



Housing (Wales) Act 2014

2014 anaw 7

PART 1

REGULATION OF PRIVATE RENTED HOUSING

Powers of the Welsh Ministers

40 Code of practice

- (1) The Welsh Ministers must issue a code of practice setting standards relating to letting and managing rental properties.
- (2) Standards under subsection (1) may (among other things) be set in relation to training.
- (3) The Welsh Ministers may—
 - (a) issue a code of practice which, in part or in whole, applies only to specified persons or cases, or applies differently to different persons or cases;
 - (b) amend or withdraw a code issued.
- (4) Before issuing or amending a code of practice the Welsh Ministers must take reasonable steps to consult—
 - (a) persons involved in letting and managing rental properties and persons occupying rental properties under a tenancy, or
 - (b) persons whom the Welsh Ministers consider to represent the interests of the persons mentioned in paragraph (a),on a draft of the code or a draft of an amended code (“the proposed code”).
- (5) If the Welsh Ministers wish to proceed with the proposed code (with or without modifications) they must lay a copy before the National Assembly for Wales.
- (6) The Welsh Ministers must not issue the proposed code in the form of that draft unless it is approved by resolution of the National Assembly for Wales.
- (7) Once approved the code or amended code comes into force on the date appointed by order of the Welsh Ministers.

- (8) The Welsh Ministers may withdraw a code made under this section in an amended code or by direction.
- (9) A code approved by the National Assembly for Wales may not be withdrawn unless a proposal to that effect is approved by resolution of the National Assembly.
- (10) The Welsh Ministers must publish each code or amended code issued under this section.

41 Guidance

- (1) In exercising its functions under this Part, a licensing authority must have regard to any guidance given by the Welsh Ministers.
- (2) In exercising functions under this Part other than as a licensing authority, a local housing authority must have regard to any guidance given by the Welsh Ministers.
- (3) The Welsh Ministers may—
 - (a) give guidance under this Part generally or to authorities of a specified description;
 - (b) revise guidance given under this Part by giving further guidance;
 - (c) revoke guidance given under this Part by giving further guidance or by notice.
- (4) The Welsh Ministers must publish any guidance under this Part or notice under this section.
- (5) Before giving, revising or revoking guidance under this Part, the Welsh Ministers must consult such persons as the Welsh Ministers consider appropriate.
- (6) Consultation undertaken before the coming into force this section may satisfy the requirement in subsection (5).

42 Directions

- (1) In exercising its functions under this Part, a licensing authority must comply with any directions given by the Welsh Ministers.
- (2) In exercising functions under this Part other than as a licensing authority, a local housing authority must comply with any directions given by the Welsh Ministers.
- (3) A direction under subsection (2) may be given generally or to authorities of a specified description.
- (4) A direction given under this section—
 - (a) may be varied or revoked by a subsequent direction;
 - (b) must be published.