
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”) changes the renting landscape in Wales by, amongst other things, introducing the concept of “standard” and “secure” “occupation contracts”.

Schedule 12 to the 2016 Act (“Schedule 12”) sets out provision about tenancies and licences that existed before the 2016 Act came into force and which convert into occupation contracts on the “appointed day” (the day on which the 2016 Act is fully brought into force). These are referred to as “converted contracts”. Schedule 12 is designed to ensure that the 2016 Act will work in relation to such contracts. Schedule 12 has been amended by the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)). These Regulations further amend Schedule 12 and make a consequential amendment to the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172 (W. 242)).

Paragraph 13B of Schedule 12 provides that section 123 of the 2016 Act does not apply to converted contracts which meet the criteria specified in that paragraph. Regulation 3 amends paragraph 13B of Schedule 12 to make it clear that the landlord under any such converted contract must be a private landlord.

Sections 104(3) and 123(3) of the 2016 Act make provision in relation to the minimum periods required between variations of rent. Regulation 4 inserts a new sub-paragraph (1A) into paragraph 15 of Schedule 12 which adjusts the effect of sections 104(3)(a) and 123(3)(a), in relation to converted contracts under which the landlord is a community landlord (see section 9 of the 2016 Act), such that the first variation in rent after the appointed day must take effect not less than 51 weeks after the last date on which a new rent took effect.

Section 173 of the 2016 Act enables a landlord under a periodic standard contract to end that contract by giving notice and section 174(1) specifies the minimum notice period which must be given. Regulation 5 substitutes a new paragraph (a) into paragraph 25A(2) of Schedule 12, which provides that two months is the minimum notice period (under section 174(1)) in relation to any section 173 notice served during the six months following the appointed day, in respect of a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy. Six months after the appointed day, the minimum notice period (under section 174 of the 2016 Act) in relation to such converted contracts will be six months.

Regulation 6 amends the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 to include a savings provision in relation to paragraph 15(1A) of Schedule 12 (as inserted by regulation 3).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Housing Policy Division, Welsh Government, Cathays Park Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022.