

Changes to legislation: Renting Homes (Wales) Act 2016, PART 4 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2

EXCEPTIONS TO SECTION 7

PART 4

TENANCIES AND LICENCES TO WHICH SPECIAL RULES APPLY: HOMELESSNESS

- 11 A tenancy or licence within section 7, but made with an individual by a local housing authority because of the authority's functions under Part 2 of the Housing (Wales) Act 2014 (anaw 7) (homelessness), is not an occupation contract unless the authority is satisfied that it owes a duty to the individual under section 75(1) of that Act (duty to secure availability of suitable accommodation).

Commencement Information

- II Sch. 2 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 12 (1) This paragraph applies where a local housing authority, in pursuance of any of its homelessness housing functions, makes arrangements with a relevant landlord for the provision of accommodation [F¹, but this paragraph does not apply in relation to a licence of the kind described in paragraph 7(3)(l)].
- (2) A tenancy or licence within section 7 but made with a relevant landlord in pursuance of the arrangements is not an occupation contract until immediately after the end of the notification period.
- (3) Sub-paragraph (2) does not apply if, before the end of the notification period, the landlord gives the person with whom the tenancy or licence is made notice that it is an occupation contract.
- (4) The notification period is the period of 12 months starting with—
- (a) the day on which that person was notified of—
 - (i) the outcome of the authority's assessment under section 62 of the Housing (Wales) Act 2014 (anaw 7) or the authority's decision under section 80(5) of that Act, or (as the case may be)
 - (ii) the authority's decision under section 184(3) or 198(5) of the Housing Act 1996 (c. 52), or
 - (b) if there is—
 - (i) a review of that decision under section 85 of the Housing (Wales) Act 2014 or an appeal to the county court under section 88 of that Act, or (as the case may be)
 - (ii) a review of that decision under section 202 of the Housing Act 1996 or an appeal to the court under section 204 of that Act,
- the day on which that person is notified of the outcome of the assessment or the decision on review, or the day on which the appeal is finally determined.
- (5) In this paragraph—
- “homelessness housing functions” (“swyddogaethau darparu tai i'r digartref”) means—

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- (a) in relation to a local housing authority for an area in Wales, its functions under sections 68, 73, 75, 82 and 88(5) of the Housing (Wales) Act 2014, and
 - (b) in relation to a local housing authority for an area in England, its functions under sections 188, 190, 200 and 204(4) of the Housing Act 1996;
- “local housing authority” (“*awdurdod tai lleol*”) means—
- (a) in relation to Wales, a county council for an area in Wales or a county borough council, and
 - (b) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- “relevant landlord” (“*landlord perthnasol*”) means—
- (a) a community landlord which is a registered social landlord or a private registered provider of social housing, or
 - (b) a private landlord.

Textual Amendments

- F1** Words in Sch. 2 para. 12(1) inserted (30.11.2023) by The Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023 (S.I. 2023/1277), regs. 1(1), **2(2)(b)**

Modifications etc. (not altering text)

- C1** Sch. 2 para. 12 modified (1.12.2022) by The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172), regs. 1(2), **16** (with reg. 19)

Commencement Information

- I2** Sch. 2 para. 12 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)