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Llywodraeth Cymru
Welsh Government

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Christine Chapman AM
Chair
Communities, Equality and Local
Government Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
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24

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Dear Christine

Renting Homes (Wales) Bill

Following the introduction of the Renting Homes (Wales) Bill into the National Assembly for Wales on 9 February 2015, please find attached a copy of the Statement of Policy Intent regarding the subordinate legislation powers in the Bill. This is provided to support the Committee's scrutiny of the Bill.

I am copying this letter to the Chair of the Constitutional and Legislative Affairs Committee.

Regards

Lesley Griffiths AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty



Llywodraeth Cymru
Welsh Government

Renting Homes (Wales) Bill

Policy intent for subordinate legislation made under the Bill

February 2015

POLICY INTENT FOR PROPOSED SUBORDINATE LEGISLATION TO BE MADE UNDER THE RENTING HOMES (WALES) BILL 2015

1. This document describes the policy intention and direction proposed by the Welsh Ministers using the powers in the Renting Homes (Wales) Bill.
2. The Bill brings together and modernises the existing and complex legislation for renting a home into one new piece of legislation. In doing so, it aims to improve the arrangements. It proposes two main types of occupation contract, which will replace existing forms of occupation arrangements. The principal aspects of these new occupation contracts, the “key matters” and “fundamental terms”, will be set out on the face of the Bill. Supplementary terms will be set out in regulations made by the Welsh Ministers, with additional terms negotiated and agreed by landlords and contract-holders.
3. Key matters will cover, for example, the address of the property, the level of rent and the rental period. Fundamental terms set out the primary rights and responsibilities under the contract and will cover, for example, the requirement to provide a written statement of the contract and the process for ending the contract. Supplementary terms, which will be set out in regulations to be made by the Welsh Ministers, will relate to other rights and responsibilities that apply under the contract.
4. Because the Bill proposes to change, consolidate and update substantial and complex areas of housing legislation, it provides the Welsh Ministers with the powers necessary to implement such legislation. These powers will allow the Welsh Ministers to set out supplementary terms of occupation contracts, to prescribe matters of procedural detail and, importantly, to be able to respond promptly to the need for changes in such matters if circumstances change in the future. In most cases, the powers replicate those in the existing legislation, which is being replaced by the Bill. The powers are also closely aligned with the powers proposed by the Law Commission in its draft Bill (Volume 2 of its Renting Homes 2006 Final Report).
5. With the exception of the power to commence the remaining provisions of the Act, which is by way of order (section 254(2)), the powers within this Bill are regulation making powers. The Welsh Government has undertaken to consult on the regulations relating to supplementary provisions (section 23(1)). In relation to other subordinate legislation, the precise nature and extent of consultation will be determined by reference to the subject matter of the legislation.
6. This statement should be read in conjunction with the Bill and Explanatory Memorandum, as published on introduction.

REGULATIONS RELATING TO:	Bodies to be considered Community Landlords.
SECTION	Section 9(6)
DESCRIPTION OF THE POWER/REGULATION	
<p>Provides the Welsh Ministers with a power to amend section 9, that is, the list of “persons” (individuals, authorities or bodies) defined as “community landlords” under the Bill. This is to enable the Bill to reflect changes in housing practice in the future.</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>Future housing practice or legislation may require the definition or description of community landlords under the Bill to be changed. This is necessary as a person defined as a community landlord is required to issue a secure contract by default. For landlords other than community landlords, referred to as “private landlords” under the Bill, the standard contract is the default. This power will therefore enable the Welsh Ministers to ensure any wider changes in the law regarding the provision of social rented housing are reflected in the definition of a community landlord. For example, section 80(3) of the Housing and Regeneration Act 2008 changed, in England, the description “registered social landlord” to “private registered provider of social housing”. Since some social housing in Wales is provided by English-based providers, any further such change will need to be reflected in the definition of community landlord under the Bill. The affirmative procedure is appropriate for this power as the definition of what does or does not constitute a community landlord under the Bill has a significant impact on the rights of those who rent their home, as it will determine their right to either a secure or standard contract.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The policy intention of the power is to ensure landlords who might be required to issue secure contracts in the future are included within the definition of a community landlord. There is the possibility that new providers of social housing may need to be defined as community landlords. In such a scenario, we would wish to act swiftly to ensure individuals are provided with secure contracts as soon as possible.</p>	

REGULATIONS RELATING TO:	Determination of fundamental provisions
SECTION:	Section 22(1)&(2)
DESCRIPTION OF THE POWER/REGULATION	
<p>Section 22(1) provides the Welsh Ministers with a power to make regulations as to whether a provision made by other legislation is, or is not, a “fundamental provision” of an occupation contract. Section 22(2) enables the Welsh Ministers to make regulations regarding whether a fundamental provision must be incorporated as a fundamental term in an occupation contract and, if it must be incorporated, whether it can be modified. Where such regulations make changes to the Renting Homes (Wales) Act they will be subject to the affirmative procedure. Otherwise the negative procedure would apply.</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>Allows the Welsh Ministers to ensure fundamental provisions reflect future changes in legislation and housing practice. Should future housing legislation require a matter to be included in an occupation contract this power will enable that to be achieved in a timely manner.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The policy intention is to provide the ability to react swiftly to future legislation which affects Renting Homes occupation contracts. The ability to incorporate future housing legislation which might affect occupation contracts is essential for the contracts to remain effective.</p> <p>The power under Section 22(2) complements the power provided under 22(1). For example, if future legislation requires the creation of a new fundamental provision, it is essential that determination over its incorporation into occupation contracts, and whether it can be subject to modification, is also provided for.</p>	

REGULATIONS RELATING TO:	Determination of supplementary provisions
SECTION:	Section 23(1)
DESCRIPTION OF THE POWER/REGULATION	
Creation of supplementary provisions to be incorporated as terms of occupation contracts.	
WHY THE REGULATION POWER IS REQUIRED	
<p>In line with the Law Commission’s recommendations, while the essential rights and obligations will be represented by fundamental provisions, other more practical matters are dealt with through supplementary provisions prescribed by the Welsh Ministers in regulations. Supplementary provisions will be incorporated into occupation contracts as supplementary terms.</p> <p>Examples of supplementary terms would be a requirement for the contract-holder to pay the council tax, to maintain a garden, take care of the dwelling and check smoke alarms are working and return keys to the landlord at the end of the contract. The landlord and contract-holder are free to agree that a supplementary provision should not be incorporated as a term or be incorporated with modifications.</p> <p>Prescribing supplementary provisions through regulations will enable the Welsh Ministers to ensure occupation contracts remain current and respond to changes to future legislation and housing practice. The power requires the Welsh Ministers to consult stakeholders before making regulations determining supplementary provisions.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The policy intention is to ensure the terms of occupation contracts remain current and reflect changes in housing practice. For example, if there was to be a substantial alteration to the funding of local government, then the contractual term requiring the contract-holder to pay the “council tax” may need to be changed. It would not be appropriate for such a change to require the making of primary legislation. The intention of the requirement to consult is to ensure the proposed supplementary provisions accurately describe the matter to be addressed and are readily understandable.</p>	

REGULATIONS RELATING TO:	Prescribing model written statements of contracts
SECTION:	Section 29(1)
DESCRIPTION OF THE POWER/REGULATION	
<p>In line with the Law Commission's recommendations, this power enables the Welsh Ministers to prescribe model written statements of contracts for use by landlords and contract-holders as the basis for the occupation contracts provided for under the Bill.</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>The Bill requires landlords to issue written statements of the occupation contract within 14 days of the contract-holder occupying the dwelling (this allows for initial occupation on the basis of a verbal contract only, for example in response to an emergency). The written statement must include the relevant key matters, fundamental terms, supplementary terms as well as any additional terms.</p> <p>The power to issue model written statements of contracts will assist landlords in complying with their obligations. There are a number of model written statements of contracts which it is proposed will be prescribed under this power:</p> <ul style="list-style-type: none"> • Secure contract - community landlord • Fixed term standard contract (less than seven years) • Fixed term standard contract (seven years or more) • Periodic standard contract • Introductory standard contract • Prohibited conduct standard contract • Supported standard contract <p>However, these will need to be updated in a timely manner if changes are made to a supplementary term as a consequence of regulations made under section 23(1).</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The intention is to ensure model written statements of contracts can be readily updated as required. This will assist landlords in complying with their obligations under the new legislation.</p>	

REGULATIONS RELATING TO:	Explanatory information which must be contained in written statements
SECTION:	Section 32(4)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to specify explanatory information which must be contained in written statements.	
WHY THE REGULATION POWER IS REQUIRED	
<p>The fundamental and supplementary terms in occupation contracts will be drafted as clearly as possible. However, it is necessary for the written statement to include explanatory information about any matters that are prescribed to assist the reader. For example, the illustrative model contracts prepared by the Law Commission included a note explaining the contract-holder did not need to pay a day's rent for each day the landlord was late in providing the written statement of contract. Explanatory information may also be used to sign-post the reader to sources of other relevant information or advice. Such explanatory notes will vary over time, not least as a consequence of changes to supplementary terms as a consequence of the power in section 23(1).</p>	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to help ensure landlords and contract-holders understand the terms of the occupation contract.	

REGULATIONS RELATING TO:	Required information relating to deposit schemes
SECTION:	Section 45(3)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to specify what information must be given to the contract-holder (or any person who paid the deposit on his or her behalf) to comply with section 45(2)(b) regarding deposit schemes.	
WHY THE REGULATION POWER IS REQUIRED	
<p>This power reflects current arrangements in respect of tenancy deposits and will enable the Welsh Ministers to update the required information to be provided following changes in legislation and housing practice. The current Housing (Tenancy Deposits) (Prescribed Information) Order 2007 is an example of the kind of information that will be required, and includes:</p> <ul style="list-style-type: none"> • the amount of the deposit paid; • the address of the property to which the tenancy relates; • the name, address, telephone number, and any e-mail address or fax number of the landlord; and • the circumstances when all or part of the deposit may be retained by the landlord, by reference to the terms of the tenancy. 	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the information which must be provided to a contract-holder regarding the safeguarding of his or her deposit can be readily updated..	

REGULATIONS RELATING TO:	Prohibited conduct definition
SECTION:	Section 56
DESCRIPTION OF THE POWER/REGULATION	
<p>This power enables the Welsh Ministers to amend section 55 in respect of what constitutes anti-social behaviour and other prohibited conduct.</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>This power was recommended by the Law Commission. It will allow the definition of prohibited conduct to be swiftly updated by the Welsh Ministers, ensuring new forms of anti-social behaviour, domestic abuse or other negative behaviours can be captured by the definition.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The intention here is to provide the Welsh Ministers with the ability to react in a timely manner to emerging forms of anti-social behaviour, domestic abuse or other negative behaviours not falling within the current definition. The nature of such behaviours can evolve rapidly and it is important for occupation contracts to be capable of being updated accordingly, thus remaining an effective tool against current and future forms of anti-social behaviour and domestic abuse.</p>	

REGULATIONS RELATING TO:	Sub-occupation and the variation of time periods relating to exclusion of contract-holder by sub-holder after abandonment
SECTION:	Section 68
DESCRIPTION OF THE POWER/REGULATION	
<p>Allows the variation of time periods in sections 66 and 67. Section 66(11) provides for a four-week warning period for the contract-holder, during which the sub-holder is required to make inquiries to be satisfied the contract-holder no longer considers himself or herself to be a party to the head contract and the sub-occupation contract. Section 67(2) provides for variation of the six-month period during which the contract-holder can apply for a remedy to the court on the grounds he or she had not abandoned the contracts and there is good reason for a failure to respond or the sub-holder had not acted in accordance with the requirements.</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>The provisions in the Bill are aligned with the recommendations of the Law Commission. However, as an entirely new area of law, it is considered important to have the ability to vary the relevant time periods in the light of experience.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The policy intention here is, through the monitoring of implementation, to ensure both the four-week warning period and six-month remedy period are appropriate. It is important for the Welsh Ministers to have the ability to act swiftly should changes be necessary.</p>	

REGULATIONS RELATING TO:	Fitness for human habitation
SECTION:	Section 94
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to prescribe matters or circumstances to consider in determining whether premises are fit for human habitation.	
WHY THE REGULATION POWER IS REQUIRED	
These matters will be prescriptive and detailed in nature and are better suited to regulations than the face of the Bill.	
POLICY INTENTION OF THE REGULATIONS	
The intention here is to set out the matters to be considered in determining whether a dwelling is fit for human habitation. This may include referring to existing guidance on the 29 hazards listed under the Housing Health and Safety Rating System, which include excess cold, mould, carbon monoxide, pests, fire and electrical hazards. This power will enable the Welsh Ministers to specify in regulations additional matters which are considered to make a dwelling unfit for habitation. In exercising the power under section 94(1), the Welsh Ministers may prescribe matters and circumstances by reference to any regulations made under section 2 of the Housing Act 2004. The power will ensure all such guidance can be kept up to date.	

REGULATIONS RELATING TO:	Notice periods in relation to withdrawal from the contract by joint contract-holders
SECTION:	Sections 112 and 131
DESCRIPTION OF THE POWER/REGULATION	
This power enables the Welsh Ministers to prescribe supplementary provisions specifying a minimum period of notice required to be given by a joint contract-holder who wishes to withdraw from either a secure or standard contract (sections 112 and 131 respectively).	
WHY THE REGULATION POWER IS REQUIRED	
In line with the Law Commission's recommendations, this will enable the notice periods to be altered should this prove necessary in the light of experience.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention here is, through the monitoring of implementation, to ensure the required notice period is appropriate. It is important for the Welsh Ministers to have the ability to act swiftly should change be necessary.	

REGULATIONS RELATING TO:	Landlord's review of a decision to give notice requiring possession under introductory and prohibited conduct standard contracts
SECTION:	Section 199(5)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to specify the procedure to be followed in relation to a landlord's review of a decision to give a notice requiring possession.	
WHY THE REGULATION POWER IS REQUIRED	
To set the detailed requirements and procedure for the review of the landlord's decision. The regulations will be administrative in nature and are better suited to subordinate legislation.	
POLICY INTENTION OF THE REGULATIONS	
The intention here reflects existing arrangements in relation to landlord reviews, for example under section 125B of the Housing Act 1996 which provides a regulation making power in relation to the procedure to be followed in connection with reviewing a landlord's decision to extend an introductory tenancy. Regulations here will largely be administrative, for example setting out requirements in relation to the person(s) to adjudicate, the right to an oral hearing, and permitted attendees/representatives.	

REGULATIONS RELATING TO:	Safeguarding of property remaining in the dwelling following abandonment
SECTION:	Section 217(1)
DESCRIPTION OF THE POWER/REGULATION	
Enables the Welsh Ministers to make provision relating to the safeguarding of property remaining in the dwelling of an abandoned property when a contract ends under section 216.	
WHY THE REGULATION POWER IS REQUIRED	
The regulations will be administrative in nature and are appropriate for subordinate legislation.	
POLICY INTENTION OF THE REGULATIONS	
The intention here is to set out within the regulations the proper treatment of the former contract-holder's property following possession under the abandonment procedure. Any regulations might, for example, set out the time periods for which such property must be kept and how the proceeds of sale of any property may be treated by the landlord in offsetting any monies owed by the contract-holder.	

REGULATIONS RELATING TO:	Relevant periods of time in relation to abandonment by the contract-holder.
SECTION:	Section 219
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to amend the relevant time periods under sections 216 and 218 in relation to abandonment.	
WHY THE REGULATION POWER IS REQUIRED	
<p>Allows the variation of time periods for the purposes of sections 216 and 218. Section 216 provides for a four-week warning period for the contract-holder, during which the landlord is required to make inquiries to be satisfied the contract-holder has abandoned the dwelling. Section 218 provides for variation of the six-month period during which the contract-holder can apply for a remedy to the court on the grounds he or she had not abandoned the dwelling and there is good reason for a failure to respond or the landlord had not acted in accordance with the requirements. It will be important to monitor the time periods with regard to abandonment, ensuring that the stated periods work from both the perspective of landlord and contract-holder.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The policy intention here is to ensure both the four-week warning period and six-month remedy period are appropriate. It is important for the Welsh Ministers to have the ability to act swiftly should changes be necessary. The appropriateness of these periods will be monitored as part of the evaluation of the Bill.</p>	

REGULATIONS RELATING TO:	Relevant periods of time in relation to the exclusion of joint contract-holders.
SECTION:	Section 225
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to amend relevant periods of time in relation to the exclusion of joint contract-holders under sections 221, 222, 223 and 224.	
WHY THE REGULATION POWER IS REQUIRED	
It will be important to monitor the time periods with regard to joint contract-holder exclusion and termination of warning notices, given by both landlord and joint contract-holders.	
POLICY INTENTION OF THE REGULATIONS	
The intention here is to monitor the implementation of such warning notice periods to ensure they remain fair for both landlord and joint contract-holder. It is considered the periods as they currently stand are fair to both landlord and contract-holder but it is important that the ability to act swiftly is maintained in such an important area.	

REGULATIONS RELATING TO:	Prescription of the form for notices and documents required
SECTION:	Section 233(3)
DESCRIPTION OF THE POWER/REGULATION	
Enables the Welsh Ministers to prescribe the form for notices and documents required or authorised under the Bill.	
WHY THE REGULATION POWER IS REQUIRED	
Various provisions in the Bill require notices to be given by either landlord or contract-holder. To assist both parties with issuing notices which comply with the requirements this power enables the Welsh Ministers to prescribe the form of these notices. These will also require periodic adjustment and updating to remain current.	
POLICY INTENTION OF THE REGULATIONS	
The intention here is to facilitate the contractual relationship between the parties to an occupation contract by making available template notices in the correct form, which may change over time as a consequence of other changes, such as applicable time periods.	

REGULATIONS RELATING TO:	Supplemental, incidental, consequential, transitory, transitional or saving provision.
SECTION:	Section 252(1)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to make supplemental, incidental, consequential, transitory, transitional or saving provision.	
WHY THE REGULATION POWER IS REQUIRED	
The power is needed for the purpose of giving full effect to any provision of the Renting Homes (Wales) Act or in consequence of any such provision.	
POLICY INTENTION OF THE REGULATIONS	
To enable effective implementation.	

REGULATIONS RELATING TO:	Consequential amendments, modifications, repeals and revocations of, an enactment other than a provision of this Act.
SECTION:	Section 253(2)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to make consequential amendments to, and modifications, repeals and revocations of, an enactment other than a provision of this Act.	
WHY THE REGULATION POWER IS REQUIRED	
The power is needed to enable consequential changes, etc. to be made to existing legislation to give full effect to the provisions of the Act.	
POLICY INTENTION OF THE REGULATIONS	
To enable effective implementation.	

REGULATIONS RELATING TO:	Commencement
SECTION:	Section 254(2)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to provide for commencement of the remaining provisions of the Act.	
WHY THE REGULATION POWER IS REQUIRED	
Part 11 of the Bill comes into force on the day on which the Act is passed. The remaining provisions of the Act come into force on a day appointed by the Welsh Ministers by order. This power is necessary to bring those provisions that do not come into force upon passing of the Act into force in a planned manner to ensure the Act is brought fully into force.	
POLICY INTENTION OF THE REGULATIONS	
To enable effective implementation.	

REGULATIONS RELATING TO:	Supported housing, obtaining consent for notice of extension
SECTION:	Schedule 2 Paragraph 15(10)
DESCRIPTION OF THE POWER/REGULATION	
This enables the Welsh Ministers to make regulations relating to paragraph 15(5), which prevents landlords from giving a notice of extension without a local authority's consent, and in particular the procedure for obtaining consent.	
WHY THE REGULATION POWER IS REQUIRED	
To set out the detailed procedure for obtaining local authority consent to issue a notice of extension. The regulations will be administrative in nature and are better suited to subordinate legislation.	
POLICY INTENTION OF THE REGULATIONS	
The intention here is to set out the procedures to be followed in obtaining local authority consent to extend a supported housing contract. Such regulations will be similar to existing regulations around landlord reviews, for example those issued under section 125B of the Housing Act 1996. These regulations will be administrative and will ensure correct procedure is followed in the granting of local authority consent. Regulations could include, for example, ensuring the appropriate person is making the decision to grant consent.	

REGULATIONS RELATING TO:	Schedule 2 amendments
SECTION:	Schedule 2 Paragraph 17
DESCRIPTION OF THE POWER/REGULATION	
Schedule 2 sets out types of tenancies and licences which would not normally be an occupation contract under the Bill (exceptions to section 7). Paragraph 17 of Schedule 2 provides a power for the Welsh Ministers to amend Schedule 2.	
WHY THE REGULATION POWER IS REQUIRED	
In line with the Law Commission's recommendations, this power is required to enable the Welsh Ministers to amend Schedule 2 to reflect changes in the provision of housing.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the list of excluded tenancies and licences can be updated in a timely manner.	

REGULATIONS RELATING TO:	Prescription of designated course
SECTION:	Schedule 3 Paragraph 10(2)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to prescribe a "designated course" for the purposes of this paragraph.	
WHY THE REGULATION POWER IS REQUIRED	
These regulations will be wholly administrative and appropriate for subordinate legislation.	
POLICY INTENTION OF THE REGULATIONS	
The intention is to ensure that designated courses reflect any changes within education legislation, allowing for the inclusion (or removal) of relevant courses. It will be important to act in a timely manner to ensure the appropriate form of occupation contract is issued.	

REGULATIONS RELATING TO:	Determination of key workers
SECTION:	Schedule 3 Paragraph 15(3)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to make regulations on the determination of key workers for the purposes of this paragraph.	
WHY THE REGULATION POWER IS REQUIRED	
Regulations may set out whether a contract holder is a key worker. This is to ensure community landlords are able to appropriately house key workers under a standard contract, rather than a secure contract.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the definition of what constitutes a key worker remains current.	

REGULATIONS RELATING TO:	Schedule 3 amendments
SECTION:	Schedule 3 Paragraph 17
DESCRIPTION OF THE POWER/REGULATION	
Schedule 3 sets out those circumstances in which community landlords will not be required to issue a secure contract, for example for introductory purposes, the provision of accommodation to key workers or the provision of accommodation to homeless persons. The power enables the Welsh Ministers to amend Schedule 3.	
WHY THE REGULATION POWER IS REQUIRED	
In line with the Law Commission's recommendations, this power is required to enable the Welsh Ministers to amend Schedule 3 to reflect changes in the provision of housing.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the list of exceptions under which community landlords are not required to issue a secure contract can be updated in a timely manner.	

REGULATIONS RELATING TO:	Power to amend period required for a notice of extension with regard to introductory standard contracts
SECTION:	Schedule 4, Paragraph 3(7)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to amend the time within which a notice of extension must be given to a contract-holder, and provides that the power in section 253(2) includes power to make consequential amendments to Schedule 4.	
WHY THE REGULATION POWER IS REQUIRED	
This power is required to ensure the period within which a notice of extension must be given remains appropriate.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the notice period can be amended in a timely manner should this prove necessary.	

REGULATIONS RELATING TO:	Procedure to be followed in connection review of a landlord's decision to extend the introductory period
SECTION:	Schedule 4, Paragraph 4(7)
DESCRIPTION OF THE POWER/REGULATION	
Enables the Welsh Ministers to specify the procedure to be followed in relation to a landlord's review of a decision to give notice of extension of an introductory standard contract.	
WHY THE REGULATION POWER IS REQUIRED	
To prescribe the procedure to be followed for the review of a landlord's decision to extend the introductory period. This reflects existing legislation in section 125B of the Housing Act 1996, which provides a regulation making power in relation to the procedure to be followed in connection with a landlord's review under section 123B of the 1996 Act, in extending an introductory tenancy. The regulations may, for example, set out details in relation to the persons to adjudicate, the right to an oral hearing, permitted attendees, postponement and adjournment. The regulations will be administrative in nature and are better suited to subordinate legislation.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the procedures relating to the review of a landlord's decision are kept up to date, reflecting changing housing practice.	

REGULATIONS RELATING TO:	Conferring powers and imposing duties on scheme administrators with regard to deposit schemes
SECTION:	Schedule 5 Paragraph 1(6)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to impose powers and duties on scheme administrators with regard to deposit schemes.	
WHY THE REGULATION POWER IS REQUIRED	
This carries forward an existing power under section 212 of Housing Act 2004. The regulations will be administrative in nature making them appropriate for subordinate legislation.	
POLICY INTENTION OF THE REGULATIONS	
The intention here is to ensure the correct operation of the deposit scheme. Regulations may, for example, set out details regarding how deposits must be administered.	

REGULATIONS RELATING TO:	Power to change the notice period for extending prohibited standard contracts
SECTION:	Schedule 7 Paragraph 4(7)
DESCRIPTION OF THE POWER/REGULATION	
Allows the Welsh Ministers to amend the time within which a notice of extension must be given to a contract-holder in the probation period, and provides that the power in section 253(2) includes power to make consequential amendments to Schedule 7.	
WHY THE REGULATION POWER IS REQUIRED	
This power is required to ensure the period within which a notice of extension must be given remains appropriate.	
POLICY INTENTION OF THE REGULATIONS	
The policy intention is to ensure the notice period can be amended in a timely manner should this prove necessary.	

REGULATIONS RELATING TO:	Prescription for the procedure to be followed in reviewing a landlord's decision to extend the prohibited standard contract
SECTION:	Schedule 7 Paragraph 5(7)
DESCRIPTION OF THE POWER/REGULATION	
Enables the Welsh Ministers to specify the procedure to be followed in relation to a landlord's review of a decision to give notice of extension of a prohibited conduct standard contract.	
WHY THE REGULATION POWER IS REQUIRED	
Allows the Welsh Ministers to specify the procedure to be followed in relation to a landlord's review of a decision to give notice of extension.	
POLICY INTENTION OF THE REGULATIONS	
To set out detailed procedures for the review of a landlord's decision. This reflects existing legislation around landlord reviews, for example section 125B of the Housing Act 1996, which provides for regulation making powers in relation to a landlord review in extending an introductory tenancy. The regulations may, for example, set out details in relation to the persons to adjudicate, the right to an oral hearing, permitted attendees, postponement and adjournment. The regulations will be administrative in nature and are better suited to subordinate legislation.	

REGULATIONS RELATING TO:	Rent assessment with regard to certain converted contracts
SECTION:	Schedule 11 Paragraph 16(2)
DESCRIPTION OF THE POWER/REGULATION	
<p>The Welsh Ministers are required to make provision enabling the contract-holder under a relevant converted contract, following receipt of a notice under section 104 or 123, to apply to a prescribed person(s) for a determination of the rent for the dwelling. The rent is to be determined in accordance with prescribed assumptions and will be the rent for the dwelling under the contract (unless the landlord and contract-holder agree otherwise). Relevant converted contracts are those to which section 13 of Housing Act 1988 applies (increases of rent under assured periodic tenancies).</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>This requires the Welsh Ministers to make regulations in respect of application to a prescribed person for determination of rent and for the rent to be determined in accordance with prescribed assumptions.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>The policy intention is to preserve an existing right under section 13 of Housing Act 1988. In 2013-14, six such applications were heard by a Rent Assessment Committee of the Residential Property Tribunal for Wales.</p>	