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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1172**

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

**PART 1**

**Possession Proceedings**

**Assured tenancies**

**3.—(1)** Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1988 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) section 7(1) (orders for possession), in relation to a notice served on the tenant in accordance with section 8(2) of the 1988 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 8(1)(b) of the 1988 Act applies;
- (b) section 8(1)(3) (notice of proceedings for possession), 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 (but see paragraph (2) of this regulation);
- (c) section 8(2), in relation to a notice served on the tenant in accordance with that section before the appointed day;
- (d) section 8(5)(4), in relation to proceedings commenced before the appointed day where the court has not yet exercised its power conferred by section 8(1)(b) of the 1988 Act;
- (e) section 8A(1)(5) (additional notice requirements: ground of domestic violence), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day;
- (f) section 8A(2) and (3), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day (whether Ground 14A is added before or after that day);

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- (1) Section 7 was amended by section 194 of and paragraph 101 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), section 41 of the Immigration Act 2016 (c. 19), section 181 of and paragraph 18 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 162(4) of the Localism Act 2011 (c. 20) and section 299 of and paragraphs 5 and 7 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17).
  - (2) Section 8 was amended by section 151 of the Housing Act 1996 (c. 52), section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and section 41 of the Immigration Act 2016 (c. 19).
  - (3) Section 8(1) was amended by section 151(2) of the Housing Act 1996 (c. 52).
  - (4) Subsection 8(5) was amended by section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and section 41(4) of Part 2 of the Immigration Act 2016 (c. 19).
  - (5) Section 8A was inserted by section 150 of the Housing Act 1996 (c. 52).

- (g) section 9(6) (extended discretion of court in possession claims), in relation to a notice served on the tenant in accordance with section 8 of the 1988 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 8(1)(b) of the 1988 Act applies;
  - (h) section 9A(7) (proceedings for possession on non-absolute grounds: anti-social behaviour), in relation to a notice served on the tenant in accordance with section 8 of the 1988 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 8(1)(b) of the 1988 Act applies;
  - (i) section 10(2) (special provisions applicable to shared accommodation), in relation to a notice served on the tenant in accordance with section 8 of the 1988 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 8(1)(b) of the 1988 Act applies;
  - (j) sections 11 (payment of removal expenses in certain cases) and 12 (compensation for misrepresentation or concealment), in relation to an order for possession made before or after the appointed day (by virtue of savings made in this regulation);
  - (k) section 21(1)(8) (recovery of possession on expiry or termination of assured shorthold tenancy), in relation to a notice served on the tenant in accordance with that subsection before the appointed day (but see paragraph (5));
  - (l) section 21(4)(9), in relation to a notice served on the tenant in accordance with that subsection before the appointed day (but see paragraph (5));
  - (m) section 21(5)(10) and (5A)(11), in relation to an order for possession made by the court under subsection (1) or (4) of that section after the appointed day (by virtue of savings made in this regulation);
  - (n) Schedule 2(12) (grounds for possession of dwelling-houses let on assured tenancies), in relation to a notice served on the tenant in accordance with section 8 of the 1988 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 8(1)(b) of the 1988 Act applies.
- (2) Despite the amendments made by the 2022 Consequential Regulations—
- (a) sections 8(3)(c) of the 1988 Act continues to have effect after the appointed day, but as if for “twelve months from the date of service of the notice” there were substituted “twelve

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- (6) Section 9 was amended by sections 299 and 321 of and paragraphs 5 and 8 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17) and section 66(1) of and paragraph 59(3) of Schedule 8 to the Family Law Act 1996 (c. 27).
  - (7) Section 9A was inserted by section 16(2) of the Anti-social Behaviour Act 2003 (c. 38) and amended by section 181 of and paragraph 19 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
  - (8) Section 21(1) was amended by section 194 of and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42) and section 98(2) of the Housing Act 1996 (c. 52).
  - (9) Section 21(4) was amended by section 98(3) of the Housing Act 1996 (c. 52).
  - (10) Section 21(5) was inserted by section 99 of the Housing Act 1996 (c. 52).
  - (11) Section 21(5A) was inserted by section 15(2) of the Anti-social Behaviour Act 2003 (c. 38).
  - (12) Schedule 2 was amended by section 81 of and paragraph 43 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 138 of the Housing (Wales) Act 2014 (anaw 7), section 194 of and paragraphs 108 and 109 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), section 60(2)(b) of and paragraph 10 of Part 2 of Schedule 8 to the National Health Service and Community Care Act 1990 (c. 19), sections 101, 102 148, 149 and 277 of and Part 9 of Schedule 19 to of the Housing Act 1996 (c. 52), section 6(2) of and paragraph 28 of Schedule 5 to the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 111 of and paragraph 46 of Part 3 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15), sections 162 and 237 of and Part 23 of Schedule 25 to the Localism Act 2011 (c. 20), sections 97(1), 98(2) and 99(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 410 of and paragraph 97 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17), section 41 of the Immigration Act 2016 (c. 19), article 5 of and paragraph 18 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 5 of and paragraphs 18, 63 and 74 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), regulation 41(a) of and paragraph 12 of Part 1 of Schedule 3 to the Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regulation 8 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Savings, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309).

months from the date of service of the notice, or six months after the appointed day, whichever comes first”, and

(b) a reference to the time limits stated in the notice in section 8(1)(a) (as saved by paragraph (1)(b) 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 8 of the 1988 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 under section 7 or 21 of the 1988 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) A notice served on the tenant in accordance with section 21(1) or (4) of the 1988 Act before the appointed day, ceases to have effect (and no new possession proceedings may be commenced in reliance of the notice)—

(a) at the end of the period of two months beginning with the appointed day, or

(b) on expiry of the period of two months beginning with the day specified in the notice as the day on which possession is required in accordance with section 21(1)(b) or (4)(a) of the 1988 Act,

whichever is the later.

(6) Despite the amendments made by the 2022 Consequential Regulations, section 5(1A)(13) of the 1988 Act continues to have effect in relation to a possession order made by the court under section 7 or 21 of the 1988 Act before the appointed day.

(7) Any savings in this regulation which relate to a notice served on the tenant in accordance with section 8 or 21 of the 1988 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 8(1)(b) of the 1988 Act applies, have effect whether the court dispensed with the requirement to serve a notice before or after the appointed day.

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**Commencement Information**

**II** Reg. 3 in force at 1.12.2022, see [reg. 1\(2\)](#)

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(13) Section 5(1A) was substituted by section 299 of and paragraphs 5 and 6 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17).

**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 3.