

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

# HOUSING (WALES) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 Regulation of Private Rented Housing**

##### *Section 20 – Fit and proper person requirement*

43. The licensing authority is required to decide whether or not an applicant for a licence is a fit and proper person to be licensed. The Welsh Ministers must issue guidance in relation to this decision. In reaching a decision, a licensing authority must have regard to all matters it considers appropriate, including certain evidence, which is set out in subsections (3) to (5).
44. The evidence falls into a number of categories. First, evidence which shows that the applicant has committed offences involving fraud or other dishonesty, violence, firearms or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003. Second, evidence which shows that the applicant has practiced unlawful discrimination or harassment on the grounds of any protected characteristic under section 4 of the Equality Act 2010, or has victimised a person contrary to that Act. Third, evidence which shows that the applicant has contravened any provision of law relating to housing, landlord or tenant. In addition, failure to comply with any licence condition, including the condition requiring a licence holder to comply with the code of practice issued under section 40, will be relevant evidence for determining whether a person is fit and proper to hold a licence.
45. A licensing authority must also consider whether the actions of a person associated with the applicant are relevant to the question of whether an applicant is a fit and proper person. An associate may be a person connected to the applicant on a personal, work or other basis.