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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 5**

**Improvements**

**Saving provisions: secure tenant's improvements**

**11.**—(1) The provisions in this regulation have effect despite the amendments made by the 2022 Consequential Regulations and the 2022 Secondary Consequential Regulations.

(2) Sections 97(1) and (3)(1) (tenant's improvements require consent), 98 (provisions as to consents required by s97), 99 (conditional consent to improvements) and 100(2) (power to reimburse cost of tenant's improvements) of the 1985 Act continue to have effect after the appointed day in relation to a converted secure contract, as they had effect immediately before that day in relation to a secure tenancy, but only where a request for consent to improvement was made by the tenant before the appointed day (whether such consent is given before or after that day).

**Saving and transitional provisions: compensation for improvements**

**12.**—(1) Section 99B(3) of the 1985 Act (persons qualifying for compensation) and the 1994 Regulations continue to have effect, as they had effect immediately before the appointed day, in relation to improvements carried out by a tenant under a secure tenancy under section 99A of the 1985 Act that came to an end before the appointed day (whether a request for compensation was made before or after the appointed day).

(2) Without prejudice to paragraph (1), where a request for consent to improvement was made by the tenant before the appointed day (whether such consent is given before or after that day), section 99B of the 1985 Act and the 1994 Regulations continue to have effect after the appointed day in relation to a converted secure contract, but as if—

- (a) a reference to a secure contract coming to an end was a reference to a converted secure contract coming to an end after the appointed day,
- (b) section 99B(2)(b) to (f) and (3) of the 1985 Act were omitted (and the 1994 Regulations were interpreted accordingly), and
- (c) regulation 3(2) of the 1994 Regulations were omitted.

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- (1) Section 97 was amended by section 118 of and paragraphs 2 and 12 of Schedule 7 to the Housing and Planning Act 2016 (c. 22) and section 155 of the Localism Act 2011 (c. 20).
  - (2) Section 100 was amended by section 194 of and paragraph 66 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), sections 103 and 147 of and paragraph 4(2) of Schedule 1 and Part 1 of Schedule 3 to the Housing Grants, Constructions and Regeneration Act 1996 (c. 53) and articles 12 and 15 of and paragraph 2 of Schedule 4 and Schedule 6 to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860).
  - (3) Section 99B was inserted by section 122 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and amended by sections 81 and 222 of and paragraph 13 of Schedule 18 to the Housing Act 1996 (c. 52), sections 81 and 261 of and paragraph 25 of Schedule 8, paragraph 19 of Part 2 of Schedule 9 and Schedule 30 to the Civil Partnership Act 2004 (c. 33) and section 66 of and paragraph 54 of Schedule 8 to the Family Law Act 1996 (c. 27).

(3) But paragraph (2) does not apply where the converted secure contract comes to an end after the appointed day because—

- (a) the Court makes an order for possession on one or more of the grounds in section 157 (breach of contract) or 160 (estate management grounds) of the 2016 Act, or
- (b) the contract ceases to be a secure contract by virtue of section 116 of the 2016 Act (order imposing periodic standard contract because of prohibited conduct).

**Transitional provisions: right to repair scheme**

13.—(1) Where, before the appointed day, the tenant has served a notice claiming the right to repair under paragraph 3 of the Schedule to the 1985 Regulations (tenant’s notice claiming the right to repair), the 1985 Regulations continue to have effect after the appointed day, as they had effect immediately before that day subject to paragraph (2).

(2) Where appropriate to give effect to this regulation, the 1985 Regulations are to be read as if after “secure tenant”, in each place it occurs, there were inserted “or contract holder (within the meaning given by section 7 (see also section 48) of the Renting Homes (Wales) Act 2016) under a secure contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016)”.