

HOUSING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 Miscellaneous and General

Sections 141 to 146.

258. **Section 141** makes minor amendments to the Mobile Homes (Wales) Act 2013 (see Part 5 of Schedule 3). **Section 142** makes provision so that a power to make an order or regulations under the Act must be exercised by statutory instrument and defines “local housing authority” to mean the council of a county or county borough in Wales. **Section 144** provides the Welsh Ministers with a power, by regulations, to make any supplementary, incidental, consequential and transitional or saving provision they consider necessary or expedient for the purpose of, or in consequence of, giving full effect to the Act. **Section 145** sets out the provisions that will come into effect on the date of Royal Assent, those that will come into force two months after Royal Assent, and those that will come into force by commencement orders made by the Welsh Ministers.

Schedule 1 – Register of Private Rented Housing

Part 1 - Content of Register

259. The information that a licensing authority is required to record in its register is set out in sub-paragraphs 1(a) to j) for landlords and sub-paragraphs 2(a)-(g) for agents.

Part 2 – Access to Register

260. A licensing authority must provide certain information to a person who makes a request for the information and provides the authority with the address of a property which is on its register. The information, mentioned in sub-paragraphs 3(2)(a)-(c), is: the name of the landlord of the property; the name of any person appointed to carry out lettings work and property management work on behalf of the landlord; and whether the landlord or person appointed is licensed to carry out that work. The person must also be notified of any rent stopping order that is in effect in relation to the property.
261. A licensing authority must provide a person with the information described by sub-paragraphs 4(2)(a) and (b) if that person makes a request for the information and provides the authority with the name of the landlord of a property or the name of a person appointed to carry out lettings and property management work in respect of the property. The request must be in respect of a property in the area for which the authority is the licensing authority. The information is whether the landlord is registered and whether the landlord or person appointed to carry out lettings and property management work on the property is licensed.
262. A licensing authority must provide a person with the information described in sub-paragraphs 5(2)(a) to (c) if that person makes a request for the information and provides the authority with the registration or licence number of a landlord of a rental property or provides the licence number of a person appointed to carry out lettings and property

management work on the property on behalf of the landlord'. The request must be in respect of a property in the area for which the authority is the licensing authority. The information is the name of the landlord and any person appointed to carry out lettings and property management work on the property on behalf of the landlord, whether the landlord is registered, and whether the landlord or any person appointed to carry out lettings work and property management work on the landlord's behalf is licensed.

Schedule 2 – Eligibility for help under Chapter 2 of Part 2

263. A person from abroad who is ineligible for housing assistance is not eligible for help under sections 66, 68, 73 or 75 of Part 2 of the Act. There is a power for the Welsh Ministers or the Secretary of State to prescribe, by regulations, other descriptions of persons who are to be treated as a person from abroad who is ineligible for housing assistance. Paragraph 1(2) provides that persons subject to immigration control (within the meaning of the Asylum and Immigration Act 1996) are also not eligible for assistance under Part 2 (unless those persons fall within a class of person prescribed in regulations made by the Welsh Ministers or the Secretary of State).

Schedule 3 – Minor and consequential amendments

Part 1 – Homelessness

264. This makes minor and consequential amendments to various Acts as a result of the provisions in Part 2. Paragraphs 13 and 14 deal with cases referred to a local housing authority in England from a local housing authority in Wales.

Part 2 – Gypsies and Travellers

265. This amends the Local Government Act 2003 and the Housing Act 2004 and revokes the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (Wales) Regulations 2007. The Mobile Homes (Wales) Act 2013 is amended to provide for a consistent definition of "Gypsies and Travellers" between the 2013 Act and this Act.

Part 3 – Standards for social housing

266. This amends section 24 of the Housing Act 1985 to remove subsections (3) and (4), which require a local housing authority, when setting reasonable rents, to have regard to the principle that the rents for the tenancy or occupancy of its houses should bear broadly the same proportion to rents in the private sector. A local housing authority must, when setting reasonable rents under section 24 of the Housing Act 1985, comply with standards relating to rent or service charges set under section 111 and relevant guidance issued under section 112 of this Act.
267. As a result of an amendment to the Housing Act 1996, registered social landlords may be required to comply with rules specified in standards set under section 33A of the 1996 Act. The Welsh Ministers may revise and withdraw guidance on the standards. They must publish any guidance issued. They must also consult when setting, revising or withdrawing standards and when setting, revising or withdrawing any guidance.