

Renting Homes (Wales) Act 2016

2016 anaw 1

PART 10

MISCELLANEOUS

CHAPTER 1

FURTHER PROVISIONS RELATING TO OCCUPATION CONTRACTS

PROSPECTIVE

Effect of reaching 18

233 Effect of reaching 18

- (1) This section applies to a tenancy or licence which is not an occupation contract because paragraph 7(2) of Schedule 2 (all those with whom tenancy or licence is made are under 18) applies to it.
- (2) When the relevant person reaches the age of 18, the following questions are to be determined as if the tenancy or licence were made on the day the person reaches that age—
 - (a) whether the tenancy or licence is an occupation contract,
 - (b) the identity of the contract-holders under the contract, and
 - (c) whether it is a secure contract or a standard contract.
- (3) The relevant person—
 - (a) if the tenancy or licence is made with one person, is that person, and
 - (b) if the tenancy or licence is made with more than one person, is the first of them to reach the age of 18.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Renting Homes (Wales) Act 2016, PART 10 is up to date with all changes known to be in force on or before 26 August 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

Consultation obligations of community landlords

234 Consultation arrangements

- (1) A community landlord must make and maintain such arrangements as it considers appropriate—
 - (a) for informing contract-holders under occupation contracts with the landlord of relevant proposals on housing management matters, and
 - (b) for giving the contract-holders a reasonable opportunity to comment on the proposals.
- (2) The duties in subsection (1)—
 - (a) apply only where a relevant proposal on a housing management matter is likely to substantially affect all the contract-holders under occupation contracts with the landlord, or a relevant group of such contract-holders, and
 - (b) apply only in relation to the contract-holders who are likely to be substantially affected.
- (3) Before making any decision on a relevant proposal on a housing management matter, the landlord must consider any comments made by contract-holders in accordance with the arrangements.
- (4) “Relevant proposal on a housing management matter” means a proposal that, in the opinion of the landlord, is about—
 - (a) a new programme of maintenance, improvement or demolition of dwellings subject to occupation contracts, or
 - (b) a change in the practice or policy of the landlord in relation to management, maintenance, improvement or demolition of such dwellings.
- (5) But a proposal is not a relevant proposal on a housing management matter so far as it relates to—
 - (a) the rent payable or other consideration due to the landlord, or
 - (b) charges for services and facilities provided by the landlord.
- (6) “Relevant group” means a group that—
 - (a) forms a distinct social group, or
 - (b) occupies dwellings which constitute a distinct class (whether by reference to the kind of dwelling, or the housing estate or other larger area in which they are situated).
- (7) This section is subject to paragraph 12(7) in Part 2 of Schedule 8 (approval of redevelopment schemes).

235 Statement of consultation arrangements

- (1) A landlord required to make arrangements under section 234 must prepare and publish a statement of the arrangements.

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- (2) If the landlord is a local housing authority, it must make a copy of the statement available at the landlord's principal office for inspection at all reasonable times, without charge, by members of the public.
- (3) If the landlord is a registered social landlord or a private registered provider of social housing, it must send a copy of the statement to the Welsh Ministers and the local housing authority for the area in which the dwellings are situated.
- (4) A local housing authority to which a copy is sent under subsection (3) must make it available at its principal office for inspection at all reasonable times, without charge, by members of the public.
- (5) The landlord must give a copy of the statement—
 - (a) to any contract-holder under an occupation contract with the landlord who asks for one, free of charge, and
 - (b) to any other person who asks for one, on payment of a reasonable fee.
- (6) The landlord must also—
 - (a) prepare a summary of the statement, and
 - (b) provide a copy of the summary without charge to any person who asks for one.

Notices, statements and other documents

236 Form of notices, statements and other documents

- (1) This section applies to any notice or other document (including a copy of a document) required or authorised to be given or made by or because of this Act.
- (2) The notice or document must be in writing.
- (3) The Welsh Ministers may prescribe the form of the notice or document and, unless the regulations provide otherwise, a notice or document not in the prescribed form is of no effect.
- (4) The notice or document may be in electronic form (subject to section 237(4)) provided it—
 - (a) has the certified electronic signature of each person by whom it is required to be signed or executed, and
 - (b) complies with such other conditions as may be prescribed.
- (5) A notice or document within subsection (4) is to be treated as signed or executed by each person whose certified electronic signature it has.
- (6) If a notice or document in electronic form is authenticated by a person as agent, it is to be regarded for the purposes of any enactment as authenticated by that person under the written authority of that person's principal.
- (7) References to an electronic signature and to the certification of such a signature are to be read in accordance with section 7(2) and (3) of the Electronic Communications Act 2000 (c. 7).

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Commencement Information

II S. 236(3)(4) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**

PROSPECTIVE

237 Giving notices, statements and other documents

- (1) This section applies where this Act requires or authorises a person to—
 - (a) notify a person of something, or
 - (b) give a document to a person (including a notice or a copy of a document).
- (2) The notification or document may be given to a person—
 - (a) by delivering it to the person,
 - (b) by leaving it at, or posting it to, one of the places mentioned in subsection (3), or
 - (c) if the conditions in subsection (4) are complied with, by sending it to the person in electronic form.
- (3) The places are—
 - (a) the person's last known residence or place of business,
 - (b) any place specified by the person as a place where the person may be given notifications or documents, or
 - (c) if the notification or document is given to a person in that person's capacity as a contract-holder, the dwelling subject to the occupation contract.
- (4) A notification or document may be given to a person by sending it in an electronic form if it complies with the conditions in, and any conditions under, section 236(4) and—
 - (a) the person has indicated a willingness to receive the notification or document electronically,
 - (b) the text is received by the person in legible form, and
 - (c) the text is capable of being used for subsequent reference.
- (5) The notification or document may be given to a body corporate by being given to the secretary or clerk of that body.
- (6) A notification or document given to a person by leaving it at any of the places mentioned in subsection (3) is to be treated as having been given at the time at which it was left at that place.

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PROSPECTIVE

CHAPTER 2

TRESPASSERS: IMPLIED TENANCIES AND LICENCES

238 Implied tenancies and licences

- (1) This section applies if—
 - (a) a dwelling which is not subject to an occupation contract is occupied as a home by a person (“T”) who is a trespasser in relation to that dwelling, and
 - (b) T makes payments in respect of his or her occupation of the dwelling to a person (“P”) who would be entitled (whether alone or jointly) to bring proceedings to evict T as a trespasser.
- (2) If P accepts such payments from T—
 - (a) knowing that T is a trespasser in relation to the dwelling, or
 - (b) at a time when P ought reasonably to know that T is a trespasser in relation to the dwelling,

P is to be treated as having made a periodic contract with T immediately after the end of the relevant period.
- (3) The relevant period is the period of two months starting with the day on which P first accepts a payment from T as mentioned in subsection (2).
- (4) Subsection (2) does not apply if before the end of the relevant period P brings proceedings to evict T as a trespasser or otherwise shows an intention to treat T as a trespasser.
- (5) A contract under subsection (2) is either a tenancy or a licence.
- (6) The tenancy or licence entitles T to occupy the dwelling as a home from the day immediately after the last day of the relevant period.
- (7) The amount of rent and rental periods are to be determined having regard to the amount and frequency of the payment or payments made by T and any other relevant circumstances.
- (8) A tenancy or licence under which T is entitled to occupy the dwelling as a home may not be implied except as provided in this section; but nothing in this section prevents P and T expressly making such a tenancy or licence before the end of the relevant period.

Status: This version of this part contains provisions that are prospective.

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PROSPECTIVE

CHAPTER 3

TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF THIS CHAPTER

239 Abolition of assured, secure and other tenancies

- (1) On and after the appointed day, no tenancy or licence (whenever made) can be—
 - (a) a restricted contract;
 - (b) a protected shorthold tenancy;
 - (c) a secure tenancy;
 - (d) an assured tenancy (including an assured shorthold tenancy);
 - (e) an introductory tenancy;
 - (f) a demoted tenancy.
- (2) If, immediately before the appointed day, the landlord under a protected or statutory tenancy might have recovered possession of the dwelling-house subject to the tenancy under Case 19 of Schedule 15 to the Rent Act 1977 (c. 42) (former protected shorthold tenancies), the tenancy ceases to be a protected or statutory tenancy on the appointed day.
- (3) Nothing in this section ends a tenancy or licence within subsection (1) or (2).

240 Conversion of tenancies and licences existing before commencement of Chapter

- (1) For the purposes of determining the matters in subsection (2), a tenancy or licence which existed immediately before the appointed day is to be treated as if it were made on the appointed day.
- (2) The matters are—
 - (a) whether the tenancy or licence is an occupation contract,
 - (b) the identity of the contract-holders under the contract, and
 - (c) whether the contract is a secure contract or a standard contract.
- (3) Subsections (4) to (7) apply to a tenancy or licence which becomes an occupation contract on the appointed day.
- (4) The fundamental provisions applicable to the contract are incorporated as terms of the contract.
- (5) The existing terms of the contract continue to have effect, except to the extent that they—
 - (a) are incompatible with a fundamental provision incorporated as a term of the contract, or
 - (b) are terms of the contract because of an enactment repealed or revoked under this Act.

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- (6) The supplementary provisions applicable to the contract are incorporated as terms of the contract, except to the extent that they are incompatible with the existing terms of the contract.
- (7) This section is subject to Schedule 12 (which makes further provision about existing tenancies and licences, modifies the application of this Act, and includes a fundamental provision incorporated into certain standard contracts).

241 Pre-existing contracts

- (1) This section applies where, on or after the appointed day, a tenancy or licence is made in pursuance of a contract made before the day on which the order specifying the appointed day is made by the Welsh Ministers.
- (2) Section 240 and Schedule 12 apply to the tenancy or licence as if—
 - (a) the day on which it is made is the appointed day, and
 - (b) immediately before that day it was a tenancy or licence of the kind it would have been on that day but for this Act.
- (3) Paragraphs 2(3), 4(1) and (3), 11, 12, 13 and 23(3) and (7) of Schedule 12 do not apply in relation to the tenancy or licence.

242 Interpretation of Chapter

In this Chapter—

“the appointed day” (“*y diwrnod penodedig*”) is the day appointed under section 257 as the day on which section 239 comes into force;

“assured shorthold tenancy” (“*tenantiaeth fyrddaliol sicr*”) has the same meaning as in the Housing Act 1988 (c. 50);

“assured tenancy” (“*tenantiaeth sicr*”) has the same meaning as in the Housing Act 1988 (and includes an assured shorthold tenancy);

“demoted tenancy” (“*tenantiaeth isradd*”) means a tenancy to which section 143A of the Housing Act 1996 (c. 52) applies;

“introductory tenancy” (“*tenantiaeth ragarweiniol*”) has the same meaning as in the Housing Act 1996;

“protected shorthold tenancy” (“*tenantiaeth fyrddaliol warchodedig*”), “protected tenancy” (“*tenantiaeth warchodedig*”), “restricted contract” (“*contract cyfyngedig*”) and “statutory tenancy” (“*tenantiaeth statudol*”) have the same meaning as in the Rent Act 1977 (c. 42);

“secure tenancy” (“*tenantiaeth ddiogel*”) has the same meaning as in the Housing Act 1985 (c. 68), but it does not include a housing association tenancy within the meaning of section 86 of the Rent Act 1977.

Status:

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 177A inserted by [2019 anaw 2 Sch. 3 para. 2](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)
- Sch. 2 para. 4(b)-(e) substituted for Sch. 2 Pt. 2 para. 4(b)(c) by [S.I. 2018/195 reg. 56](#) (This amendment comes into force on the day on which the Renting Homes (Wales) Act 2016 (anaw 1), Sch. 2 para. 4 comes into force.)