

SL(6)225 – [The Renting Homes \(Wales\) Act 2016](#) **(Housing Association Tenancies: Fundamental** **Provisions) Regulations 2022**

Background and Purpose

These Regulations limit the application of certain provisions of the Renting Homes (Wales) Act 2016 ("the 2016 Act") in relation to a specific form of tenancy and makes minor consequential amendments to primary legislation to reflect this.

The 2016 Act introduces fundamental provisions which if included in an occupation contract become a fundamental term of that contract.

Section 22(1) of the 2016 Act enables the Welsh Ministers to make regulations which specify that any provision of any enactment is, or is not, a fundamental provision applicable to an occupation contract.

These Regulations provide that the relevant sections of the 2016 Act dealing with the variation of rent are not fundamental provisions applicable to occupation contracts that are housing association tenancies (within the meaning given by Part 6 of the Rent Act 1977 ("the 1977 Act")).

These Regulations make consequential amendments to the 2016 Act and the 1977 Act for these types of tenancies, so that where a housing association tenancy is a secure or periodic standard occupation contract, the current arrangements which apply to variation of rent for these tenancies continues to apply. The Explanatory Memorandum states that the effect of these Regulations is to preserve existing enhanced rights in relation rent protection enjoyed by such tenants.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.



1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

No consultation has been carried out in relation to these Regulations. The Explanatory Memorandum to the Regulations notes that:

“No formal consultation has taken place as these Regulations make only consequential technical amendments.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

27 June 2022

