

This Statutory Instrument corrects errors in S.I. 2022/22 (W. 10) and 2022/28 (W. 13) and is being issued free of charge to all known recipients of those Statutory Instruments.

WELSH STATUTORY INSTRUMENTS

2023 No. 1199 (W. 210)

HOUSING, WALES

**The Renting Homes (Miscellaneous
Amendments) (Wales) Regulations 2023**

<i>Made</i>	- - - -	<i>8 November 2023</i>
<i>Laid before Senedd Cymru</i>		<i>10 November 2023</i>
<i>Coming into force</i>	- -	<i>6 December 2023</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 29(1), 32(4), 236(3) and 256(1) of the Renting Homes (Wales) Act 2016⁽¹⁾.

Title and coming into force

1.—(1) The title of these Regulations is the Renting Homes (Miscellaneous Amendments) (Wales) Regulations 2023.

(2) These Regulations come into force on 6 December 2023.

Amendments to the Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022

2.—(1) The Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022⁽²⁾ are amended as follows.

(2) In regulation 3 (prescribed matters for which explanatory information must be contained in the written statement of an occupation contract)—

(a) in paragraph (f)—

(i) omit “must be given to the contract-holder within”;

(ii) at the beginning of sub-paragraph (i) insert “may be given to the contract-holder before the occupation date and, if it is not, must be given to the contract-holder within”;

(1) 2016 anaw 1. See section 252 for the definition of “prescribed”.

(2) S.I. 2022/22 (W. 10).

- (iii) in sub-paragraph (ii), after “converted contract,” insert “must be given to the contract-holder”;
- (b) for paragraph (g) substitute—
 - “(g) that if the landlord fails to give the written statement of the occupation contract to the contract-holder within 14 days of the occupation date, the landlord may be liable to pay the contract-holder compensation equivalent to a day’s rent for each day that the written statement is not provided, starting with the occupation date, up to a maximum of two months’ rent (unless the landlord’s failure to provide the written statement was intentional in which case, the court may determine that an increased amount per day is payable)”.
- (3) In regulation 8 (fixed term standard contract)—
 - (a) in paragraph (b)(v)(bb)—
 - (i) in the English language text, after “must give up possession” insert “,”;
 - (ii) in the English language text, after “occupation contract is” insert “a”;
 - (b) in paragraph (b)(v)(cc), in the English language text, after “to the Act,” insert “the”.

Amendments to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022

3.—(1) The Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022(3) are amended as follows.

(2) In Schedule 1 (model written statement of a secure occupation contract), in Part 1 (secure occupation contract – explanatory information), in the second paragraph, for “it is late” substitute “(starting with the occupation date) that the written statement has not been provided”.

- (3) In Schedule 2 (model written statement of a periodic standard occupation contract)—
 - (a) in Part 1 (periodic standard occupation contract – explanatory information), in the second paragraph, for “it is late” substitute “(starting with the occupation date) that the written statement has not been provided”;
 - (b) in Part 3 (periodic standard occupation contract – fundamental and supplementary terms) —
 - (i) in term 47 (breach of contract (F+)), in paragraph (1), in the English language text, in the second place it occurs omit “on that ground”;
 - (ii) in term 60 (termination of contract following a notice given under term 55 (F+))—
 - (aa) at the beginning of paragraph (3)(a) insert “before this contract ends, and during the period of 28 days starting with the day on which the notice was given,”;
 - (bb) in paragraph (3)(b), in the English language text, after “starting with” insert “the”.

(4) In Schedule 3 (model written statement of a fixed term standard occupation contract for a term of less than seven years)—

- (a) in Part 1 (fixed term standard occupation contract – explanatory information)—
 - (i) in the second paragraph, for “it is late” substitute “(starting with the occupation date) that the written statement has not been provided”;
 - (ii) after paragraph (c) insert as a new paragraph—

“If you remain in occupation of the dwelling after the end of the fixed term, you and the landlord are to be treated as having made a new periodic standard contract in relation to the dwelling.”;

- (b) in Part 2 (fixed term standard occupation contract – key matters), in the first paragraph, for “set out below” substitute “of _____ (insert the term of the occupation contract in days/weeks/months/years)”;
- (c) in Part 3 (fixed term standard contract – fundamental and supplementary terms), at the end of the sub-heading of term 39 (possession notices) insert “(F+)”.

Amendments to the Renting Homes (Prescribed Forms) (Wales) Regulations 2022

4. In the Renting Homes (Prescribed Forms) (Wales) Regulations 2022(4), in the Schedule (prescribed forms), in form RHW17 (landlord’s notice of termination: periodic standard contract with two-month minimum notice period (other than introductory standard contract or prohibited conduct standard contract)), in the guidance notes for contract-holders—

- (a) under the heading “Two-month minimum notice period”—
 - (i) at the end of “An occupation contract may have a two-month minimum notice period because” omit “.”;
 - (ii) omit paragraph a) and the “or” after it;
 - (iii) omit “b)”;
- (b) under the heading “Restrictions on giving this notice”, under the sub-heading “First four/six months of occupation”—
 - (i) omit the words from “If the occupation contract was an assured shorthold tenancy” to “occupation date of the contract.”;
 - (ii) for “In either case, this” substitute “This”.

8 November 2023

Julie James
Minister for Climate Change, one of the Welsh
Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022 (S.I. 2022/22 (W. 10)), the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 (S.I. 2022/28 (W. 13)) and the Renting Homes (Prescribed Forms) (Wales) Regulations 2022 (S.I. 2022/244 (W. 72)).

Regulation 2 amends regulations 3 and 8 of the Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022. The amendments made to regulation 3 are to clarify the prescribed matters for which explanatory information must be contained in the written statement of an occupation contract. The amendments made to regulation 8 are to correct minor textual and punctuation errors in the English language text.

Regulation 3 amends Schedules 1, 2 and 3 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022. Amendments are made to Schedules 1, 2 and 3 to those Regulations to clarify the period in relation to which compensation may be payable by a landlord who has failed to provide a written statement within the requisite timeframe. The amendments to Part 3 of Schedule 2 are to correct errors in the English language text of terms 47 and 60 and to reflect section 180(3)(a) of the Renting Homes (Wales) Act 2016 in term 60. The amendment to Part 1 of Schedule 3 is to reflect section 184(2) of the Renting Homes (Wales) Act 2016, the amendment to Part 2 of that Schedule is to provide for the length of the term of the occupation contract to be stated and the amendment to Part 3 of that Schedule is to clarify that term 39 is a fundamental term that may be changed or left out of a written statement.

Regulation 4 amends the guidance notes for contract-holders in form RHW17 (landlord's notice of termination: periodic standard contract with two-month minimum notice period (other than introductory standard contract or prohibited conduct standard contract)) in the Schedule to the Renting Homes (Prescribed Forms) (Wales) Regulations 2022. The amendment removes guidance in relation to converted contracts which is no longer relevant.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.