

*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 1 Regulation of Private Rented Housing

Section 6 - Requirement for landlords to be licensed to carry out lettings activities

11. Subsection (2) set out what are “lettings activities” which if being carried out by a landlord require the landlord to hold a licence. They are arranging or conducting viewings of the dwelling with prospective tenants and checking the suitability of such persons, preparing a tenancy agreement (with the exception of solicitors) or preparing an inventory or schedule of the condition of a dwelling. The Welsh Ministers may omit or add to the list of what are considered to be letting activities.
12. A landlord must not do any of the things in subsection (2) unless he or she holds a licence issued by the licensing authority for the area in which the dwelling is located, arranges for an authorised agent to do the activity on his or her behalf, or an exception in section 8 applies. An “authorised agent”, as referred to in subsection (6), is a person who carries out letting and management work and holds a licence to do so for the area in which the dwelling is located, or a local housing authority. For the preparation of a tenancy agreement, it can also be a qualified solicitor, any person acting on behalf of a solicitor or any person specified in an order made by the Welsh Ministers.
13. Save where an exception in section 8 applies, a landlord who undertakes any lettings activities without a licence and without a reasonable excuse for not having a licence commits an offence and on conviction is liable to a fine, not limited by any levels on the standard scale, and the amount of which therefore will be determined by the magistrates' court.