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WELSH STATUTORY INSTRUMENTS

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**2022 No. 143**

**The Renting Homes (Wales) Act 2016  
(Amendment of Schedule 9A) Regulations 2022**

**Prohibitions on giving notice seeking possession relating to health and safety**

**4.** In Schedule 9A to the Act, after paragraph 5 insert—

*“Failure to ensure that working smoke alarms and carbon monoxide alarms are installed*

**5A.**—(1) This paragraph is incorporated as a term of all standard contracts—

- (a) which are mentioned in paragraph 7(1), and
  - (b) in relation to which regulation 5 of the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 (S.I. 2022/6 (W. 4)) (“the Fitness for Human Habitation Regulations”) applies.
- (2) A landlord may not give notice at a time when—
- (a) the dwelling is treated as unfit for human habitation by virtue of regulation 5(3) of the Fitness for Human Habitation Regulations (failure to ensure that working smoke alarms and, in certain circumstances, carbon monoxide alarms are installed in a dwelling), and
  - (b) as a result, the landlord is required under Part 4 of this Act to take steps to stop the dwelling from being treated as unfit for human habitation by virtue of that regulation.

*Failure to supply electrical condition report etc.*

**5B.**—(1) This paragraph is incorporated as a term of all standard contracts—

- (a) which are mentioned in paragraph 7(1), and
  - (b) in relation to which regulation 6 of the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 (S.I. 2022/6 (W. 4)) (“the Fitness for Human Habitation Regulations”) applies.
- (2) A landlord may not give notice at a time when—
- (a) the dwelling is treated as unfit for human habitation by virtue of regulation 6(6) of the Fitness for Human Habitation Regulations (failure to obtain an electrical condition report, or to give the contract holder such a report or written confirmation of certain other electrical work), and
  - (b) as a result, the landlord is required under Part 4 of this Act to take steps to stop the dwelling from being treated as unfit for human habitation by virtue of that regulation.

*Failure to provide gas safety report to contract-holder*

**5C.**—(1) This paragraph is incorporated as a term of all standard contracts—

- (a) which are mentioned in paragraph 7(1), and

(b) in relation to which regulation 36 of the Gas Safety Regulations applies.

(2) A landlord may not give notice at a time when the landlord has not complied with regulation 36(6) or (as the case may be) (7) of the Gas Safety Regulations (requirement to provide or display report on safety etc. of gas installations).

(3) For the purposes of sub-paragraph (2), a landlord who has not complied with regulation 36(6) or (7) of the Gas Safety Regulations is to be treated as in compliance with the provision in question at any time when—

(a) the landlord has ensured that the contract-holder has been given, or (as the case may be) there is displayed in a prominent position in the dwelling, a copy of a gas safety record, and

(b) that record is valid.

(4) For the purposes of sub-paragraph (3), a gas safety record is valid until the end of the period within which the appliance or flue to which the record relates is required, under the Gas Safety Regulations, to again be subjected to a check for safety.

(5) In this paragraph—

“check for safety” (“*gwiriad diogelwch*”) means a check for safety carried out in accordance with regulation 36(3) of the Gas Safety Regulations;

“gas safety record” (“*cofnod diogelwch nwy*”) means a record made pursuant to the requirements of regulation 36(3)(c) of the Gas Safety Regulations;

“Gas Safety Regulations” (“*Rheoliadau Diogelwch Nwy*”) means the Gas Safety (Installation and Use) Regulations 1998 (S.I. 1998/2451).”