



Housing (Wales) Act 2014

2014 anaw 7

PART 1

REGULATION OF PRIVATE RENTED HOUSING

Supplementary

43 Activity in contravention of this Part: effect on tenancy agreements

- (1) No rule of law relating to the validity or enforceability of contracts in circumstances involving illegality is to affect the validity or enforceability of any provision of a domestic tenancy of a dwelling in respect of which a contravention of this Part has occurred.
- (2) But periodical payments—
 - (a) payable in connection with such a tenancy may be stopped in accordance with section 30 (rent stopping orders), and
 - (b) paid in connection with such a tenancy may be recovered in accordance with sections 32 and 33 (rent repayment orders).

44 Restriction on terminating tenancies

- (1) A section 21 notice may not be given in relation to a dwelling subject to a domestic tenancy which is an assured shorthold tenancy if—
 - (a) the landlord is not registered in respect of the dwelling, or
 - (b) the landlord is not licensed under this Part for the area in which the dwelling is located and the landlord has not appointed a person who is licensed under this Part to carry out all property management work in respect of the dwelling on the landlord's behalf.
- (2) But subsection (1) does not apply for the period of 28 days beginning with the day on which the landlord's interest in the dwelling is assigned to the landlord.

Status: This is the original version (as it was originally enacted).

- (3) In this section, a “section 21 notice” means a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988.

45 Landlords who are trustees

If trustees constitute a landlord, the landlord may be registered or licensed for the purposes of this Part under a name which is a collective description of the trustees as the trustees of the trust in question.

46 Regulations about fees

- (1) Regulations made under this Part which prescribe the amount of a fee payable by a person in connection with applications to be registered or licensed may provide that the fee is to be—
- (a) an amount stated in the regulations;
 - (b) determined by a person or means specified in the regulations.
- (2) Such regulations may prescribe a different fee for different persons.

47 Information about applications

A licensing authority must publish information about its requirements relating to—

- (a) the form and content of applications to be registered and licensed;
- (b) information to be provided when making applications.

48 Giving notification etc. under this Part

- (1) This section applies where a provision of this Part requires or authorises (in whatever terms) a relevant person to—
- (a) notify a person of something, or
 - (b) give a document to a person (including a notice or a copy of a document).
- (2) The notification or document may be given to the person in question—
- (a) by delivering it to the person,
 - (b) by sending it by post to the person’s proper address,
 - (c) by leaving it at the person’s proper address, or
 - (d) if the conditions in subsection (4) are met, by sending it electronically.
- (3) The notification or document may be given to a body corporate by being given to the secretary or clerk of that body.
- (4) A relevant person may send a notification or document to a person electronically only if the following requirements are met—
- (a) the person to whom the notification or document is to be given must have—
 - (i) indicated to the relevant person a willingness to receive the notification or document electronically, and
 - (ii) provided the relevant person with an address suitable for that purpose, and
 - (b) the relevant person must send the notification or document to that address.

- (5) For the purposes of this section and section 7 of the Interpretation Act 1978 (references to service by post) in its application to this section, the proper address of a person is—
- (a) in the case of a body corporate, the address of the registered or principal office of the body;
 - (b) in any other case, the last known address of the person.
- (6) A notification or document given to a person by leaving it at the person’s proper address is to be treated for the purposes of this Part as having been given at the time at which it was left at that address.
- (7) Each of the following is a “relevant person” for the purposes of this section—
- (a) a licensing authority;
 - (b) a local housing authority exercising functions under this Part other than as a licensing authority;
 - (c) a person who, by virtue of a written authorisation, exercises functions under this Part on behalf of a licensing authority or a local housing authority of the kind mentioned in paragraph (b).