



# Renting Homes (Amendment) (Wales) Act 2021

2021 asc 3

*Miscellaneous*

**15 Service charges permitted by the Renting Homes (Fees etc.) (Wales) Act 2019 etc.**

(1) In Schedule 1 to the 2019 Act (permitted payments), after paragraph 10 insert—

**“Service charges payable to community landlords etc.**

10A (1) A payment of a service charge is a permitted payment if—

- (a) it is required under a standard occupation contract, and
- (b) the landlord is a community landlord.

(2) But sub-paragraph (1) does not apply in relation to—

- (a) a standard occupation contract within paragraph 15 of Schedule 3 to the 2016 Act (accommodation which is not social accommodation), or
- (b) a standard occupation contract mentioned in sub-paragraph (3).

(3) A payment of a service charge is a permitted payment if it is required under a standard occupation contract within section 143 of the 2016 Act (contracts relating to supported accommodation).

(4) For the purposes of this paragraph—

“2016 Act” (“*Deddf 2016*”) means the Renting Homes (Wales) Act 2016 (anaw 1);

“community landlord” (“*landlord cymunedol*”) has the meaning given by section 9 of the 2016 Act;

“service charge” (“*tâl gwasanaeth*”) does not include a charge for a service where the payment for the charge would be permitted by virtue of another paragraph of this Schedule, and in relation

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**Changes to legislation:** There are currently no known outstanding effects for the Renting Homes (Amendment) (Wales) Act 2021, Section 15. (See end of Document for details)

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to sub-paragraph (3) only, includes charges for the provision of support services;

“support services” (“*gwasnaethau cymorth*”) has the meaning given by section 143 of the 2016 Act (see, in particular, subsection (4) of that section).”

(2) In section 4 of the 2019 Act, after subsection (2)(h) insert—

“(i) service charges;”.

(3) In regulation 3 of the transitional provision Regulations—

(a) in the words before sub-paragraph (a), after “section 20,” insert “ and sub-paragraphs (2) to (3B) of paragraph 10A of Schedule 1, ”;

(b) omit the “and” at the end of sub-paragraph (d);

(c) after that sub-paragraph insert—

“(da) paragraph 10A of Schedule 1 to the Act is to be read as if—

(i) for sub-paragraph (2) there were substituted—

“(2) But sub-paragraph (1) does not apply in relation to—

(a) a standard occupation contract where the allocation rules (within the meaning of paragraph 15 of Schedule 3 to the 2016 Act) did not apply to the making of the contract, or

(b) a standard occupation contract mentioned in sub-paragraph (3).”;

(ii) for sub-paragraph (3) there were substituted—

“(3) A payment of a service charge is a permitted payment if it is required under a standard occupation contract which relates to supported accommodation.”;

(iii) after sub-paragraph (3) there were inserted—

“(3A) For the purposes of sub-paragraph (3) accommodation is “supported accommodation” if—

(a) it is provided by a community landlord or registered charity (within the meaning of the 2016 Act),

(b) the landlord or charity (or a person acting on behalf of the landlord or charity) provides support services to a person entitled to occupy the accommodation, and

(c) there is a connection between provision of the accommodation and provision of the support services.

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- (3B) But accommodation in a care institution (within the meaning of paragraph 4 of Schedule 2 to the 2016 Act) is not supported accommodation.”, and”.
- (4) The amendments made by subsections (1), (2) and (3) of this section are to be treated for all purposes as if they came into force on 1 September 2019, except that—
- (a) any notice given in contravention of section 20(1) of the 2019 Act (as modified by the transitional provision Regulations) before the coming into force of this section is to continue to be treated as having been given in contravention of that section of the 2019 Act, and
  - (b) any order made before the coming into force of this section under section 22(1) of the 2019 Act (orders for recovery of prohibited payments) continues to have effect.
- (5) Subsection (6) applies where—
- (a) before the coming into force of this section a landlord under an assured shorthold tenancy has required payment of a service charge in connection with the tenancy, and
  - (b) by virtue of subsection (4) of this section the payment required by the landlord is a permitted payment for the purposes of the 2019 Act (see section 4 of that Act).
- (6) The landlord may not give a section 21 notice in respect of the dwelling-house let on the tenancy during the period of 6 months beginning with the day on which this section comes into force.
- (7) In this section—
- “2019 Act” (“*Deddf 2019*”) means the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2);
  - “assured shorthold tenancy” (“*tenantiaeth fyrddaliadol sicr*”) has the same meaning as in the Housing Act 1988 (“the 1988 Act”);
  - “section 21 notice” (“*hysbysiad adran 21*”) means a notice under subsection (1)(b) or (4)(a) of section 21 of the 1988 Act;
  - “the transitional provision Regulations” (“*y Rheoliadau darpariaeth drosiannol*”) means the Renting Homes (Fees etc.) (Wales) Act 2019 (Transitional Provision for Assured Shorthold Tenancies) Regulations 2019 (S.I. 2019/1151).

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**Commencement Information**

**II** S. 15 in force at 8.4.2021, see s. 19(1)

**Changes to legislation:**

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