



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 10

MISCELLANEOUS

CHAPTER 3

TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF THIS CHAPTER

239 Abolition of assured, secure and other tenancies

- (1) On and after the appointed day, no tenancy or licence (whenever made) can be—
- (a) a restricted contract;
 - (b) a protected shorthold tenancy;
 - (c) a secure tenancy;
 - (d) an assured tenancy (including an assured shorthold tenancy);
 - (e) an introductory tenancy;
 - (f) a demoted tenancy.
- (2) If, immediately before the appointed day, the landlord under a protected or statutory tenancy might have recovered possession of the dwelling-house subject to the tenancy under Case 19 of Schedule 15 to the [Rent Act 1977 \(c. 42\)](#) (former protected shorthold tenancies), the tenancy ceases to be a protected or statutory tenancy on the appointed day.
- (3) Nothing in this section ends a tenancy or licence within subsection (1) or (2).

240 Conversion of tenancies and licences existing before commencement of Chapter

- (1) For the purposes of determining the matters in subsection (2), a tenancy or licence which existed immediately before the appointed day is to be treated as if it were made on the appointed day.

- (2) The matters are—
 - (a) whether the tenancy or licence is an occupation contract,
 - (b) the identity of the contract-holders under the contract, and
 - (c) whether the contract is a secure contract or a standard contract.
- (3) Subsections (4) to (7) apply to a tenancy or licence which becomes an occupation contract on the appointed day.
- (4) The fundamental provisions applicable to the contract are incorporated as terms of the contract.
- (5) The existing terms of the contract continue to have effect, except to the extent that they—
 - (a) are incompatible with a fundamental provision incorporated as a term of the contract, or
 - (b) are terms of the contract because of an enactment repealed or revoked under this Act.
- (6) The supplementary provisions applicable to the contract are incorporated as terms of the contract, except to the extent that they are incompatible with the existing terms of the contract.
- (7) This section is subject to Schedule 12 (which makes further provision about existing tenancies and licences, modifies the application of this Act, and includes a fundamental provision incorporated into certain standard contracts).

241 Pre-existing contracts

- (1) This section applies where, on or after the appointed day, a tenancy or licence is made in pursuance of a contract made before the day on which the order specifying the appointed day is made by the Welsh Ministers.
- (2) Section 240 and Schedule 12 apply to the tenancy or licence as if—
 - (a) the day on which it is made is the appointed day, and
 - (b) immediately before that day it was a tenancy or licence of the kind it would have been on that day but for this Act.
- (3) Paragraphs 2(3), 4(1) and (3), 11, 12, 13 and 23(3) and (7) of Schedule 12 do not apply in relation to the tenancy or licence.

242 Interpretation of Chapter

In this Chapter—

“the appointed day” (“*y diwrnod penodedig*”) is the day appointed under section 257 as the day on which section 239 comes into force;

“assured shorthold tenancy” (“*tenantiaeth fyrddaliol sicr*”) has the same meaning as in the [Housing Act 1988 \(c. 50\)](#);

“assured tenancy” (“*tenantiaeth sicr*”) has the same meaning as in the Housing Act 1988 (and includes an assured shorthold tenancy);

“demoted tenancy” (“*tenantiaeth isradd*”) means a tenancy to which section 143A of the [Housing Act 1996 \(c. 52\)](#) applies;

“introductory tenancy” (“*tenantiaeth ragarweiniol*”) has the same meaning as in the Housing Act 1996;

“protected shorthold tenancy” (“*tenantiaeth fyrddaliol warchodedig*”), “protected tenancy” (“*tenantiaeth warchodedig*”), “restricted contract” (“*contract cyfyngedig*”) and “statutory tenancy” (“*tenantiaeth statudol*”) have the same meaning as in the [Rent Act 1977 \(c. 42\)](#);

“secure tenancy” (“*tenantiaeth ddiogel*”) has the same meaning as in the [Housing Act 1985 \(c. 68\)](#), but it does not include a housing association tenancy within the meaning of section 86 of the Rent Act 1977.