
WELSH STATUTORY INSTRUMENTS

2004 No. 684

The Service Charges (Consultation Requirements) (Wales) Regulations 2004

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” (“*Deddf 1985*”) means the Landlord and Tenant Act 1985(1);

“close relative” (“*perthynas agos*”), in relation to a person, means a spouse or cohabitee, a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, step-parent, step-son or step-daughter of that person;

“cohabitee” (“*un sy'n cyd-fyw*”), in relation to a person, means—

- (a) a person of the opposite sex who is living with that person as husband or wife; or
- (b) a person of the same sex living with that person in a relationship which has the characteristics of the relationship between husband and wife;

“nominated person” (“*person a enwebwyd*”) means a person whose name is proposed in response to an invitation made as mentioned in paragraph 1(3) of Schedule 1 or paragraph 1(3) of Part 2 of Schedule 4; and “nomination” (“*enwebiad*”) means any such proposal;

“public notice” (“*hysbysiad cyhoeddus*”) means notice published in the Official Journal of the European Union pursuant to the Public Works Contracts Regulations 1991(2), the Public Services Contracts Regulations 1993(3) or the Public Supply Contracts Regulations 1995(4);

“relevant matters” (“*materion perthnasol*”), in relation to a proposed agreement, means the goods or services to be provided or the works to be carried out (as the case may be) under the agreement;

“relevant period” (“*cyfnod perthnasol*”), in relation to a notice, means the period of 30 days beginning with the date of the notice;

“RTB tenancy” (“*tenantiaeth RTB*”) means the tenancy of an RTB tenant;

“RTB tenant” (“*tenant RTB*”), in relation to a landlord, means a person who has become a tenant of the landlord by virtue of section 138 of the Housing Act 1985(5) (duty of landlord to convey freehold or grant lease), section 171A of that Act (cases in which right to buy is preserved), or section 16 of the Housing Act 1996(6) (right of tenant to acquire dwelling)(7) under a lease whose terms include a requirement that the tenant shall bear a reasonable part of

(1) 1985 c. 70.

(2) S.I.1991/2680, to which there are amendments not relevant to these Regulations.

(3) S.I. 1993/3228, to which there are amendments not relevant to these Regulations.

(4) S.I. 1995/201, to which there are amendments not relevant to these Regulations.

(5) 1985 c. 68.

(6) 1996 c. 52.

(7) Section 138 of the Housing Act 1985 (c. 68) is applied in relation to section 171A by section 171C. Sections 171A and 171C were inserted by the Housing and Planning Act 1986 (c. 63), section 8. See also the Housing (Extension of Right to Buy) Order 1993 (S.I. 1993/2240) and the Housing (Preservation of Right to Buy) Regulations 1993 (S.I. 1993/2241). Section 138 is applied in relation to section 16 of the Housing Act 1996 (c. 52) by section 17 of that Act. See also the Housing (Right to Acquire) Regulations 1997 (S.I. 1997/619).

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such costs incurred by the landlord as are mentioned in paragraphs 16A to 16D of Schedule 6 to that Act (service charges and other contributions payable by the tenant)(8);

“section 20” (“*adran 20*”) means section 20 (limitation of service charges: consultation requirements) of the 1985 Act;

“section 20ZA” (“*adran 20ZA*”) means section 20ZA (consultation requirements: supplementary) of that Act.

(2) For the purposes of any estimate required by any provision of these Regulations to be made by the landlord—

- (a) value added tax shall be included where applicable; and
- (b) where the estimate relates to a proposed agreement, it shall be assumed that the agreement will terminate only by effluxion of time.

(8) See also section 139 and Parts 1 and 3 of Schedule 6 to the Housing Act 1985. Paragraphs 16A to 16D in Part 3 of Schedule 6 were inserted by the Housing and Planning Act 1986 (c. 63), section 4(4).