

# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 11

### FINAL PROVISIONS

#### *Interpretation of Act*

#### **243 Local authority and other authorities**

- (1) This section applies for the purposes of interpreting this Act.
- (2) The following are local authorities—
  - (a) a county council for an area in Wales,
  - (b) a county borough council, and
  - (c) a police and crime commissioner for a police area in Wales.
- (3) “Local housing authority” (other than in paragraph 12 of Schedule 2) means a county council for an area in Wales or a county borough council.
- (4) “Housing action trust” means a housing action trust established under Part 3 of the Housing Act 1988 (c. 50) and includes any body established under section 88 of that Act.
- (5) “New town corporation” has the same meaning as in the Housing Act 1985 (c. 68) (see section 4 of that Act).
- (6) “Urban development corporation” means an urban development corporation established under Part 16 of the Local Government, Planning and Land Act 1980 (c. 65) and includes any body established under section 165B of that Act.

#### **244 Landlord, lodger and permitted occupier**

- (1) This section applies for the purposes of interpreting this Act.

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- (2) The landlord, in relation to an occupation contract, is the person that is (or purports to be) entitled to confer on an individual a right to occupy the dwelling as a home.
- (3) A person lives in a dwelling as a lodger if the tenancy or licence under which he or she occupies the dwelling falls within paragraph 6 of Schedule 2 (accommodation shared with landlord).
- (4) But a person does not live in a dwelling as a lodger if he or she is given notice under paragraph 3 of Schedule 2 that his or her tenancy or licence is an occupation contract.
- (5) A person is a permitted occupier of a dwelling subject to an occupation contract if—
  - (a) he or she lives in the dwelling as a lodger or sub-holder of the contract-holder, or
  - (b) he or she is not a lodger or sub-holder but is permitted by the contract-holder to live in the dwelling as a home.

#### **245 Occupation date of an occupation contract**

In this Act, the occupation date of an occupation contract is the day on which the contract-holder is entitled to begin occupying the dwelling.

#### **246 Dwelling**

- (1) For the purposes of this Act “dwelling” means a dwelling which is wholly in Wales, and—
  - (a) does not include any structure or vehicle which is capable of being moved from one place to another, but
  - (b) includes any land occupied together with the dwelling, unless the land is agricultural land exceeding 0.809 hectares.
- (2) “Agricultural land” means—
  - (a) land used as arable, meadow or pasture ground only;
  - (b) land used for a plantation or a wood or for the growth of saleable underwood;
  - (c) land used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act 1922 (c. 51),

but does not include land occupied together with a house as a park, gardens (other than as mentioned in paragraph (c)) or pleasure grounds, land used mainly or exclusively for purposes of sport or recreation or land used as a racecourse.
- (3) Dwelling, in relation to an occupation contract, means the dwelling subject to the contract.

#### **247 Meaning of “variation” of occupation contract**

In this Act “variation”, in relation to an occupation contract—

- (a) includes the addition or removal of a term of the contract;
- (b) does not include any change in the identity of the landlord or contract-holder under the contract.

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## **248 The court**

In this Act “the court” means the High Court or the county court.

## **249 Lease, tenancy and related expressions**

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
  - (a) a sub-lease or a sub-tenancy, and
  - (b) a lease or tenancy (or a sub-lease or sub-tenancy) in equity.
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant or making of a lease or to covenants or terms, are to be read accordingly.
- (4) “Tenancy” and “licence” mean a tenancy or licence relating to a dwelling (see section 246).

## **250 Members of a family**

- (1) A person is a member of another's family for the purposes of this Act if—
  - (a) he or she is the spouse or civil partner of that person,
  - (b) he or she and that person live together as if they were spouses or civil partners, or
  - (c) he or she is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purposes of subsection (1)(c)—
  - (a) a relationship by marriage or civil partnership is to be treated as a relationship by blood,
  - (b) a relationship between persons who have only one parent in common is to be treated as a relationship between persons who have both parents in common, and
  - (c) except for the purposes of paragraph (b), the stepchild of a person is to be treated as his or her child.

## **251 Family property order**

- (1) For the purposes of this Act a family property order is an order under—
  - (a) section 24 of the Matrimonial Causes Act 1973 (c. 18) (property adjustment orders in connection with matrimonial proceedings),
  - (b) section 17 or 22 of the Matrimonial and Family Proceedings Act 1984 (c. 42) (property adjustment orders etc. after overseas divorce),
  - (c) paragraph 1 of Schedule 1 to the Children Act 1989 (c. 41) (orders for financial relief against parents),
  - (d) Schedule 7 to the Family Law Act 1996 (c. 27) (transfer of tenancies on divorce or separation),
  - (e) Part 2 of Schedule 5 to the Civil Partnership Act 2004 (c. 33) (property adjustment orders in connection with civil partnership), or
  - (f) paragraph 9 or 13 of Schedule 7 to that Act (property adjustment orders etc. on overseas dissolution of civil partnership).

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- (2) An order under Schedule 1 to the Matrimonial Homes Act 1983 (c. 19) (as it continues to have effect because of Schedule 9 to the Family Law Act 1996) is also a family property order.

## 252 Minor definitions

In this Act—

“common parts” (*“rhannau cyffredin”*), in relation to a dwelling subject to an occupation contract, means—

- (a) any part of a building comprising that dwelling, and
- (b) any other premises (including any other dwelling),

which the contract-holder is entitled under the terms of the contract to use in common with others;

“contract of employment” (*“contract cyflogaeth”*) means a contract of service or apprenticeship, whether express or implied and (if it is express) whether oral or in writing;

“Convention rights” (*“hawliau Confensiwn”*) has the same meaning as in the Human Rights Act 1998 (c. 42);

“enactment” (*“deddfiad”*) means an enactment (whenever enacted or made, unless the contrary intention appears) comprised in, or in an instrument made under—

- (a) an Act of Parliament, or
- (b) a Measure or an Act of the National Assembly for Wales (including this Act);

“fixed term contract” (*“contract cyfnod penodol”*) means an occupation contract that is not a periodic contract;

“housing association” (*“cymdeithas dai”*) has the same meaning as in the Housing Associations Act 1985 (c. 69) (see section 1 of that Act);

“housing trust” (*“ymddiriedolaeth dai”*) has the same meaning as in that Act (see section 2 of that Act);

“prescribed” (*“rhagnodedig”*) means prescribed by regulations made by the Welsh Ministers;

“registered charity” (*“elusen gofrestredig”*) means a charity registered under the Charities Act 2011 (c. 25);

“rent” (*“rhen”*) includes a sum payable under a licence;

“rental period” (*“cyfnod rhentu”*) means a period in respect of which a payment of rent falls to be made.

## 253 Index of terms

The following table contains an index of terms used in this Act (other than in sections or paragraphs where the term used is defined or explained in that section or paragraph)

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**Changes to legislation:** Renting Homes (Wales) Act 2016, Cross Heading: Interpretation of Act is up to date with all changes known to be in force on or before 11 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

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TABLE 2

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authorised deposit scheme (“ <i>cynllun blaendal awdurdodedig</i> ”)	section 47
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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.)