

**Changes to legislation:** Renting Homes (Wales) Act 2016, Cross Heading: Variation is up to date with all changes known to be in force on or before 24 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

## SCHEDULE 12

### CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF CHAPTER 3 OF PART 10

#### Variation

- [<sup>F1</sup>13B. Section 123 (variation of rent) does not apply to a converted contract that is a periodic standard contract [<sup>F2</sup>under which the landlord is a private landlord and] which immediately before the appointed day—
- (a) was an assured tenancy but not an assured shorthold tenancy, and
  - (b) contained a term which made provision about variation of the rent under the tenancy or licence.]

#### Textual Amendments

- F1** Sch. 12 para. 13B inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **11**
- F2** Words in Sch. 12 para. 13B inserted (30.11.2022 at 11.00 p.m.) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2022 \(S.I. 2022/1258\)](#), regs. 1(2), **3**

#### Commencement Information

- I1** Sch. 12 para. 13B in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

- 14 (1) A converted contract may not be varied before the landlord has given the contract-holder a written statement of the contract.
- (2) Sub-paragraph (1) does not apply to [<sup>F3</sup>—
- (a)] a variation under section 104 or 123 (variation of rent)[<sup>F4</sup>, or
  - (b) an increase in rent under section 93 of the Rent Act 1977 (c. 42).]

#### Textual Amendments

- F3** Word in Sch. 12 para. 14(2) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(7)(a)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)
- F4** Sch. 12 para. 14(2)(b) and word inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(7)(b)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)

#### Commencement Information

- I2** Sch. 12 para. 14 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

- 15 (1) Sections 104 and 123 (variation of rent) apply to a converted contract [<sup>F5</sup>(other than a contract mentioned in paragraph 13B)] as if any variations in the rent payable under the contract before the appointed day were variations under whichever of those sections applies.

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[<sup>F6</sup>(1A) Sections 104 and 123 (variation of rent) apply to a converted contract under which the landlord is a community landlord as if, for subsection (3)(a) in each of these sections, there were substituted—

“(a) the first notice given after the appointed day must specify a date which is not less than 51 weeks after the last date on which a new rent took effect, and”.]

(2) The Welsh Ministers must by regulations make provision—

- (a) 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 or persons for a determination of the rent for the dwelling, and
- (b) for the rent determined by the prescribed person or persons, in accordance with such assumptions as may be prescribed, to be the rent for the dwelling under the contract (unless the landlord and contract-holder otherwise agree).

[<sup>F7</sup>(3) A converted contract is a relevant converted contract if—

- (a) immediately before the appointed day it was a tenancy or licence to which section 13 of the Housing Act 1988 (c. 50) (increases of rent under assured periodic tenancies) applied,
- (b) it is a periodic standard contract which is a substitute contract <sup>F8</sup>...—
  - (i) arising under section 184(2), or
  - (ii) within section 184(6),

and which immediately before the appointed day was an assured tenancy, but not an assured shorthold tenancy, for a fixed term, or

- (c) it is a secure contract which immediately before the appointed day was an assured tenancy, but not an assured shorthold tenancy, for a fixed term.]

#### Textual Amendments

- F5** Words in Sch. 12 para. 15(1) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **12(a)**
- F6** Sch. 12 para. 15(1A) inserted (30.11.2022 at 11.00 p.m.) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2022 \(S.I. 2022/1258\)](#), regs. 1(2), **4**
- F7** Sch. 12 para. 15(3) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **12(b)**
- F8** Words in Sch. 12 para. 15(3)(b) omitted (1.6.2023) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, **8**

#### Modifications etc. (not altering text)

- C1** Sch. 12 para. 15(1), (1A) applied (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **10(6)** (with reg. 19) (as substituted by S.I. 2022/1258, regs. 1(2), 6)

#### Commencement Information

- I3** Sch. 12 para. 15(1)(3) in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**
- I4** Sch. 12 para. 15(2) in force at 5.8.2016 for specified purposes by [S.I. 2016/813](#), art. 2(a), **Sch. Pt. 1**
- I5** Sch. 12 para. 15(2) in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906](#), **art. 2**

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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](#)