
WELSH STATUTORY INSTRUMENTS

2003 No. 973 (W.132)

LANDLORD AND TENANT, WALES

**The Administration of the Rent
Officer Service (Wales) Order 2003**

Made - - - - *1st April 2003*

Coming into force - - *1st June 2003*

Whereas, with respect to registration areas in Wales, it appears to the National Assembly for Wales that it is no longer appropriate for the appointment, remuneration and administration of rent officers to be a function of local authorities⁽¹⁾;

now the National Assembly for Wales, in exercise of the powers conferred on it by section 64B of the Rent Act 1977⁽²⁾ hereby makes the following Order—

Title, commencement and application

1.—(1) This Order is called the Administration of the Rent Officer Service (Wales) Order 2003 and comes into force on 1st June 2003.

(2) This Order applies to Wales only.

(3) In this Order —

“the 1981 Regulations” (“*Rheoliadau 1981*”) means the Transfer of Undertakings (Protection of Employment) Regulations 1981⁽³⁾,

“the Act” (“*y Ddeddf*”) means the Rent Act 1977⁽⁴⁾;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

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- (1) See section 64B(1) of the Rent Act 1977 (c. 42); section 64B was inserted by section 120 of, and Part II of Schedule 14 to, the Housing Act 1988 (c. 50).
- (2) The National Assembly for Wales can exercise the power under this section in relation to Wales: see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
- (3) S.I. 1981/1794 as amended by regulation 2 of the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1987 (S.I. 1987/442), section 7(2) of the Dock Work Act 1989 (c. 13), sections 33 and 51 of and Schedule 10 to the Trade Union Reform and Employment Rights Act 1993 (c. 19), regulations 8, 9 and 11 of the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995 (S.I. 1995/2587), section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8), regulations 2, 8, 9 and 10 of the Collective Redundancies and transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (S.I. 1999/1925), and regulations 2 and 3 of the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (S.I. 1999/2402).
- (4) 1977 c. 42.

“relevant body” (“*corff perthnasol*”) means the body who immediately before the transfer date employed the relevant employee;

“relevant employee” (“*cyflogai perthnasol*”) means a person whose contract of employment is to be transferred by Article 3 of this Order; and

“the transfer date” (“*y dyddiad trosglwyddo*”) means 1st June 2003.

Abolition of schemes under section 63 of the Rent Act 1977 in Wales

2.—(1) Any scheme made under section 63 of the Act, in relation to Wales, which was in existence immediately before the transfer date, will cease to have effect from the transfer date.

(2) No scheme under section 63 of the Act is to be made for any registration area in Wales.

Transfer of Staff

3. The contract of employment between the relevant body and

- (a) all rent officers; and
- (b) all administrative staff of the relevant body employed in the provision of the rent officer service,

who were continuously employed by the relevant body immediately prior to the transfer date, save for any such staff who objected to the transfer of their contracts of employment pursuant to Regulation 5(4A) of the 1981 Regulations will have effect from the transfer date as if originally made between the relevant employee and the National Assembly.

4. Without prejudice to article 3:

- (a) subject to paragraphs (d) to (g) below, all rights, powers, duties and liabilities of the relevant body under, or in connection with, a contract of employment to which Article 3 of this Order applies, are, by virtue of this Order, transferred from the transfer date to the National Assembly;
- (b) subject to paragraphs (d) to (g) below, anything which before the transfer date was being done by, to or in relation to a relevant employee in respect of a contract of employment, may be continued after that date by, to or in relation to that person;
- (c) subject to paragraphs (d) to (g) below, anything which before the transfer date was being done by, to or in relation to, a relevant body in respect of such a contract of employment or a relevant employee, is to be deemed from the transfer date to have been done by, to or in relation to, the National Assembly;
- (d) subject to paragraph (e), where the appointment of a relevant employee was made subject to rights, liabilities, powers or duties, any of those rights, liabilities, powers and duties which existed immediately before the transfer date continue to exist;
- (e) subject to paragraph (f), all of the proper officer’s or relevant body’s rights, liabilities, powers and duties, to which the appointment of a relevant employee was subject, are, by virtue of this Order, transferred to the National Assembly subject to any modifications necessary to enable them to apply in relation to the National Assembly instead of the proper officer or, as the case may be, the relevant body;
- (f) paragraph (e) does not transfer or otherwise affect —
 - (i) the liabilities of any person to be prosecuted for, convicted of and sentenced for any offence; or
 - (ii) the liabilities of any person to pay compensation to or in respect of a relevant employee arising from anything done or a failure to do anything before the transfer date, and

- (g) nothing in this Order affects any right of a relevant employee to terminate his or her appointment but no such right arises by reason only of the transfer to the National Assembly effected by this Order.

Transfer of Property, Rights and Liabilities

5.—(1) All property, rights and liabilities to which the relevant bodies were entitled or subject immediately before the transfer date in connection with the rent officer service are transferred to the National Assembly from the transfer date.

(2) For the purposes of article 5(1), the term property does not include land or buildings or any interest in land or buildings.

Appointment, remuneration, pensions, allowances and gratuities of rent officers

- 6. The National Assembly must —
 - (a) appoint and remunerate rent officers;
 - (b) determine the amounts of rent officers' remuneration having regard to any representations from such persons as it accepts as being a representative of rent officers; and
 - (c) pay, or as appropriate secure the payment of, such pensions, allowances and gratuities to or in respect of rent officers in accordance with their status as civil servants appointed by the National Assembly and in accordance with section 1 of the Superannuation Act 1972(5) or a scheme made under that section.

Administration of rent officers

- 7.—(1) The National Assembly must —
 - (a) provide office accommodation and clerical and other assistance for rent officers;
 - (b) allocate work as between rent officers; and
 - (c) supervise the conduct of rent officers.
- (2) Rent officers are to discharge such rent officer duties as the National Assembly may direct.

Application of the 1981 regulations

8.—(1) The relevant employees are to be treated in the same way as employees for the purposes of the 1981 Regulations in circumstances where the 1981 Regulations apply.

(2) Each relevant body and the National Assembly are to be treated in the same way as a transferor and the transferee respectively for the purposes of the 1981 Regulations in circumstances where the 1981 Regulations apply.

Expenditure

9.—(1) Any expenditure incurred by the relevant bodies which is of a kind mentioned in paragraph (2) is to be met by the National Assembly by way of grant, reimbursement or otherwise.

(2) Expenditure mentioned in paragraph (1) is any reasonable expenditure attributable to this Order, and —

- (a) incurred in respect of pensions, allowances or gratuities payable to or in respect of rent officers by virtue of section 1 of the Superannuation Act 1972 or regulations made under section 7 or 24 of that Act, or

(5) 1972 c. 11.

- (b) incurred in respect of increases of pensions payable to or in respect of rent officers (so appointed) by virtue of the Pensions (Increase) Act 1971⁽⁶⁾, or
- (c) incurred in respect of any land or buildings or any interest in any land or buildings which was, immediately before the coming into force of this Order, used for the purposes of the rent officer service where the relevant body has not been able to put that property to an alternative use or otherwise dispose of the same following the coming into force of this Order.

(3) All sums of expenditure mentioned in paragraph (1) above are to be apportioned with reference to the transfer date.

Amendments to the Rent Act 1977

10. Section 62 of the Act is amended as follows —

- (a) in subsection (1) after “this Act” insert “in England”;
- (b) in subsection (1)(a) omit “and county boroughs”;
- (c) after subsection (1) insert:

“(1A) Wales is a registration area for the purposes of this Part of this Act.”.

11. In subsection (4) of section 63 of the Act at the end of paragraph (b) add “or, in relation to Wales, any rent officer appointed by the National Assembly for Wales.”.

12. In section 66 of the Act —

- (a) in subsection (1A)(b) after the words “Secretary of State” insert “or in relation to Wales, the National Assembly for Wales.”,
- (b) after subsection (4) add —

“(5) In relation to Wales, references in this section to the rent officer are to the rent officer or rent officers designated for the purposes of this section by the National Assembly for Wales.”.

Incidental and supplementary provisions

13. Paragraph 3(2) of Schedule 8 to the Local Government (Wales) Act 1994⁽⁷⁾ is repealed.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁸⁾.

1st April 2003

D.Elis-Thomas
The Presiding Officer of the National Assembly

⁽⁶⁾ 1971 c. 56.
⁽⁷⁾ 1994 c. 19.
⁽⁸⁾ 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides, in accordance with powers exercisable by the National Assembly for Wales (“the National Assembly”) under section 64B of the Rent Act 1977, that the appointment, remuneration and administration of rent officers in Wales are to be functions of the National Assembly for Wales rather than of local authorities.

Article 2 of the Order abolishes, on 1st June 2003 (“the transfer date”), schemes for rent registration areas in Wales made under section 63 of the Rent Act 1977.

Articles 3 and 4 make provision for the transfer of the contracts of employment of rent officers' and the administrative staff employed in the rent officer service (collectively referred to as “the relevant employees”) immediately before the coming into force of this Order to the National Assembly.

Article 5 transfers the property (not including interests in land or buildings) held and the rights and liabilities to which the relevant bodies were entitled or subject, in connection with the rent officer service, to the National Assembly.

Article 6 provides that the National Assembly has the power to appoint, remunerate and pay pensions, allowances and gratuities to or in respect of rent officers.

Article 7 makes provision with respect to the administration and supervision of rent officers.

Article 8 provides that the Transfer of Undertakings (Protection of Employment) Regulations 1981 will apply to the transfer of the contracts of employment of the relevant employees from the relevant bodies to the National Assembly.

Article 9 makes provision for specified expenditure, incurred by the relevant bodies as a consequence of this Order, to be met by the National Assembly.

Articles 10, 11 and 12 make amendments to the Rent Act 1977.

Article 13 makes incidental and supplementary provisions and repeals paragraph 3(2) of Schedule 8 to the Local Government (Wales) Act 1994.