Changes to legislation: *Renting Homes (Wales) Act 2016, SCHEDULE 3 is up to date with all changes known to be in force on or before 02 September 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 3

(introduced by sections 11 and 12)

OCCUPATION CONTRACTS MADE WITH OR ADOPTED BY COMMUNITY LANDLORDS WHICH MAY BE STANDARD CONTRACTS

Occupation contracts by notice

1 An occupation contract which would not be an occupation contract but for a notice under paragraph 1 or 3 of Schedule 2.

Commencement Information

I1 Sch. 3 para. 1 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Supported accommodation

2 An occupation contract which relates to supported accommodation.

Commencement Information

I2 Sch. 3 para. 2 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Introductory occupation

3 (1) An occupation contract within this paragraph which does not relate to supported accommodation.

(2) An occupation contract is within this paragraph unless, immediately before the relevant date—

(a) a contract-holder under it was a contract-holder under a secure contract, and

(b) the landlord under the secure contract was a community landlord.

(3) The relevant date—

(a) in relation to a contract made with a community landlord, is the occupation date, and

(b) in relation to a contract under which a community landlord becomes the landlord, is the day on which it becomes the landlord.

Commencement Information

I3 Sch. 3 para. 3 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

F1 …

Textual Amendments

F1 Sch. 3 para. 4 and cross-heading omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022 (S.I. 2022/803), regs. 1(1), **3** (as amended by S.I. 2022/906, arts. 1(2), **15**)

Changes to legislation: *Renting Homes (Wales) Act 2016, SCHEDULE 3 is up to date with all changes known to be in force on or before 02 September 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*

[F1]4 . . . . . .

Accommodation for displaced persons

[F2]5 . . . . . .

Textual Amendments

F2 Sch. 3 para. 5 omitted (7.6.2021) by virtue of Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), **Sch. 5 para. 9(1)**

Accommodation for homeless persons

6 An occupation contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Commencement Information

I4 Sch. 3 para. 6 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Service occupancy: general

7 (1) An occupation contract where the contract-holder—

(a) is employed by a relevant employer, and

(b) is required by his or her contract of employment to occupy the dwelling.

(2) "Relevant employer" means—

(a) a local authority;

(b) a new town corporation;

(c) a housing action trust;

(d) an urban development corporation;

(e) a registered social landlord (other than a fully mutual housing association or a co-operative housing association);

(f) a private registered provider of social housing;

(g) a manager who exercises a local housing authority's management functions under a management agreement;

(h) the governing body of any of the following schools (see the School Standards and Framework Act 1998 (c. 31))—

(i) a voluntary aided school,

(ii) a foundation school, or

(iii) a foundation special school.

(3) "Management agreement" means an agreement under section 27 of the Housing Act 1985 (c. 68) and "manager" means a person with whom the agreement is made.

Commencement Information

I5 Sch. 3 para. 7 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

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Service occupancy: police

8 An occupation contract where—

(a) the contract-holder is a member of a police force, and

(b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c.16) (general regulations as to government, administration and conditions of service).

Commencement Information

I6 Sch. 3 para. 8 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Service occupancy: fire and rescue services

9 An occupation contract where—

(a) the contract-holder is an employee of a fire and rescue authority,

(b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and

(c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Commencement Information

I7 Sch. 3 para. 9 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Student accommodation

10 (1) An occupation contract where the right to occupy is conferred **[**[F3]for the sole purpose of enabling**]** the contract-holder to attend a designated course at an educational establishment.

(2) "Designated course" means a course of any kind prescribed for the purposes of this paragraph.

(3) "Educational establishment" means an institution or university which provides further education or higher education (or both); and "further education" and "higher education" have the same meaning as in the Education Act 1996 (c. 56) (see sections 2 and 579 of that Act).

Textual Amendments

F3 Words in Sch. 3 para. 10(1) substituted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), **Sch. 5 para. 10**

Commencement Information

I8 Sch. 3 para. 10(1)(3) in force at 1.12.2022 by S.I. 2022/906, **art. 2**

I9 Sch. 3 para. 10(2) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**

I10 Sch. 3 para. 10(2) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, **art. 2**

Changes to legislation: *Renting Homes (Wales) Act 2016, SCHEDULE 3 is up to date with all changes known to be in force on or before 02 September 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*

Temporary accommodation: land acquired for development

11 (1) An occupation contract where—

(a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and

(b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.

(2) "Development" has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Commencement Information

I11 Sch. 3 para. 11 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Temporary accommodation: persons taking up employment

12 An occupation contract where—

(a) immediately before the making of the contract the contract-holder was not living in the local housing authority area in which the dwelling is situated,

(b) before the making of the contract the contract-holder obtained employment or an offer of employment in that area or in an adjoining local housing authority area, and

(c) the right to occupy was conferred for the purpose of meeting the contract-holder's need for temporary accommodation in the local housing authority area in which the dwelling is situated or in an adjoining local housing authority area in order to work there, and enabling him or her to find permanent accommodation there.

Commencement Information

I12 Sch. 3 para. 12 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Temporary accommodation: short-term arrangements

13 An occupation contract where—

(a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,

(b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,

(c) the lessor is not a community landlord, and

(d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Commencement Information

I13 Sch. 3 para. 13 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

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Temporary accommodation: accommodation during works

14 (1) An occupation contract where—

(a) the dwelling (the "temporary dwelling") has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,

(b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the "old dwelling"), and

(c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.

(2) In this paragraph, references to the contract-holder include references to the contract-holder's predecessor.

(3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under an occupation contract if that person was an earlier contract-holder under the same contract.

Commencement Information

I14 Sch. 3 para. 14 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Accommodation which is not social accommodation

15 (1) An occupation contract where—

(a) the allocation rules did not apply to the making of the contract, or

(b) the dwelling is made available to the contract-holder because he or she is a key worker.

(2) The allocation rules are the landlord's rules for determining priority as between applicants in the allocation of housing accommodation, and include any rule or practice whereby the landlord provides accommodation to persons nominated by a local housing authority.

(3) Whether a contract-holder is a "key worker" is to be determined in accordance with regulations made by the Welsh Ministers.

(4) The regulations may include provision identifying key workers by reference to the nature of their employment, the identity of their employer, and the amount of their earnings.

Commencement Information

I15 Sch. 3 para. 15(1)(2) in force at 1.12.2022 by S.I. 2022/906, **art. 2**

I16 Sch. 3 para. 15(3)(4) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**

I17 Sch. 3 para. 15(3)(4) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, **art. 2**

Dwellings intended for transfer

16 An occupation contract where—

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(a) the community landlord is a registered social landlord or a private registered provider of social housing,

(b) the landlord has acquired or built or otherwise developed the dwelling with the intention of transferring it to a fully mutual housing association or a co-operative housing association, and

(c) the occupation contract is made in anticipation of the transfer of the dwelling.

Commencement Information

I18 Sch. 3 para. 16 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Power to amend Schedule

17 The Welsh Ministers may by regulations amend this Schedule.

Commencement Information

I19 Sch. 3 para. 17 in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**

I20 Sch. 3 para. 17 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