

RENTING HOMES (FEES ETC.) (WALES) ACT 2019

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Final Provisions

Section 24 – Requirement for local housing authority to promote awareness of effect of Act

107. This section provides that a local housing authority must make arrangements for information to be made publicly available in its area about the effect of the Act, including information about how a prohibited payment and holding deposit may be recovered.
108. It will be a matter for each local housing authority to determine how best to make information available, but in making arrangements for making information available, local housing authorities will have to have regard to any guidance issued by the Welsh Ministers.

Section 25 - Power to make transitional provision in respect of assured tenancies

109. **Section 25** provides that regulations made by the Welsh Ministers may make provision for the Act to apply in relation to an assured tenancy (including an assured shorthold tenancy) under the Housing Act 1988.
110. The 2016 Act – in section 239 – provides for the abolition of assured tenancies in relation to any dwellings to which the Act applies (the meaning of “dwelling” in this context is provided by section 246 of the 2016 Act). The main provisions of the 2016 Act were not in force when this Act gained Royal Assent.
111. Regulations under this section would allow provision to be made to apply the Act to assured shorthold tenancies under the 1988 Act, until the abolition of assured tenancies under the 2016 Act.

Section 26 - Offences by bodies corporate

112. **Section 26** provides that where a body corporate (for instance, a limited company) commits an offence under the Act, a “senior officer”, or person purporting to be a senior officer, of the company may also be liable to be prosecuted for the offence, in the circumstances described by subsection (1).

Sections 27- 30 – Regulations, Interpretation, Crown application and Coming into force

113. **Section 27** makes provision about procedural matters relevant to making regulations under the Act. It also describes the ancillary provision (supplemental, incidental,

*These notes refer to the Renting Homes (Fees etc.) (Wales)
Act 2019 (c.2) which received Royal Assent on 15 May 2019*

consequential, transitional, transitory or saving provision) that may be made in regulations under the Act.

114. [Section 28](#) sets out the defined terms used in the Act.
115. [Section 29](#) provides that the Act applies to the Crown, but specifies that the Crown will not be criminally liable for any offence under the Act. Instead, in the case of contravention by the Crown of a provision made by or under the Act, the High Court may declare the act or omission to be unlawful.
116. [Section 30](#) sets out the provisions that will come into effect on the day after the day the Act receives Royal Assent (this section and the subsequent section dealing with the Act's short title) and provides for the remaining provisions of the Act to come into force by commencement order made by the Welsh Ministers.