

Government Response – The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022

Technical Scrutiny point 1: The Welsh Government thanks the Committee for raising this point. The Welsh Government accepts that different approaches have been adopted in relation to the drafting of some of the provisions of these Regulations. However, the Welsh Government is content that the general saving provision (at regulation 19) will achieve the correct legal effect in each instance.

Technical Scrutiny point 2: The Welsh Government thanks the Committee for drawing this to our attention. We are liaising with SI Registrar on the possibility of producing a Correction Slip to deal with this point.

Technical Scrutiny point 3: The Welsh Government thanks the Committee for drawing these issues to our attention. We are liaising with SI Registrar on the possibility of producing a Correction Slip to deal with these points.

Technical Scrutiny point 4: The Welsh Government thanks the Committee for drawing this to our attention. We are liaising with SI Registrar on the possibility of producing a Correction Slip to deal with this point.

Technical Scrutiny point 5: References to “secure tenant” in the 1985 Regulations have been modified to “secure tenant or contract-holder” because the reference to “secure tenant” is to a tenant of a specific type of tenancy which will be abolished by section 239 of the Renting Homes (Wales) Act 2016. That reference to a specific type of tenancy will not, consequently, operate in Wales after the 2016 Act has come into force. However, where the 1985 Regulations refer to “tenant” or “tenancy” generally, those references will operate correctly in relation to occupation contracts and contract-holders which are intended to be captured and, consequently, these references to “tenancy” or “tenant” will continue to operate correctly after the 2016 Act comes into force. As a result, the Welsh Government are of the view that the issue identified in Reporting Point 5 is not an error and no amendment or correction is required.

Technical Scrutiny point 6: The Welsh Government thanks the Committee for drawing this to our attention. We are liaising with SI Registrar on the possibility of producing a Correction Slip to deal with this point.

Merits Scrutiny point 7: The Welsh Government thanks the Committee for drawing this to our attention. We are content that the defined terms operate as drafted but we are liaising with SI Registrar to explore whether any further assistance can be provided to the reader via Correction Slip.

Merits Scrutiny point 8: The Welsh Government has undertaken a thorough assessment of provisions contained within these Regulations to ensure they are compatible with Convention rights.