as “converted contracts”. Schedule 12 is designed to ensure that the 2016 Act will work in relation to such contracts. Schedule 12 has been amended by the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)). These Regulations further amend Schedule 12 and make a consequential amendment to the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172 (W. 242)).

Paragraph 13B of Schedule 12 provides that section 123 of the 2016 Act does not apply to converted contracts which meet the criteria specified in that paragraph. Regulation 3 amends paragraph 13B of Schedule 12 to make it clear that the landlord under any such converted contract must be a private landlord.

Sections 104(3) and 123(3) of the 2016 Act make provision in relation to the minimum periods required between variations of rent. Regulation 4 inserts a new sub-paragraph (1A) into paragraph 15 of Schedule 12 which adjusts the effect of sections 104(3)(a) and 123(3)(a), in relation to converted contracts under which the landlord is a community landlord (see section 9 of the 2016 Act), such that the first variation in rent after the appointed day must take effect not less than 51 weeks after the last date on which a new rent took effect.

Section 173 of the 2016 Act enables a landlord under a periodic standard contract to end that contract by giving notice and section 174(1) specifies the minimum notice period which must be given. Regulation 5 substitutes a new paragraph (a) into paragraph 25A(2) of Schedule 12, which provides that two months is the minimum notice period (under section 174(1)) in relation to any section 173 notice served during the six months following the appointed day, in respect of a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy. Six months after the appointed day, the minimum notice period (under section 174 of the 2016 Act) in relation to such converted contracts will be six months.

Regulation 6 amends the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 to include a savings provision in relation to paragraph 15(1A) of Schedule 12 (as inserted by regulation 3).

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 Housing Policy Division, Welsh Government, Cathays Park Cardiff, CF10 3NQ.

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and Consequential Amendment)
Regulations 2022**

Made

*Coming into force at 11.00 p.m. on the 30
November 2022.*

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 255 of and paragraph 33 of Schedule 12 to the Renting Homes (Wales) Act 2016⁽¹⁾.

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

Title and coming into force

1.—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022.

(2) These Regulations come into force at 11.00 p.m. on the 30 November 2022.

⁽¹⁾ 2016 anaw 1. Section 255(2) was amended by section 14 of and paragraphs 1 and 8 of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).

Amendments to Schedule 12

2. Schedule 12(1) to the Renting Homes (Wales) Act 2016 is amended as follows.

3. In paragraph 13B(2), after “periodic standard contract” insert “under which the landlord is a private landlord and”.

4. In paragraph 15, after sub-paragraph (1) insert—

“(1A) Sections 104 and 123 (variation of rent) apply to a converted contract under which the landlord is a community landlord as if, for subsection (3)(a) in each of these sections, there were substituted—

“(a) the first notice given after the appointed day must specify a date which is not less than 51 weeks after the last date on which a new rent took effect, and”.”

5. In paragraph 25A(2), for paragraph (a) substitute—

“(a) the reference in section 174(1) (landlord’s notice: minimum notice period) to “six months” were, in relation to a notice given under section 173 during the period of six months starting with the appointed day, a reference to “two months”.”

Amendment to the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022

6. In regulation 10 (rent determination) of the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022(3), for paragraph (6), substitute—

“(6) Paragraphs 15(1) and 15(1A) of Schedule 12 to the 2016 Act apply in relation to any variations of rent which take place after the appointed day by virtue of the savings made by this regulation, as they apply in relation to any variations in the rent payable under the contract before the appointed day.”

Name

Minister for Climate Change, one of the Welsh Ministers

Date

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- (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 (asc. 3) and by S.I. 2022/795 (W. 173).
- (2) Paragraph 13B was inserted by regulation 11 of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)).
- (3) S.I. 2022/1172 (W. 242).