



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 10

### MISCELLANEOUS

#### CHAPTER 3

##### TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF THIS CHAPTER

#### **239 Abolition of assured, secure and other tenancies**

- (1) On and after the appointed day, no tenancy or licence (whenever made) can be—
  - (a) a restricted contract;
  - (b) a protected shorthold tenancy;
  - (c) a secure tenancy;
  - (d) an assured tenancy (including an assured shorthold tenancy);
  - (e) an introductory tenancy;
  - (f) a demoted tenancy.
- (2) If, immediately before the appointed day, the landlord under a protected or statutory tenancy might have recovered possession of the dwelling-house subject to the tenancy under Case 19 of Schedule 15 to the Rent Act 1977 (c. 42) (former protected shorthold tenancies), the tenancy ceases to be a protected or statutory tenancy on the appointed day.
- (3) Nothing in this section ends a tenancy or licence within subsection (1) or (2).

#### **Commencement Information**

**II** [S. 239](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

*Changes to legislation: Renting Homes (Wales) Act 2016, CHAPTER 3 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [<sup>F1</sup>239A Power to make provision about certain tenancies and licences

- (1) The Welsh Ministers may by regulations amend this Act for the purpose of—
  - (a) providing that certain provisions do not apply in relation to a tenancy or licence to which subsection (2) applies;
  - (b) making new provision which only applies to a tenancy or licence to which subsection (2) applies;
  - (c) making provision in relation to the end of the term of a long tenancy (within the meaning of paragraph 8 of Schedule 2).
- (2) This subsection applies to any tenancy or licence which would, but for section 239, have been a tenancy or licence of the kind listed in subsection (1) of that section, or would have been treated as a tenancy or licence of that kind.
- (3) Regulations under this section may make provision about tenancies or licences which are not, and cannot be, occupation contracts.]

#### Textual Amendments

- F1** S. 239A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 5 para. 6\(1\)](#)

#### Commencement Information

- I2** S. 239A in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

### 240 Conversion of tenancies and licences existing before commencement of Chapter

- (1) For the purposes of determining the matters in subsection (2), a tenancy or licence which existed immediately before the appointed day is to be treated as if it were made on the appointed day.
- (2) The matters are—
  - (a) whether the tenancy or licence is an occupation contract,
  - (b) the identity of the contract-holders under the contract, and
  - (c) whether the contract is a secure contract or a standard contract.
- (3) Subsections (4) to (7) apply to a tenancy or licence which becomes an occupation contract on the appointed day.
- (4) The fundamental provisions applicable to the contract are incorporated as terms of the contract.
- (5) The existing terms of the contract continue to have effect, except to the extent that they—
  - (a) are incompatible with a fundamental provision incorporated as a term of the contract, or
  - (b) are terms of the contract because of an enactment repealed or revoked under this Act.
- (6) The supplementary provisions applicable to the contract are incorporated as terms of the contract, except to the extent that they are incompatible with the existing terms of the contract.

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- (7) This section is subject to Schedule 12 (which makes further provision about existing tenancies and licences, modifies the application of this Act, and includes a fundamental provision incorporated into certain standard contracts).

#### Commencement Information

**I3** S. 240 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 241 Pre-existing contracts

- (1) This section applies where, on or after the appointed day, a tenancy or licence is made in pursuance of a contract made before the day on which the order specifying the appointed day is made by the Welsh Ministers.
- (2) Section 240 and Schedule 12 apply to the tenancy or licence as if—
- the day on which it is made is the appointed day, and
  - immediately before that day it was a tenancy or licence of the kind it would have been on that day but for this Act.
- (3) Paragraphs 2(3), 4(1) and (3), 11, 12, 13 and 23(3) and (7) of Schedule 12 do not apply in relation to the tenancy or licence.

#### Commencement Information

**I4** S. 241 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 242 Interpretation of Chapter

In this Chapter—

“the appointed day” (“*y diwrnod penodedig*”) is the day appointed under section 257 as the day on which section 239 comes into force;

“assured shorthold tenancy” (“*tenantiaeth fyrddaliol sicr*”) has the same meaning as in the Housing Act 1988 (c. 50);

“assured tenancy” (“*tenantiaeth sicr*”) has the same meaning as in the Housing Act 1988 (and includes an assured shorthold tenancy);

“demoted tenancy” (“*tenantiaeth isradd*”) means a tenancy to which section 143A of the Housing Act 1996 (c. 52) applies;

“introductory tenancy” (“*tenantiaeth ragarweiniol*”) has the same meaning as in the Housing Act 1996;

“protected shorthold tenancy” (“*tenantiaeth fyrddaliol warchodedig*”), “protected tenancy” (“*tenantiaeth warchodedig*”), “restricted contract” (“*contract cyfyngedig*”) and “statutory tenancy” (“*tenantiaeth statudol*”) have the same meaning as in the Rent Act 1977 (c. 42);

“secure tenancy” (“*tenantiaeth ddiogel*”) has the same meaning as in the Housing Act 1985 (c. 68)<sup>F2</sup>...

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**Textual Amendments**

**F2** Words in s. 242 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 5 para. 5(1)**

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**Commencement Information**

**I5** S. 242 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)