

# RENTING HOMES (WALES) ACT 2016

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 - Occupation contracts and Landlords**

##### *Chapter 1 - Occupation Contracts*

##### *Schedule 2 - Exceptions to section 7*

#### **Part 2 - Tenancies and licences within section 7 that are not occupation contracts unless notice is given**

39. This Part addresses certain tenancies and licences which are within section 7, and which would therefore be occupation contracts were it not for paragraph 3. But if a tenancy or licence is mentioned in paragraph 3(2), it is not an occupation contract unless the landlord wants it to be (in which case, as under Part 1, the landlord must give the contract-holder notice that it is an occupation contract before the tenancy or licence is made, or at the time it is made).

##### *Paragraph 3*

40. Paragraph 3(2) sets out the tenancies and licences which, although within section 7, are not occupation contracts unless notice is given by the landlord. They are tenancies and licences relating to the following-
- Holiday accommodation,
  - Accommodation in a care institution (see paragraph 4 of Schedule 2),
  - ‘Temporary expedient’ – that is, a tenancy or licence made as a temporary expedient with a person who was a trespasser when he or she entered the dwelling (see paragraph 5), and
  - Accommodation that is shared with the landlord - for example, where the landlord takes on a lodger (see paragraph 6).