
WELSH STATUTORY INSTRUMENTS

2023 No. 550 (W. 85)

HOUSING, WALES

**The Renting Homes (Wales) Act 2016
(Consequential Amendments) Regulations 2023**

Made - - - - *17 May 2023*

Coming into force - - *18 May 2023*

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 255 of the Renting Homes (Wales) Act 2016(1).

In accordance with section 256(3) and (5) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(2).

Title and coming into force

1. The title of these Regulations is the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2023 and they come into force on 18 May 2023.

Amendments to the Rent Act 1977

2.—(1) The Rent Act 1977(3) is amended as follows.

(2) In section 2(4) (statutory tenants and tenancies) for subsection (1)(b), substitute—

- “(b) Part 1 of Schedule 1 to this Act shall have effect for determining what person (if any)—
- (i) is the statutory tenant of the dwelling-house, or (as the case may be),
 - (ii) in the case of a dwelling-house in England, is entitled to an assured tenancy of a dwelling-house by succession, or
 - (iii) in the case of a dwelling-house in Wales, is entitled to a secure contract of a dwelling-house by succession,

at any time after the death of a person who, immediately before that person’s death, was either a protected tenant of the dwelling-house or a statutory tenant of it by virtue of paragraph (a) above.”

(1) [2016 anaw 1](#). Section 255(2) was amended by section 14 of, and paragraphs 1 and 8 of Schedule 5 to, the Renting Homes (Amendment) (Wales) Act 2021 ([asc 3](#)).

(2) The reference in section 256(3) and (5) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 ([c. 32](#)).

(3) [1977 c. 42](#).

(4) Section 2 was amended by section 39(1) of the Housing Act 1988 ([c. 50](#)).

- (3) In section 152(5) (interpretation)—
- (a) in subsection (1), at the appropriate place in alphabetical order, insert—
- ““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”, and
- (b) after subsection (2) insert—
- “(3) Section 239 of the Renting Homes (Wales) Act 2016 (anaw 1) abolishes, in relation to Wales, restricted contracts and protected shorthold tenancies and provides for the cessation of certain protected and statutory tenancies.”
- (4) In Part 1 (statutory tenants by succession) of Schedule 1 (statutory tenancies)—
- (a) in paragraph 3(1)(6)—
- (i) after “shall” insert
- “—
- (a) in the case of a dwelling-house in England,”, and
- (ii) after “succession” insert
- “, or
- (b) in the case of a dwelling-house in Wales, be entitled to a secure contract of the dwelling-house by succession”;
- (b) in paragraph 5(7)—
- (i) after “entitled” insert
- “—
- (a) in the case of a dwelling-house in England,”, and
- (ii) after “succession” insert
- “, or
- (b) in the case of a dwelling-house in Wales, to a secure contract of the dwelling-house by succession”;
- (c) in paragraph 6(1)(8)—
- (i) after “entitled” insert
- “—
- (i) in the case of a dwelling-house in England,”, and
- (ii) after “succession” insert
- “, or
- (ii) in the case of a dwelling-house in Wales, to a secure contract of the dwelling-house by succession”.

(5) Section 152(1) was amended by section 152 of, and Schedule 26 to, the Housing Act 1980 (c. 51).

(6) Paragraph 3(1) was amended by section 39 of, and paragraphs 2 and 3(a) to (c) of Part 1 of Schedule 4 to, the Housing Act 1988.

(7) Paragraph 5 was amended by section 39 of, and paragraph 5 of Part 1 of Schedule 4 to, the Housing Act 1988.

(8) Paragraph 6 was amended by section 39 of, and paragraph 6 of Part 1 of Schedule 4 to, the Housing Act 1988.

17 May 2023

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rent Act 1977 (“the 1977 Act”) in consequence of the Renting Homes (Wales) Act 2016 (“the 2016 Act”).

Section 239 of the 2016 Act abolishes assured, secure and other tenancies of dwellings in Wales and the 2016 Act provides for them to convert to occupation contracts, of which there are two types: secure contracts and standard contracts.

Regulation 2(2), (3)(a) and (4) amend sections 2 and 152 of and Part 1 of Schedule 1 to the 1977 Act to insert references to secure contracts, in consequence of the abolition of assured tenancies in Wales. Regulation 2(3)(b) inserts provision into section 152 of the 1977 Act which directs the reader to the relevant abolitions made by section 239 of 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.