

Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: The rule is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2

EXCEPTIONS TO SECTION 7

PART 3

TENANCIES AND LICENCES THAT ARE NEVER OCCUPATION CONTRACTS

The rule

- 7 (1) A tenancy or licence is not an occupation contract at any time when this paragraph applies to it.
- (2) This paragraph applies to a tenancy or licence if all the persons with whom it is made are excluded from being contract-holders by section 7(6) (individuals who have not reached the age of 18).
- (3) This paragraph also applies to—
- (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) (business tenancies) applies;
 - (b) a protected occupancy or a statutory tenancy within the meaning of the Rent (Agriculture) Act 1976 (c. 80);
 - (c) a protected tenancy or a statutory tenancy within the meaning of the Rent Act 1977 (c. 42);
 - ^{F1}(d)
 - (e) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 (c. 5);
 - (f) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 (c. 8);
 - (g) a long tenancy (see paragraph 8);
 - (h) a tenancy or licence which relates to armed forces accommodation (see paragraph 9);
 - (i) a tenancy or licence which relates to direct access accommodation (see paragraph 10);
 - ^{F2}(j) a tenancy or licence which relates to accommodation provided—
 - (i) by, or on behalf of, the Secretary of State in connection with a requirement imposed under section 3(6) (general provisions) of the Bail Act 1976 (c. 63), or
 - (ii) under Part 1 (arrangements for the provision of probation services) of the Offender Management Act 2007 (c. 21) for the probation purposes (within the meaning of section 1 of that Act);
 - (k) a tenancy or licence which relates to—
 - (i) accommodation provided under section 4 (accommodation) or Part 6 (support for asylum-seekers, etc.) of the Immigration and Asylum Act 1999 (c. 33), or
 - (ii) facilities provided under paragraph 9 of Schedule 10 to the Immigration Act 2016 (c. 19) (immigration bail) for the accommodation of a person at an address specified in an immigration bail condition];

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[^{F3}(1) a licence which relates to private sector temporary homelessness accommodation (see paragraph 10A).]

Textual Amendments

- F1** Sch. 2 para. 7(3)(d) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 5 para. 5(2)**
- F2** Sch. 2 para. 7(3)(j)(k) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022 \(S.I. 2022/803\)](#), regs. 1(1), **2** (as amended by S.I. 2022/906, arts. 1(2), **15**)
- F3** Sch. 2 para. 7(3)(l) inserted (30.11.2023) by [The Renting Homes \(Wales\) Act 2016 and Homelessness \(Suitability of Accommodation\) \(Wales\) Order 2015 \(Amendment\) Regulations 2023 \(S.I. 2023/1277\)](#), regs. 1(1), **2(2)(a)(i)**

Commencement Information

- I1** Sch. 2 para. 7 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)