
WELSH STATUTORY INSTRUMENTS

2022 No. 1166

**The Renting Homes (Wales) Act 2016
(Consequential Amendments) Regulations 2022**

Housing (Wales) Act 2014

34.—(1) The Housing (Wales) Act 2014(1) is amended as follows.

(2) In section 2 (meaning of key terms), in subsection (1), in the definition of “domestic tenancy”, for paragraph (a), substitute—

- “(a) a tenancy which is an occupation contract, except where the occupation contract—
- (i) is a supported standard contact, or
 - (ii) is also a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (“the 1993 Act”) or, 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 if the tenant’s share (within the meaning given by that section) were 100 per cent.”.

(3) In section 5 (exceptions to the requirement for a landlord to be registered)—

- (a) number the existing provision, subsection (1);
- (b) in subsection (1), for paragraph (d), substitute—

“(d) to a landlord falling within the definition of community landlord (whether or not the landlord is the landlord under an occupation contract);”.

(4) In section 8 (exceptions to requirements for landlords to be licensed)—

- (a) number the existing provision, subsection (1);
- (b) in subsection (1), for paragraph (d), substitute—

“(d) to a landlord falling within the definition of community landlord (whether or not the landlord is the landlord under an occupation contract);”.

(5) In section 30 (rent stopping orders), in subsection (3), after paragraph (c), insert—

- “(ca) the amount of any compensation payable under section 87 of the Renting Homes (Wales) Act 2016 (anaw 1) (compensation for failures relating to provision of written statements etc.) is to be calculated as if the rent stopping order had not been made.”.

(6) Before section 43, after the heading “Supplementary”, insert—

“42A Crown Application: Part 1

Part 1 of this Act does not bind the Crown.”

(7) In section 44 (restriction on terminating tenancies)—

- (a) in subsection (1)—
 - (i) for “section 21 notice”, substitute “notice within subsection (1A)”;

- (ii) for “an assured shorthold tenancy”, substitute “a standard occupation contract”;
- (b) after subsection (1), insert—
 - “(1A) A notice is within this subsection, if it is a notice—
 - (a) given under section 173(1) of the Renting Homes (Wales) Act 2016 (anaw 1) (landlord’s notice);
 - (b) given under section 186(1) of that Act (landlord’s notice in connection with end of term);
 - (c) as described in section 194(1) of that Act (landlord’s break clause);
 - (d) given under paragraph 25B of Schedule 12 to that Act (landlord’s notice to terminate a converted fixed term standard contract).”;
 - (c) in subsection (2), for “But subsection”, substitute “Subsection”;
 - (d) omit subsection (3).
- (8) In section 49(1) (interpretation of this Part and index of defined terms), at the appropriate places in alphabetical order, insert—
 - ““community landlord” (“*landlord cymunedol*”) has the meaning given by section 9 of the Renting Homes (Wales) Act 2016 (anaw 1);”;
 - ““occupation contract” (“*contract meddiannaeth*”) has the meaning given by section 7 of the Renting Homes (Wales) Act 2016;”;
 - ““standard occupation contract” (“*contract meddiannaeth safonol*”) has the meaning given by section 8 of the Renting Homes (Wales) Act 2016;”.
- (9) In section 76 (circumstances in which the duty in section 75 ends)—
 - (a) in subsection (2)—
 - (i) at the end of paragraph (a), omit “or”;
 - (ii) after paragraph (a), insert—
 - “(aa) an offer of suitable accommodation in Wales under a tenancy which is an occupation contract, or”;
 - (iii) in paragraph (b), after “accommodation”, insert “(in England)”;
 - (b) in subsection (4)—
 - (i) for paragraph (a), substitute—
 - “(a) it is an offer of—
 - (i) a tenancy which is an occupation contract made by a private landlord to the applicant in relation to accommodation in Wales which is available for the applicant’s occupation, or
 - (ii) an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation in England which is available for the applicant’s occupation;”;
 - (ii) at the beginning of paragraph (c), insert “in relation to accommodation in England;”;
 - (c) for subsection (9), substitute—
 - “(9) In this section—
 - “fixed term tenancy” (“*tenantiaeth cyfnod penodedig*”) in relation to accommodation in England has the meaning given in Part 1 of the Housing Act 1988 (c. 50);
 - “occupation contract” (“*contract meddiannaeth*”) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act).”

- (10) In section 92 (interim accommodation: arrangements with private landlord)—
- (a) in the heading, after “accommodation”, insert “in England”;
 - (b) in subsection (1), after “provide accommodation”, insert “in England”.
- (11) After section 92, insert—

“92A Accommodation in Wales

(1) For provision which applies where a tenancy or licence in respect of accommodation in Wales is made with an individual by a local housing authority because of the authority’s functions under Part 2 of this Act (homelessness), see paragraph 11 of Part 4 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1) (tenancies and licences to which special rules apply: homelessness).

(2) For provision which applies where a local housing authority, in pursuance of any of its homelessness housing functions, makes arrangements with a relevant landlord for the provision of accommodation, see paragraph 12 of Part 4 of Schedule 2 to the Renting Homes (Wales) Act 2016 (tenancies and licences to which special rules apply: homelessness).”

- (12) In section 99(2) (interpretation of this Chapter and index of defined terms)—
- (a) at the appropriate place in alphabetical order, insert—
 - ““occupation contract” (“*contract meddiannaeth*”) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);”;
 - (b) in the definition of “private landlord”, for “who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies)”, substitute
 - “—
 - (a) of a dwelling in Wales, who is within section 10 of the Renting Homes (Wales) Act 2016 (anaw 1) (private landlords);
 - (b) of a dwelling in England, who is not within section 80(1) of the Housing Act 1985 (c. 68) (the landlord condition for secure tenancies);”.

Commencement Information

II Reg. 34 in force at 1.12.2022, see **reg. 1(1)**

(2) Section 99 was amended by paragraph 308(1) of Part 2 of Schedule 24 to the Sentencing Act 2020 (c. 17).

Changes to legislation:

There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022, Section 34.