



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Implementation of the Renting Homes (Wales) Act 2016: laying of the affirmative instruments in the third tranche of subordinate legislation

DATE 21 June 2022

BY Julie James, Minister for Climate Change

I recently announced that the provisions of the Renting Homes (Wales) Act 2016 would be brought into force on 1 December 2022.

Today, I have laid part of the third tranche of subordinate legislation required to support the implementation of the 2016 Act.

There are seven substantive statutory instruments in this third tranche. The four instruments laid today are all being made via the Senedd's affirmative procedure and are scheduled for plenary debate on 12 July 2022. They are:

The Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022

This SI makes a series of amendments to Schedules 2, 3, 8A, 9, 9B and 9C of the 2016 Act. These amendments provide that tenancies or licences concerning certain kinds of accommodation related to bail or probation, or to immigration and asylum, are not occupation contracts. The amendments also reflect some recent changes to the law relating to the provision of this accommodation.

The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022

Schedule 12 sets out arrangements for tenancies and licences currently in existence which will convert into occupation contracts when the 2016 Act comes into force. The purpose of the Schedule is to ensure that the transition is as seamless as possible and that the parties to existing tenancies and licences are treated fairly when their tenancy or licence undergoes conversion into an occupation contract, with the correct balance being struck in respect of both parties' rights and obligations.

The amendments being made by this SI include:

- Protecting the existing rights of 16 or 17 year olds who currently hold a secure tenancy which is a licence, or an assured agricultural occupancy which is a licence;
- Provision about which types of tenancy and licence can convert into supported standard contracts: only assured shorthold tenancies and licences will convert into supported standard contracts and where conversion does occur, not all of the provisions relating to supported standard contracts in the 2016 Act will apply to that converted contract;
- Adding Starter Tenancies to the list of current tenancies that will convert into Introductory Standard Contracts;
- Providing that the deposit scheme requirements apply only to converted assured shorthold tenancies, and making a range of provision about the rent variation arrangements for certain types of tenancies;
- Protecting, as far as possible, the rights of any current holder of an Assured Agricultural Occupancy; and
- Ensuring that for fixed term tenancies where the fixed term ends, and the contract becomes periodic before 1 December, the current two-month no-fault notice period will continue to apply after 1 December. For fixed term contracts that convert on 1 December and then become periodic (if the landlord does not seek possession at the end of the fixed term by issuing a two-month no-fault notice), the six-month notice will apply to the substitute periodic contract that follows the fixed term.

- ***The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022***

These Regulations make amendments to primary legislation in consequence of the provisions of the 2016 Act.

Generally, these amendments either:

- a. ensure that existing provision in primary legislation continues to have appropriate effect by
 - i. referencing relevant occupation contracts alongside references to existing types of tenancies, or
 - ii. including the terminology used in the 2016 Act;or,
- b. where the provisions of the 2016 Act are intended to replace elements of existing law, or the existing law is incompatible that set out in the 2016 Act, by disapplying that law.

These amendments are necessary to implement the 2016 Act, provide coherence, clarity and ensure consistency of the law.

The Renting Homes (Wales) Act 2016 (Housing Association Tenancies: Fundamental Provisions) Regulations 2022

This SI provides that the relevant sections of the 2016 Act dealing with the variation of rent applicable to secure and periodic standard contracts are not fundamental provisions of occupation contracts that are housing association tenancies (within the meaning in Part 6 of the Rent Act 1977 (“the 1977 Act”).

This SI also makes consequential amendments to the 2016 Act and to section 93 of the 1977 Act. The overall effect of this SI is that the current arrangements and protections which apply to the variation of rent in relation these specific tenancies will continue to apply.

All of these statutory instruments can be accessed [here](#).

I will also shortly be laying three further implementation SIs. These are being made via the Senedd’s negative procedure so will not be subject to Senedd debate. I will publish a further written statement to alert Members when those SIs have been published.

Guidance, and other resources for landlords and tenants can be accessed via the Renting Homes Wales website: <https://gov.wales/housing-law-changing-renting-homes>.