

WELSH STATUTORY INSTRUMENTS

2022 No. 256 (W. 78)

HOUSING, WALES

The Renting Homes (Safeguarding Property in Abandoned Dwellings) (Wales) Regulations 2022

Made - - - - 8 March 2022
Laid before Senedd Cymru 10 March 2022
Coming into force in accordance with regulation 1

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 221(1) and 256(1) of the Renting Homes (Wales) Act 2016⁽¹⁾.

Title and commencement **E+W**

1. The title of these Regulations is the Renting Homes (Safeguarding Property in Abandoned Dwellings) (Wales) Regulations 2022 and they come into force on [^{F1}1 December 2022 (the day on which section 239 of the Renting Homes (Wales) Act 2016⁽²⁾ comes into force)].

F1 Words in [reg. 1](#) substituted (13.8.2022) by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), arts. 1(2), 12

Commencement Information

I1 [Reg. 1](#) in force at 1.12.2022, see [reg. 1](#) (as amended by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), art. 12)

Interpretation **E+W**

2.—(1) In these Regulations—

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

“disposal” (“*gwaredu*”) includes but is not limited to the sale of property;

“prescribed period” (“*cyfnod rhagnodedig*”) is four weeks from the day on which the occupation contract ends under section 220 of the Act;

(1) [2016 anaw 1](#).

(2) Section 239 of the Renting Homes (Wales) Act 2016 will come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

“property” (“*eiddo*”) is property (other than the landlord’s property) that is in the dwelling when the occupation contract ends under section 220 of the Act.

(2) The words and expressions used in these Regulations have the same meaning as they have in the Act.

Commencement Information

I2 [Reg. 2](#) in force at 1.12.2022 , see reg. 1 (as amended by The Renting Homes (Wales) Act 2016 (Commencement No. 2 and Consequential Amendments) Order 2022 (S.I. 2022/906), art. 12)

Safeguarding and disposal of property **E+W**

3.—(1) Property that is in a dwelling when the occupation contract ends under section 220 of the Act must be dealt with in accordance with these Regulations.

(2) Subject to paragraph (4), the landlord must safeguard the property for the prescribed period.

(3) After expiry of the prescribed period, the landlord may dispose of any remaining property.

(4) Paragraphs (2) and (3) do not apply to property—

- (a) which is perishable,
- (b) where to safeguard it adequately would involve unreasonable expense or inconvenience, or
- (c) the value of which would not, in the opinion of the landlord, exceed the amount which the landlord may deduct under regulation 5(1) from the proceeds of sale of such property,

in which case the landlord may dispose of such property at such time and in such manner as the landlord thinks fit.

Commencement Information

I3 [Reg. 3](#) in force at 1.12.2022 , see reg. 1 (as amended by The Renting Homes (Wales) Act 2016 (Commencement No. 2 and Consequential Amendments) Order 2022 (S.I. 2022/906), art. 12)

Delivery of property to owner **E+W**

4.—(1) At any time prior to the disposal of any property under paragraph (3) or (4) of regulation 3, the contract-holder, or any person who appears to the landlord to have a right of ownership or possession in the property, may arrange for delivery of that property to the contract-holder or that other person.

(2) Subject to paragraph (3), where delivery has been arranged under paragraph (1), the landlord must relinquish custody of that property.

(3) The landlord may require payment of such sum, as the landlord sees fit, equal to or less than the amount of any expenses incurred by the landlord in complying with these Regulations, before relinquishing custody of property under this regulation.

Commencement Information

I4 [Reg. 4](#) in force at 1.12.2022 , see reg. 1 (as amended by The Renting Homes (Wales) Act 2016 (Commencement No. 2 and Consequential Amendments) Order 2022 (S.I. 2022/906), art. 12)

Landlord expenses and amounts due under the occupation contract **E+W**

5.—(1) The landlord may apply any proceeds of disposal of property under paragraph (3) or (4) of regulation 3, in satisfaction of expenses incurred by the landlord in complying with these Regulations.

(2) If there is any remainder, following the application of proceeds under paragraph (1), the landlord may, after the end of the prescribed period, apply it towards any arrears of rent due under the occupation contract.

Commencement Information

I5 [Reg. 5](#) in force at 1.12.2022 , see reg. 1 (as amended by The Renting Homes (Wales) Act 2016 (Commencement No. 2 and Consequential Amendments) Order 2022 (S.I. 2022/906), art. 12)

Local Government (Miscellaneous Provisions) Act 1982 **E+W**

6. Section 41 of the Local Government (Miscellaneous Provisions) Act 1982(3) does not apply to property which is in a dwelling owned or managed by a local authority when an occupation contract in relation to that dwelling ends under section 220 of the Act.

Commencement Information

I6 [Reg. 6](#) in force at 1.12.2022 , see reg. 1 (as amended by The Renting Homes (Wales) Act 2016 (Commencement No. 2 and Consequential Amendments) Order 2022 (S.I. 2022/906), art. 12)

Julie James
Minister for Climate Change, one of the Welsh
Ministers

(3) [1982 c. 30](#). Section 41 is amended by article 2 of, and paragraph 11 of Part 1 of Schedule 1 to, [S.I. 2003/1615](#); section 4 of, and paragraph 56(3) of Schedule 2 to, the Planning (Consequential Provisions) Act [1990 \(c. 11\)](#); section 120 of, and Schedule 24 to, the Environment Act [1995 \(c. 25\)](#); section 21 of, and paragraph 23 of Schedule 6 to, the Norfolk and Suffolk Broads Act [1988 \(c. 4\)](#); section 84 of, and paragraph 61 of Schedule 14 to, the Local Government Act [1985 \(c. 51\)](#); section 99 of, and paragraphs 155 and 157 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act [2011 \(c. 13\)](#); section 88 of, and paragraph 18 of Schedule 6 to, the Police Act [1997 \(c. 50\)](#); sections 128(1) and 137 of, and paragraph 40 of Part 2 of Schedule 6 and Part 5(1) of Schedule 7 to, the Criminal Justice and Police Act [2001 \(c. 16\)](#); section 119 of, and paragraph 56 of Schedule 6 to, the Local Democracy, Economic Development and Construction Act [2009 \(c. 20\)](#); sections 6 and 9 of, and paragraphs 44 and 46 of Part 2 of Schedule 1 and paragraphs 65 and 67 of Part 2 of Schedule 2 to, the Policing and Crime Act [2017 \(c. 3\)](#); section 209(2) of, and paragraph 38 of Part 2 of Schedule 13 to, the Local Government and Public Involvement in Health Act [2007 \(c. 28\)](#); section 59 of, and paragraph 6(1), (16)(c) of Part 3 of Schedule 13 to, the Deregulation Act [2015 \(c. 20\)](#); section 43 of, and paragraph 24 of Schedule 4 to, the Police and Magistrates Court Act [1994 \(c. 29\)](#); sections 325 and 328 of, and paragraph 45(1) and (3) of Schedule 27 and paragraph 36 of Part 1 of Schedule 29 to, the Greater London Authority Act [1999 \(c. 29\)](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the landlord's requirement to safeguard property in a dwelling when an occupation contract ends under section 220 (possession of abandoned dwellings) of the Renting Homes (Wales) Act 2016 (anaw 1) ("the Act").

Regulation 3(1) and (2) provide that, where an occupation contract ends pursuant to section 220 of the Act, the landlord must safeguard property left in the dwelling for four weeks from the day on which the contract ends. Paragraph (3) provides that, unless the contract-holder (or other owner of the property) arranges for delivery of that property to the relevant person (under regulation 4), after the prescribed four weeks, the landlord may dispose of any property remaining in their custody. Paragraph (4) specifies circumstances when the duty to safeguard abandoned property does not apply and in those cases the landlord may dispose of that property at any time after the end of the contract.

Regulation 4(1) and (2) provide that, where the contract-holder or property owner, arranges for delivery of the property to that person, the landlord must relinquish custody of the property. Paragraph (3) enables the landlord to require the payment of expenses incurred by the landlord in complying with these Regulations before the landlord relinquishes custody.

Regulation 5 permits the landlord to deduct their expenses and any rent arrears due under the occupation contract from the proceeds of any sale of property under these Regulations.

Regulation 6 provides that property which is in an abandoned dwelling owned or managed by a local authority, will be dealt with in accordance with these Regulations where the occupation contract is ended under section 220 of the 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, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

Changes to legislation:

There are currently no known outstanding effects for the The Renting Homes (Safeguarding Property in Abandoned Dwellings) (Wales) Regulations 2022.