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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make saving and transitional provisions in relation to the Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”).

Regulations 2 to 5 make provision in relation to possession proceedings. Regulation 2 applies to secure tenancies, regulation 3 applies to assured tenancies, regulation 4 applies to introductory tenancies and regulation 5 applies to demoted tenancies.

Regulations 6 and 7 make provision in relation to an extension of an introductory period. Regulation 6 makes provision in relation to a review of the decision to extend the introductory period. Regulation 7 makes provision in relation to the procedure for reviewing a decision to extend the introductory period where the review, under section 125B of the Housing Act 1996, started before the appointed day (whenever concluded). The appointed day is the day appointed by the Welsh Ministers as the day on which section 239 of the 2016 Act comes into force. Regulation 7 also provides that the Introductory Tenancies (Review of Decisions to Extend a Trial Period) (Wales) Regulations 2006 continue to have effect in relation to reviews to which regulation 7 applies.

Regulations 8 and 9 make provision in relation to tenancy deposits. Regulation 8 makes transitional provision in respect of a tenancy deposit paid in accordance with Chapter 4 of Part 6 of the Housing Act 2004 (“the 2004 Act”) before the appointed day where the shorthold tenancy in respect of which that deposit was paid converted into an occupation contract on that day. Regulation 9 provides that certain provisions of the 2004 Act continue to have effect in respect of applications made to the county court before the appointed day.

Regulation 10 makes provision in respect of the determination of rent under the Housing Act 1988 and provides that the Rent Assessment Committees (England and Wales) Regulations 1971, the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 and the Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1998 continue to have effect as they did immediately before the appointed day in specified circumstances.

Regulations 11 to 13 make provision in relation to improvements. Regulation 11 makes savings in respect of improvements made by a secure tenant under the Housing Act 1985. Regulation 12 makes savings and transitional provisions in respect of improvements undertaken by a tenant under a secure tenancy which ended before the appointed day. Regulation 13 makes transitional provisions in relation to a secure tenant’s right to repair scheme where the tenant has served notice before the appointed day under paragraph 3 of the Schedule to the Secure Tenancies (Right to Repair Scheme) Regulations 1985.

Regulation 14 makes savings provision for restricted contracts and protected shorthold tenancies that exist immediately before the appointed day.

Regulation 15 makes savings provision regarding the definition of a bankrupt’s estate in relation to assured agricultural occupancies that exist immediately before the appointed day.

Regulation 16 makes transitional provision in respect of the notification period in paragraph 12 of Schedule 2 to the 2016 Act for tenancies and licences in relation to which a local housing authority’s duty under section 75 of the Housing (Wales) Act 2014 has not been discharged before the appointed day.

Regulation 17 makes transitional provision in respect of the determination of local housing allowance under article 4B of and Schedule 3B to the Rent Officers (Housing Benefit Functions) Order 1997.

**Changes to legislation:** There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022. (See end of Document for details)

Regulation 18 makes transitional provision in respect of the determination of local housing allowance under article 4 of and Schedule 1 to the Rent Officers (Universal Credit Functions) Order 2013.

Regulation 19 makes general savings provision.

These Regulations are made to give full effect to the 2016 Act.

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 this instrument.

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