
WELSH STATUTORY INSTRUMENTS

2019 No. 1493 (W. 272)

HOUSING, WALES

**The Renting Homes (Fees etc.) (Holding Deposit)
(Specified Information) (Wales) Regulations 2019**

Made - - - - 4 December 2019
Laid before the National
Assembly for Wales - - 6 December 2019
Coming into force in accordance with regulation 1(2)

The Welsh Ministers, in exercise of the power conferred on them by paragraph 11(3) and (4) of Schedule 2 to the Renting Homes (Fees etc.) (Wales) Act 2019(1), make the following Regulations.

Title and commencement

1.—(1) The title of these Regulations is the Renting Homes (Fees etc.) (Holding Deposit) (Specified Information) (Wales) Regulations 2019.

(2) These Regulations come into force on 10 December 2019 for the purpose of regulation 2 and 28 February 2020 for all other purposes.

Revocation

2. The Renting Homes (Fees etc.) (Specified Information) (Wales) Regulations 2019(2) are revoked.

Specified information

3.—(1) These Regulations specify information which a landlord (or if instructed, their letting agent) must provide to a prospective contract-holder(3) before a holding deposit(4) is paid to the landlord or letting agent in respect of a standard occupation contract and the way in which that information must be provided.

(2) The following information must be provided to a prospective contract-holder—

(1) 2019 *anaw* 2 (“the 2019 Act”); see section 28 for the definition of “regulations”. Schedule 2 is introduced by section 9 of the 2019 Act.
(2) *S.I.* 2019/1466 (W. 258).
(3) By virtue of regulation 3 of *S.I.* 2019/1151 (W. 201), the references in the 2019 Act to a contract-holder are to be read as references to a tenant under an assured shorthold tenancy under Part 1 of the Housing Act 1988 (c. 50).
(4) See paragraph 4 of Schedule 1 to the 2019 Act for the definition of “holding deposit”.

- (a) amount of holding deposit⁽⁵⁾,
- (b) address of the dwelling in respect of which the deposit is paid,
- (c) where a holding deposit is to be paid to a letting agent, the name and contact details of that letting agent,
- (d) where a holding deposit is to be paid to a landlord, the name and contact details of that landlord,
- (e) duration of the contract,
- (f) proposed occupation date,
- (g) amount of rent or other consideration,
- (h) rental period,
- (i) any proposed additional contract terms or proposed modifications to fundamental or supplementary terms or terms proposed to be omitted from the contract,
- (j) amount of any security deposit,
- (k) whether a guarantor is required and, if so, any relevant conditions,
- (l) reference checks the landlord (or letting agent) will undertake, and
- (m) information the landlord or letting agent requires from the prospective contract-holder.

(3) The information must be provided to a prospective contract-holder in writing and may be given in person or provided by electronic means if the prospective contract-holder consents to receiving it electronically.

4th December 2019

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

(5) Under paragraph 4(c) of Schedule 1 to the 2019 Act, a holding deposit must not exceed an amount equivalent to one week's rent under the contract.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out information which must be provided to a prospective contract-holder by either the landlord or their letting agent, before a holding deposit is paid in respect of a standard occupation contract. These Regulations also specify the way in which the information must be provided.

Regulation 2 revokes the Renting Homes (Fees etc.) (Specified Information) (Wales) Regulations 2019.

If the information in regulation 3(2) is not provided to a prospective contract-holder before a holding deposit is paid, the landlord or letting agent may not rely upon the exceptions set out in paragraphs 8, 9 and 10 of Schedule 2 to the Renting Homes (Fees etc.) (Wales) Act 2019 and the holding deposit must be repaid. Regulation 3(3) sets out how the information must be provided.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.