



Housing (Wales) Act 2014

2014 anaw 7

PART 1

REGULATION OF PRIVATE RENTED HOUSING

Introduction

1 Overview of this Part

- (1) This Part regulates—
 - (a) the letting of dwellings under certain kinds of tenancy (which are defined as “domestic tenancies” in section 2), and
 - (b) the management of dwellings subject to such tenancies, by means of a system of registration and licensing.
- (2) It requires landlords to be—
 - (a) registered for each dwelling subject to, or marketed or offered for let under, a domestic tenancy in respect of which they are the landlord (section 4), subject to exceptions (section 5);
 - (b) licensed to carry out certain kinds of lettings activities for dwellings marketed or offered for let under domestic tenancies (section 6), subject to exceptions (section 8);
 - (c) licensed to carry out certain kinds of property management activities for dwellings subject to a domestic tenancy (section 7), subject to exceptions (section 8).
- (3) It requires persons acting on behalf of a landlord to be licensed to carry out—
 - (a) lettings work in respect of a dwelling marketed or offered for let under a domestic tenancy (section 9);
 - (b) property management work in respect of a dwelling subject to a domestic tenancy (section 11).

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- (4) “Lettings work” and “property management work” are defined for the purposes of the Part in sections 10 and 12; the definitions exclude certain persons and activities from the licensing requirements imposed on persons acting on behalf of landlords.
- (5) The system of registration and licensing is to be administered and enforced by a person designated by the Welsh Ministers as the licensing authority for the whole of Wales or by different persons designated as licensing authorities for different areas within Wales (section 3); provision is also made for local housing authorities to exercise certain enforcement powers.
- (6) Sections 14 to 17 and Schedule 1 provide for a register to be established and maintained by the licensing authority and for registration generally.
- (7) Sections 18 to 27 provide for licences generally; and
 - (a) a licensing authority may only grant two kinds of licence (one for landlords and the other for persons acting on behalf of landlords) and licences have effect in respect of the area for which a licensing authority is responsible (section 18);
 - (b) in order to be licensed a person must meet certain criteria, including being a fit and proper person (section 20) and requirements relating to training (see section 19).
- (8) The requirements imposed by this Part are enforced by—
 - (a) offences for contravention of registration and licensing requirements (see sections referred to in subsections (2) and (3) and sections 16(3), 23(3), 38(1) and (4) and 39(1) and (2));
 - (b) fixed penalty notices (section 29);
 - (c) rent stopping orders (sections 30 and 31);
 - (d) rent repayment orders (sections 32 and 33).
- (9) Sections 36 to 39 make provision about information required or given for the purposes of this Part.
- (10) Section 40 provides for the Welsh Ministers to issue a code of practice and provision is made for guidance (section 41) and directions (section 42).
- (11) Sections 43 to 48 make supplementary provision.
- (12) Section 49 makes further provision about interpretation and indexes the defined terms used in this Part.

2 **Meaning of key terms**

- (1) In this Part—

“domestic tenancy” (“*tenantiaeth ddomestig*”) means—

- (a) a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 (which includes an assured shorthold tenancy), except where the tenancy—
 - (i) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”), or
 - (ii) in the case of a shared ownership lease (within the meaning given by section 7(7) of the 1993 Act), would be such a lease

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if the tenant's share (within the meaning given by that section) were 100 per cent;

- (b) a regulated tenancy for the purposes of the Rent Act 1977, or
- (c) a tenancy under which a dwelling is let as a separate dwelling and which is of a description specified for the purposes of this Part in an order made by the Welsh Ministers;

“dwelling” (“*annedd*”) means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it, where the whole of the dwelling is in Wales;

“landlord” (“*landlord*”) means—

- (a) in relation to a dwelling subject to a domestic tenancy, the immediate landlord or, in relation to a statutory tenant, the person who, apart from the statutory tenancy, would be entitled to possession of the dwelling subject to the tenancy, and
- (b) in relation to a dwelling that is not subject to a domestic tenancy, the person who would be the immediate landlord if the dwelling were let under a domestic tenancy;

“rental property” (“*eiddo ar rent*”) means a dwelling subject to, or marketed or offered for let under, a domestic tenancy.

- (2) In this section, “statutory tenant” and “statutory tenancy” mean a statutory tenant or statutory tenancy within the meaning of the Rent Act 1977.

3 Licensing authority

- (1) For the purposes of this Part, the Welsh Ministers must by order—
 - (a) designate one person as the licensing authority for the whole of Wales, or
 - (b) designate different persons as licensing authorities for different areas of Wales specified in the order, provided that each area has no more than one licensing authority and that all of the areas taken together comprise the whole of Wales.
- (2) The Welsh Ministers—
 - (a) may only designate a person who exercises functions of a public nature wholly or mainly in relation to Wales;
 - (b) may designate themselves;
 - (c) may not designate a Minister of the Crown.
- (3) The Welsh Ministers may by order make any provision they consider necessary or expedient in connection with the designation of a person under this section.
- (4) Before making an order under subsection, the Welsh Ministers must consult any person whom they propose to designate (except themselves) and such other persons as the Welsh Ministers consider appropriate.