



# Renting Homes (Fees etc.) (Wales) Act 2019

2019 anaw 2

## RENTING HOMES (FEES ETC.) (WALES) ACT 2019

### **PART 1**

#### OVERVIEW

- 1 Overview of Act

### **PART 2**

#### PROHIBITION OF CERTAIN PAYMENTS ETC.

- 2 Prohibitions applying to landlords
- 3 Prohibitions applying to letting agents
- 4 Prohibited and permitted payments
- 5 Non-binding contract terms
- 6 Application of sections 2 to 5 to pre-existing requirements and contracts
- 7 Power to amend definition of “permitted payment”
- 8 Meaning of “letting agent”, “lettings work” and “property management work”

### **PART 3**

#### TREATMENT OF HOLDING DEPOSITS

- 9 Treatment of holding deposits

### **PART 4**

#### ENFORCEMENT

*Enforcement authority powers to require information etc.*

- 10 Power to require documents or information

*Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Fees etc.) (Wales) Act 2019. (See end of Document for details)*

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- 11 Offence of failing to comply with a notice under section 10
- 12 Offence of providing false or misleading information in relation to a notice under section 10

*Fixed penalty notices*

- 13 Fixed penalty notices

*Notification of conviction to licensing authority*

- 14 Duty of local housing authority to notify licensing authority of conviction

*Guidance*

- 15 Duty to have regard to guidance

*Meaning of “authorised officer” in this Part*

- 16 Meaning of “authorised officer”

*The enforcement authority for the purposes of this Part*

- 17 Enforcement authorities

*Information sharing and power to bring criminal proceedings*

- 18 Supply and use of information by enforcement authorities
- 19 Power of licensing authority to bring criminal proceedings

*Restrictions on termination by landlord of standard occupation contracts*

- 20 Restrictions on terminating standard occupation contracts

*Guidance to a licensing authority under Part 1 of the Housing (Wales) Act 2014*

- 21 Amendment to section 41 of Housing (Wales) Act 2014

**PART 5**

RECOVERY OF AMOUNT BY CONTRACT-HOLDER

- 22 Recovery of a prohibited payment or holding deposit

**PART 6**

PUBLICISING LETTING AGENTS' FEES

- 23 Publicising letting agents' fees

**PART 7**

FINAL PROVISIONS

- 24 Requirement for local housing authority to promote awareness of effect of Act
- 25 Power to make transitional provision in respect of assured tenancies
- 26 Offences by bodies corporate
- 27 Regulations
- 28 Interpretation

- 29 Crown application
- 30 Coming into force
- 31 Short title

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## SCHEDULE 1 — Permitted Payments

### *Rent*

- 1 (1) A payment of rent under a standard occupation contract...

### *Security deposit*

- 2 (1) A payment of a security deposit is a permitted...

### *Holding deposit*

- 3 A payment of a holding deposit is a permitted payment....
- 4 A holding deposit is an amount which—
- 5 Where an amount required in purported compliance with this paragraph...

### *Payment in the event of default*

- 6 (1) A payment that is required, under a standard occupation...

### *Payment in respect of council tax*

- 7 (1) A payment that a contract-holder is required to make...

### *Payment in respect of provision of utilities*

- 8 (1) A payment for or in connection with the provision...

### *Payment in respect of television licence*

- 9 (1) A payment that a contract-holder is required to make...

### *Payment in respect of communication service*

- 10 (1) A payment for or in connection with a communication...

### *Service charges payable to community landlords etc.*

- 10A (1) A payment of a service charge is a permitted...

### *Payment for further copy of written statement*

- 10B A payment of a reasonable fee for a further written...

### *Changing the meaning of “permitted variation” in paragraph 1*

- 11 If regulations made under section 7 amend this Schedule so...

## SCHEDULE 2 — Treatment of Holding Deposit

*Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Fees etc.) (Wales) Act 2019. (See end of Document for details)*

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### *Application*

- 1 (1) This Schedule applies where a holding deposit is paid...

### *Meaning of “deadline for agreement”*

- 2 (1) In this Schedule, the “deadline for agreement” means the...

### *Requirement to repay holding deposit*

- 3 Subject as follows, the person who received the holding deposit...  
4 The deposit must be repaid within the period of 7...

### *Exceptions*

- 5 Paragraph 3(a) does not apply to the extent that the...  
6 If all or part of the holding deposit is applied...  
7 Paragraph 3(b) does not apply if the contract-holder provides false...  
8 Paragraph 3(b) does not apply if the contract-holder notifies the...  
9 Paragraph 3(b) does not apply in relation to a holding...  
10 Paragraph 3(b) does not apply in relation to a holding...

### *Supplemental provision about exceptions in paragraphs 8 to 10*

- 11 (1) The exceptions specified in paragraphs 8, 9 and 10...

## SCHEDULE 3 — AMENDMENTS TO THE RENTING HOMES (WALES) ACT 2016

- 1 The Renting Homes (Wales) Act 2016 (anaw 1) is amended...

### *Restriction on giving notice for possession: periodic standard contracts*

- 2 After section 177 (restriction on landlord under a periodic contract...  
3 In section 126 (notice procedure for variation, under section 125,...

### *Restrictions on giving notice in connection with end of fixed term standard contracts*

- 4 (1) After section 186 (landlord's notice in connection with end...

### *Restriction on using landlord's break clause in fixed term standard contracts*

- 5 After section 198 (restrictions on use of landlord's break clause:...

### *Restrictions on a court hearing landlord's claim for possession*

- 6 In section 204 (restrictions on court hearing a landlord's claims...

### *Miscellaneous consequential provision*

- 7 In Schedule 1 (overview of fundamental provisions incorporated as terms...

**Changes to legislation:**

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