

*These notes refer to the Housing (Wales) Act 2014 (c.7)
which received Royal Assent on 17 September 2014*

HOUSING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 Allowing Fully Mutual Housing Associations to Grant Assured Tenancies

Section 137 – Amendment of Schedule 1 to the Housing Act 1988

241. The Housing Act 1988 (“the 1988 Act”) is amended to make provision for fully mutual housing associations (which include co-operative housing associations) to be able to grant assured tenancies.
242. Part 1 of the 1988 Act provides for the system of assured (including assured shorthold) residential tenancies. Schedule 1 to the 1988 Act sets out types of tenancy which cannot be assured tenancies; this includes, at paragraph 12(1)(h) of Schedule 1, tenancies offered by a fully mutual housing association (see below).
243. The effect of section 137 is to provide for an exception to the general restriction in paragraph 12(1)(h) of Schedule 1 of the 1988 Act where the conditions mentioned in section 137(3) are met in respect of a tenancy. Fully mutual housing associations will be able to opt-in to the assured tenancy regime by granting that tenancy as an assured tenancy. This will enable fully mutual housing associations to grant assured and assured shorthold tenancies so that their members may benefit from the statutory protection these tenancies provide, as set out in the 1988 Act.