
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedules 2, 3, 8A, 9, 9B and 9C to the Renting Homes (Wales) Act 2016 (“the Act”) (anaw 1).

Regulation 2 inserts into paragraph 7(3) of Schedule 2 (exceptions to section 7) to the Act, a reference to a tenancy or licence which relates to accommodation provided by the Secretary of State, or on behalf of the Secretary of State (for example, under or by virtue of arrangements made by the Secretary of State with another person), in connection with a requirement imposed under section 3(6) of the Bail Act 1976. It also adds a reference to accommodation provided under Part 1 of the Offender Management Act 2007 for the probation purposes (within the meaning of section 1 of that Act). This amendment means that such a tenancy or licence can never be an occupation contract under the Act.

Regulation 2 also inserts into paragraph 7(3) of Schedule 2 to the Act, a reference to a tenancy or licence which relates to:

- (a) accommodation provided under section 4 (accommodation) or Part 6 (support for asylum seekers) of the Immigration and Asylum Act 1999, and
- (b) facilities provided under paragraph 9 of Schedule 10 (immigration bail) to the Immigration Act 2016 for the accommodation of a person provided at an address specified in an immigration bail condition.

This amendment means that any such tenancy or licence can never be an occupation contract under the Act.

Regulation 3 amends Schedule 3 (occupation contracts made with or adopted by community landlords which may be standard contracts) to the Act to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 4 amends Schedule 8A (standard contracts which can be terminated on two months’ notice under section 173 or a landlord’s break clause) to the Act to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 5 amends Schedule 9 (standard contracts to which the limits in sections 175 and 196 (when landlord’s notice may be given) do not apply) to the Act, to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 6 amends Schedule 9B (fixed term standard contracts which can be terminated by giving notice under section 186) to the Act, to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 7 amends Schedule 9C (fixed term standard contracts which may contain a landlord’s break clause even if made for a term of less than two years) to the Act, to remove reference to certain kinds of accommodation provided for asylum seekers etc. to reflect that a tenancy or licence in relation to such accommodation can never be an occupation contract.

Regulation 8 makes a consequential amendment to paragraph 2 of Schedule 11 to the Immigration Act 2016 (“the 2016 Act”). Paragraph 1 of Schedule 11 to the 2016 Act will, when it fully comes into force, repeal section 4 of the 1999 Act. The amendment made by regulation 8 will, when section 4 of

Status: This is the original version (as it was originally made).

the 1999 Act is repealed and paragraph 2 of Schedule 11 to the 2016 Act comes into force, omit the reference to section 4 of the 1999 Act in paragraph 7(3)(k)(i) of Schedule 2 to the Act (as inserted by regulation 2).

Regulation 9 makes consequential amendments to Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021, related to the provision in regulations 3 and 5.

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 this instrument.