



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 550 (Cy. 85)

2023 No. 550 (W. 85)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Deddf Rhentu Cartrefi
(Cymru) 2016 (Diwygiadau
Canlyniadol) 2023**

**The Renting Homes (Wales) Act
2016 (Consequential Amendments)
Regulations 2023**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Deddf Rhenti 1977 ("Deddf 1977") o ganlyniad i Ddeddf Rhentu Cartrefi (Cymru) 2016 ("Deddf 2016").

Mae adran 239 o Ddeddf 2016 yn diddymu tenantiaethau sicr, tenantiaethau diogel a thenantiaethau eraill anheddau yng Nghymru ac mae Deddf 2016 yn darparu ar gyfer eu trosi yn gontractau meddiannaeth, y mae dau fath ohonynt: contractau diogel a chontractau safonol.

Mae rheoliad 2(2), (3)(a) a (4) yn diwygio adrannau 2 a 152 o Ddeddf 1977 a Rhan 1 o Atodlen 1 iddi er mwyn mewnosod cyfeiriadau at gontractau diogel, o ganlyniad i ddiddymu tenantiaethau sicr yng Nghymru. Mae rheoliad 2(3)(b) yn mewnosod darpariaeth yn adran 152 o Ddeddf 1977 sy'n cyfeirio'r darllynydd at y diddymadau perthnasol a wneir gan adran 239 o Ddeddf 2016.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r offeryn hwn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rent Act 1977 ("the 1977 Act") in consequence of the Renting Homes (Wales) Act 2016 ("the 2016 Act").

Section 239 of the 2016 Act abolishes assured, secure and other tenancies of dwellings in Wales and the 2016 Act provides for them to convert to occupation contracts, of which there are two types: secure contracts and standard contracts.

Regulation 2(2), (3)(a) and (4) amend sections 2 and 152 of and Part 1 of Schedule 1 to the 1977 Act to insert references to secure contracts, in consequence of the abolition of assured tenancies in Wales. Regulation 2(3)(b) inserts provision into section 152 of the 1977 Act which directs the reader to the relevant abolitions made by section 239 of the 2016 Act.

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.

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Gwnaed 17 Mai 2023
Yn dod i rym 18 Mai 2023

Made 17 May 2023
Coming into force 18 May 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 255 o Ddeddf Rhentu Cartrefi (Cymru) 2016(1).

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 255 of the Renting Homes (Wales) Act 2016(1).

Yn unol ag adran 256(3) a (5) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2).

In accordance with section 256(3) and (5) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(2).

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygiadau Canlyniadol) 2023 a deuant i rym ar 18 Mai 2023.

Title and coming into force

1. The title of these Regulations is the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2023 and they come into force on 18 May 2023.

Diwygiadau i Ddeddf Rhenti 1977

2.—(1) Mae Deddf Rhenti 1977(3) wedi ei diwygio fel a ganlyn.

Amendments to the Rent Act 1977

2.—(1) The Rent Act 1977(3) is amended as follows.

(1) 2016 dccc 1. Diwygiwyd adran 255(2) gan adran 14 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau 1 ac 8 o Atodlen 5 iddi.
(2) Mae'r cyfeiriad yn adran 256(3) a (5) o Ddeddf Rhentu Cartrefi (Cymru) 2016 at Gynulliad Cenedlaethol Cymru yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).
(3) 1977 p. 42.

(1) 2016 anaw 1. Section 255(2) was amended by section 14 of, and paragraphs 1 and 8 of Schedule 5 to, the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).
(2) The reference in section 256(3) and (5) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).
(3) 1977 c. 42.

(2) Yn adran 2(1) (tenantiaid statudol a thenantiaethau statudol) yn lle is-adran (1)(b), rhodder—

“(b) Part 1 of Schedule 1 to this Act shall have effect for determining what person (if any)—

- (i) is the statutory tenant of the dwelling-house, or (as the case may be),
- (ii) in the case of a dwelling-house in England, is entitled to an assured tenancy of a dwelling-house by succession, or
- (iii) in the case of a dwelling-house in Wales, is entitled to a secure contract of a dwelling-house by succession,

at any time after the death of a person who, immediately before that person’s death, was either a protected tenant of the dwelling-house or a statutory tenant of it by virtue of paragraph (a) above.”

(3) Yn adran 152(2) (dehongli)—

(a) yn is-adran (1), yn y lle priodol yn nhrefn yr wyddor, mewnosoder—

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”, a

(b) ar ôl is-adran (2) mewnosoder—

“(3) Section 239 of the Renting Homes (Wales) Act 2016 (anaw 1) abolishes, in relation to Wales, restricted contracts and protected shorthold tenancies and provides for the cessation of certain protected and statutory tenancies.”

(4) Yn Rhan 1 (tenantiaid statudol drwy olyniaeth) o Atodlen 1 (tenantiaethau statudol)—

(a) ym mharagraff 3(1)(3)—

(i) ar ôl “shall” mewnosoder “—

(a) in the case of a dwelling-house in England,” a

(ii) ar ôl “succession” mewnosoder “, or

(b) in the case of a dwelling-house in Wales, be entitled to a secure contract of the dwelling-house by succession”;

(2) In section 2(1) (statutory tenants and tenancies) for subsection (1)(b), substitute—

“(b) Part 1 of Schedule 1 to this Act shall have effect for determining what person (if any)—

(i) is the statutory tenant of the dwelling-house, or (as the case may be),

(ii) in the case of a dwelling-house in England, is entitled to an assured tenancy of a dwelling-house by succession, or

(iii) in the case of a dwelling-house in Wales, is entitled to a secure contract of a dwelling-house by succession,

at any time after the death of a person who, immediately before that person’s death, was either a protected tenant of the dwelling-house or a statutory tenant of it by virtue of paragraph (a) above.”

(3) In section 152(2) (interpretation)—

(a) in subsection (1), at the appropriate place in alphabetical order, insert—

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”, and

(b) after subsection (2) insert—

“(3) Section 239 of the Renting Homes (Wales) Act 2016 (anaw 1) abolishes, in relation to Wales, restricted contracts and protected shorthold tenancies and provides for the cessation of certain protected and statutory tenancies.”

(4) In Part 1 (statutory tenants by succession) of Schedule 1 (statutory tenancies)—

(a) in paragraph 3(1)(3)—

(i) after “shall” insert “—

(a) in the case of a dwelling-house in England,” and

(ii) after “succession” insert “, or

(b) in the case of a dwelling-house in Wales, be entitled to a secure contract of the dwelling-house by succession”;

(1) Diwygiwyd adran 2 gan adran 39(1) o Ddeddf Tai 1988 (p. 50).

(2) Diwygiwyd adran 152(1) gan adran 152 o Ddeddf Tai 1980 (p. 51) ac Atodlen 26 iddi.

(3) Diwygiwyd paragraff 3(1) gan adran 39 o Ddeddf Tai 1988 a pharagraffau 2 a 3(a) i (c) o Ran 1 o Atodlen 4 iddi.

(1) Section 2 was amended by section 39(1) of the Housing Act 1988 (c. 50).

(2) Section 152(1) was amended by section 152 of, and Schedule 26 to, the Housing Act 1980 (c. 51).

(3) Paragraph 3(1) was amended by section 39 of, and paragraphs 2 and 3(a) to (c) of Part 1 of Schedule 4 to, the Housing Act 1988.

- (b) ym mharagraff 5(1)—
- (i) ar ôl “entitled” mewnosoder “—
 - (a) in the case of a dwelling-house in England,” a
 - (ii) ar ôl “succession”, mewnosoder “, or
 - (b) in the case of a dwelling-house in Wales, to a secure contract of the dwelling-house by succession”;
- (c) ym mharagraff 6(1)(2)—
- (i) ar ôl “entitled” mewnosoder “—
 - (i) in the case of a dwelling-house in England,” a
 - (ii) ar ôl “succession” mewnosoder “, or
 - (ii) in the case of a dwelling-house in Wales, to a secure contract of the dwelling-house by succession”.

- (b) in paragraph 5(1)—
- (i) after “entitled” insert “—
 - (a) in the case of a dwelling-house in England,” and
 - (ii) after “succession” insert “, or
 - (b) in the case of a dwelling-house in Wales, to a secure contract of the dwelling-house by succession”;
- (c) in paragraph 6(1)(2)—
- (i) after “entitled” insert “—
 - (i) in the case of a dwelling-house in England,” and
 - (ii) after “succession” insert “, or
 - (ii) in the case of a dwelling-house in Wales, to a secure contract of the dwelling-house by succession”.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
17 Mai 2023

Minister for Climate Change, one of the Welsh
Ministers
17 May 2023

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

- (1) Diwygiwyd paragraff 5 gan adran 39 o Ddeddf Tai 1988 a pharagraff 5 o Ran 1 o Atodlen 4 iddi.
- (2) Diwygiwyd paragraff 6 gan adran 39 o Ddeddf Tai 1988 a pharagraff 6 o Ran 1 o Atodlen 4 iddi.

- (1) Paragraph 5 was amended by section 39 of, and paragraph 5 of Part 1 of Schedule 4 to, the Housing Act 1988.
- (2) Paragraph 6 was amended by section 39 of, and paragraph 6 of Part 1 of Schedule 4 to, the Housing Act 1988.

£4.90

<http://www.legislation.gov.uk/id/wsi/2023/550>

ISBN 978-0-348-39446-7



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