
WELSH STATUTORY INSTRUMENTS

2022 No. 1172

The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022

PART 1

Possession Proceedings

Secure tenancies

2.—(1) Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1985 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) section 83(1)(1) (proceedings for possession or termination: general notice requirements), in relation to a notice served on the tenant in accordance with that section before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day;
- (b) section 83ZA(2)(2) (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour), in relation to a notice served on the tenant in accordance with that section before the appointed day;
- (c) section 83A(1)(3) (additional requirements in relation to certain proceedings for possession), in relation to a notice served on the tenant in accordance with section 83 of the 1985 Act before the appointed day (but see paragraph (2) of this regulation);
- (d) section 83A(2)(4), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day (but see paragraph (2) of this regulation);
- (e) section 83A(3)(5), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day;
- (f) section 83A(4)(6) and (6), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day (whether Ground 2A of Schedule 2 to the 1985 Act is added to that notice before or after that day);
- (g) section 83A(5)(7), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day;

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- (1) Section 83 was substituted by section 147(1) of the Housing Act 1996 (c. 52), the heading and subsection (1) was amended by section 181 of and paragraph 7(1), (2) and (4) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). There are other amendments to section 83 of the 1985 Act, none of which is relevant to these Regulations.
- (2) Section 83ZA was inserted by section 95 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (3) Section 83A was substituted by section 147(1) of the Housing Act 1996 (c. 52).
- (4) Section 83A(2) was amended by section 181 of and paragraph 8(1), (2) and (3) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (5) Section 83A(3) was amended by section 181 of and paragraph 8(1) and (4) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (6) Section 83A(4) was amended by section 181 of and paragraph 8(1) and (5) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (7) Section 83A(5) was amended by section 181 of and paragraph 8(1), (5) and (6) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

- (h) section 84(1)(8) (grounds and orders for possession), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
- (i) section 84(2)(9), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
- (j) section 84(3)(10), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day;
- (k) section 84(4)(11), in relation to a notice served on the tenant in accordance with section 83(3) of the 1985 Act before the appointed day;
- (l) section 84A(1) to (9)(12) (absolute ground for possession for anti-social behaviour), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day;
- (m) section 85(13) (extended discretion of court in certain proceedings for possession), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
- (n) section 85ZA(1) and (2)(14) (review of decision to seek possession on absolute ground for anti-social behaviour), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day;
- (o) section 85ZA(3) to (6), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day (whether the request for a review was made before or after that day);
- (p) section 85A(15) (proceedings for possession on non-absolute grounds: anti-social behaviour), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
- (q) Schedule 2(16) (grounds for possession of dwelling-houses let under secure tenancies), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the

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- (8) Section 84(1) was amended by section 181 of and paragraph 9(1) and (2) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 155(2) of Part 7 of the Localism Act 2011 (c. 20) and section 118 of and paragraphs 2 and 9 of Schedule 7 to the Housing and Planning Act 2016 (c. 22).
 - (9) Section 84(2) was amended by section 181 of and paragraph 9(1) and (3) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
 - (10) Section 84(3) was substituted by section 147(2) of the Housing Act 1996 (c. 52) and amended by section 181 of and paragraph 9(1) and (4) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
 - (11) Section 84(4) was substituted by section 147(2) of the Housing Act 1996 (c. 52).
 - (12) Section 84A was inserted by section 94(1) of Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and subsection (5) was amended by section 410 of and paragraph 84 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17).
 - (13) Section 85 was amended by section 66(1) of and paragraph 53(2) and (3) of Schedule 8 to the Family Law Act 1996 (c. 27) and sections 299 and 321(1) of and paragraphs 1 and 3 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17).
 - (14) Section 85ZA was inserted by section 96 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
 - (15) Section 85A was inserted by section 16(1) of the Anti-social Behaviour Act 2003 (c. 38) and amended by section 181 of and paragraph 10 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
 - (16) Schedule 2 was amended by sections 144, 145 and 146 of the Housing Act 1996 (c. 52), section 83(6) of the Housing Act 1988 (c. 50), section 222 of and paragraphs 9 and 16 of Schedule 22 to the Localism Act 2011 (c. 20), sections 98(1) and 99(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 111 of and paragraph 45 of Part 3 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15), section 81 of and paragraph 33 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 152 of and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), regulation 41(a)

1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;

(r) Schedule 2A(17) (absolute ground for possession for anti-social behaviour: serious offences), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day.

(2) Despite the amendments made by the 2022 Consequential Regulations—

(a) section 83(3)(b) and 83(4)(b) of the 1985 Act continue to have effect, but as if for “twelve months after the date so specified” there were substituted “twelve months after the date so specified, or six months after the appointed day, whichever comes first”,

(b) section 83ZA(9)(b) of the 1985 Act continues to have effect, but as if for “12 months after the date so specified” there were substituted “12 months after the date so specified, or 6 months after the appointed day, whichever comes first”, and

(c) a reference to a time when the notice is still in force in section 83A(1) and (2) of the 1985 Act (as saved by paragraph (1)(c) and (d) of this regulation) is to be read accordingly.

(3) Paragraph (2) of this regulation takes precedence over any contrary provision in any notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day.

(4) Section 206(1) of the 2016 Act (effect of order for possession) applies in relation to an order for possession made by the court in accordance with section 84 or 84A of the 1985 Act after the appointed day (by virtue of savings made in this regulation), as it applies in relation to an order for possession made under the 2016 Act.

(5) Despite the amendments made by the 2022 Consequential Regulations and the 2022 Secondary Consequential Regulations, the Secure Tenancies (Absolute Ground for Possession for Anti-social Behaviour) (Review Procedure) (Wales) Regulations 2014(18) continue to have effect in relation to a review conducted under section 85ZA of the 1985 Act by virtue of savings made in this regulation (whether the review is conducted, in whole or in part, before or after the appointed day).

(6) Despite the amendments made by the 2022 Consequential Regulations, section 82(2)(19) of the 1985 Act (security of tenure) continues to have effect in relation to a possession order made by the court under section 84 or 84A of the 1985 Act before the appointed day.

(7) Any savings in this regulation which relate to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day, have effect whether proceedings were commenced before or after that day.

(8) Any savings in this regulation which relate to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies, have effect whether the court dispensed with the requirement to serve a notice before or after the appointed day.

Commencement Information

II Reg. 2 in force at 1.12.2022, see [reg. 1\(2\)](#)

of and paragraph 10 of Part 1 of Schedule 3 to Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458) and article 4 of and paragraphs 2 and 29 of Schedule 1 to Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002).

(17) Schedule 2A was inserted by section 94(2) of and Schedule 3 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and amended by section 70 of and paragraph 2 of Schedule 2 to the Domestic Abuse Act 2021 (c. 17) and article 2 of the Housing Act 1985 (Amendment of Schedule 2A) (Serious Offences) (Wales) Order 2016 (S.I. 2016/173 (W. 74)).

(18) S.I. 2014/3278 (W. 335).

(19) Section 82(2) was substituted by section 299 of and paragraphs 1 and 2 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17) and amended by section 119 of the Housing and Planning Act 2016 (c. 22). Subsection (A1) was inserted by section 119 of the Housing and Planning Act 2016 and subsection (1A) was inserted by section 299 of and paragraphs 1 and 2 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008.

Changes to legislation: There are currently no known outstanding effects for the *The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022, Section 2.* (See end of Document for details)

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There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022, Section 2.