
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012 (“the Principal Regulations”) in light of sections 17(4) and 27(1) of the Housing (Wales) Act 2014 (“the 2014 Act”) and the Consumer Rights Act 2015 (“the 2015 Act”). The Principal Regulations are amended to include provision in respect of new appeals which may be made to a residential property tribunal under the 2014 Act and the 2015 Act.

In relation to sections 17(4) and 27(1) of the 2014 Act, these are appeals against a decision to place certain conditions on a licence, appeals against the revocation of registration as a landlord, appeals against the amendment of a licence, appeals against the revocation of a licence and appeals against a decision not to grant a licence.

In relation to the 2015 Act, these are appeals made by letting agents against financial penalties imposed against them by a local weights and measures authority.

Part 1 of the 2014 Act relates to the regulation of private rented housing. Part 1 includes a requirement for most landlords of dwellings let, or to be let, under domestic tenancies, as defined in section 2(1) of the 2014 Act, to register with the relevant licensing authority. Similarly, persons engaged in letting or managing such dwellings, are required to obtain a licence from the relevant licensing authority.

Licensing authorities have the power to refuse a licence; grant a licence with a condition that the licence holder complies with any code of practice issued by the Welsh Ministers and any other conditions they consider appropriate; amend a licence and revoke a licence of a landlord or agent. Part 1 of the 2014 Act also makes provision for landlords or the holder of a licence to appeal to a residential property tribunal against the decision of a licensing authority to grant a licence subject to a condition other than a condition that the licence holder complies with any code of practice issued by the Welsh Ministers; refuse a licence; amend a licence or revoke a licence.

Chapter 3 of Part 3 of the 2015 Act places a duty on a letting agent to publicise their fees and deals with enforcement of that duty. It provides that it is the duty of every local weights and measures authority to enforce the duty in its area. It also provides that a local weights and measures authority may impose financial penalties against a letting agent found to be in breach of their duties under Part 3 of the 2015 Act.

Schedule 9 to the 2015 Act deals with the procedure which a local weights and measures authority must follow before imposing financial penalties on a letting agent.

Schedule 9 to the 2015 Act sets out the process to be followed by a local weights and measures authority in taking enforcement action and includes provision for letting agents to make representations in relation to this. Schedule 9 also makes provision for appeals which may be brought by a letting agent on whom a final notice imposing a financial penalty has been served.

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 these Regulations.