

RENTING HOMES (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 – Miscellaneous

Chapter 3 – Tenancies and Licences Existing before Commencement of This Chapter

Sections 239 to 241 - Pre-existing licences and tenancies

503. **Section 239** provides that, on the day it is brought into force ('the appointed day'), no tenancy or licence can be:
- a restricted contract
 - a protected shorthold tenancy;
 - a secure tenancy;
 - an assured tenancy (of any kind);
 - an introductory tenancy; or
 - a demoted tenancy.
504. No existing tenancies or licences are ended by this section. Rather, section 240 applies for the purposes of determining whether the tenancy or licence will convert into an occupation contract, and if so, what kind. The nature and status of pre-existing tenancies and licences which do not convert into an occupation contract will not be affected.
505. The existing terms of converted contracts continue to have effect providing they do not conflict with the fundamental provisions of the Act which become incorporated as terms of the contract. Conversely, supplementary provisions which apply to the occupation contract are incorporated into the contract unless they conflict with the existing terms of the contract. If a contract has been agreed between a landlord and tenant or licensee before the day that the relevant provisions of the Act come into force, but the occupation date falls after that date, the Act applies to the tenancy or licence as if it was made on the day the relevant provisions come into force.

Schedule 12 - Conversion of tenancies and licences existing before commencement of Chapter 3 of Part 10

506. **Schedule 12** sets out further provision about tenancies and licences which convert into occupation contracts. It makes provision which applies only to such contracts, and also modifies the operation of certain provisions in the Act in terms of how they operate in relation to such contracts.

Section 242 - Interpretation of Chapter

507. This section sets out the definitions of terms used in the Chapter.