



# 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, PART 11 is up to date with all changes known to be in force on or before 31 May 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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anti-social behaviour (“ <i>ymddygiad gwrthgymdeithasol</i> ”)	section 55
appointed day (“ <i>diwrnod penodedig</i> ”)	section 242
assured shorthold tenancy (“ <i>tenantiaeth fyrddaliol sicr</i> ”)	section 242
assured tenancy (“ <i>tenantiaeth sicr</i> ”)	section 242
authorised deposit scheme (“ <i>cynllun blaendal awdurdodedig</i> ”)	section 47
common parts (“ <i>rhannau cyffredin</i> ”)	section 252
community landlord (“ <i>landlord cymunedol</i> ”)	section 9
contract-holder (“ <i>deiliad contract</i> ”)	section 7 (see also section 48)
contract-holder's break clause (“ <i>cymal terfynu deiliad contract</i> ”)	section 189
contract of employment (“ <i>contract cyflogaeth</i> ”)	section 252
Convention rights (“ <i>hawliau Confensiwn</i> ”)	section 252
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demoted tenancy (“ <i>tenantiaeth isradd</i> ”)	section 242
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fixed term contract (“ <i>contract cyfnod penodol</i> ”)	section 252
fully mutual housing association (“ <i>cymdeithas dai gwbl gydfuddiannol</i> ”)	section 9
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housing action trust (“ <i>ymdiriedolaeth gweithredu tai</i> ”)	section 243
housing association (“ <i>cymdeithas dai</i> ”)	section 252
housing trust (“ <i>ymdiriedolaeth dai</i> ”)	section 252
initial requirements (in relation to an authorised deposit scheme) (“ <i>gofynion cychwynnol (o ran cynllun blaendal awdurdodedig)</i> ”)	section 47
introduction date (“ <i>dyddiad cyflwyno</i> ”)	paragraphs 1 and 2 of Schedule 4
introductory period (“ <i>cyfnod rhagarweiniol</i> ”)	paragraph 1 of Schedule 4
introductory standard contract (“ <i>contract safonol rhagarweiniol</i> ”)	section 16
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lodger (“ <i>lletywr</i> ”)	section 244
member of a family (“ <i>aelod o deulu</i> ”)	section 250
new town corporation (“ <i>corfforaeth tref newydd</i> ”)	section 243
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occupation date (“ <i>dyddiad meddiannu</i> ”)	section 245
permitted occupier (“ <i>meddiannydd a ganiateir</i> ”)	section 244
possession claim (“ <i>hawliad meddiant</i> ”)	section 149
possession notice (“ <i>hysbysiad adennill meddiant</i> ”)	section 150

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prescribed (“ <i>rhagnodedig</i> ”)	section 252
priority successor (in relation to an occupation contract) (“ <i>olynydd â blaenoriaeth (o ran contract meddiannaeth)</i> ”)	section 83
priority successor (of a contract-holder) (“ <i>olynydd â blaenoriaeth (i ddeiliad contract)</i> ”)	section 75
private landlord (“ <i>landlord preifat</i> ”)	section 10
private registered provider of social housing (“ <i>darparwr tai cymdeithasol preifat cofrestredig</i> ”)	section 9
probation period (“ <i>cyfnod prawf</i> ”)	paragraph 3 of Schedule 7
prohibited conduct (“ <i>ymddygiad gwaharddedig</i> ”)	section 55
prohibited conduct standard contract (“ <i>contract safonol ymddygiad gwaharddedig</i> ”)	section 116
protected shorthold tenancy (“ <i>tenantiaeth fyrddaliol warchodedig</i> ”)	section 242
protected tenancy (“ <i>tenantiaeth warchodedig</i> ”)	section 242
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restricted contract (“ <i>contract cyfyngedig</i> ”)	section 242
secure contract (“ <i>contract diogel</i> ”)	section 8
secure tenancy (“ <i>tenantiaeth ddiogel</i> ”)	section 242
security (“ <i>sicrwydd</i> ”)	section 47
service installation (“ <i>gosodiad gwasanaeth</i> ”)	section 92
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statutory tenancy (“ <i>tenantiaeth statudol</i> ”)	section 242
sub-holder (“ <i>isddeiliad</i> ”)	section 59
sub-occupation contract (“ <i>contract isfeddiannaeth</i> ”)	section 59
supplementary provision (other than in sections 255 and 256) (“ <i>darpariaeth atodol</i> ”)	section 23
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supported accommodation (“ <i>llety â chymorth</i> ”)	section 143
supported standard contract (“ <i>contract safonol â chymorth</i> ”)	section 143
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urban development corporation (“ <i>corfforaeth datblygu trefol</i> ”)	section 243
variation (“ <i>amrywiad</i> ”)	section 247

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#### *Crown application*

### **254 Crown application**

This Act applies to the Crown.

#### *Consequential and transitional provision etc.*

### **255 Power to make consequential and transitional provision etc.**

- (1) If the Welsh Ministers consider it necessary or expedient for the purpose of giving full effect to any provision of this Act, or in consequence of any such provision, they may by regulations make—
  - (a) any supplemental, incidental, or consequential provision, and
  - (b) any transitory, transitional or saving provision.
- (2) Regulations under subsection (1) may amend, repeal, revoke or modify any enactment (including a provision of this Act) enacted or made on or before the day on which this Act receives Royal Assent.

#### *Regulations*

### **256 Regulations**

- (1) Any power to make regulations under this Act—
  - (a) is exercisable by statutory instrument,
  - (b) may be exercised so as to make different provision for different cases or descriptions of case or different purposes or areas,



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- (c) may be exercised so as to make different provision for different kinds or descriptions of occupation contract, unless the power applies only in relation to particular kinds or descriptions of occupation contract, and
  - (d) includes power to make incidental, supplementary, consequential, transitory, transitional or saving provision.
- (2) Regulations under this Act may make consequential amendments to, and modifications, repeals and revocations of, an enactment other than a provision of this Act.
- (3) Regulations to which this subsection applies may not be made unless a draft of the statutory instrument containing the regulations (whether alone or with regulations to which this subsection does not apply) has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (4) Subsection (3) applies to regulations under—
- (a) section 9 (power to amend that section),
  - (b) section 22 (powers in relation to fundamental provisions),
  - (c) section 56 (power to amend section 55),
  - (d) section 68 (power to amend sections 66 and 67),
  - (e) section 217 (power to amend that section),
  - (f) section 223 (power to amend sections 220 and 222),
  - (g) section 229 (power to amend sections 225 to 228),
  - (h) paragraph 17 of Schedule 2 (power to amend that Schedule),
  - (i) paragraph 17 of Schedule 3 (power to amend that Schedule),
  - (j) paragraph 3 of Schedule 4 (power to change time limit for giving notice of extension of introductory period),
  - (k) paragraph 5 of Schedule 5 (power to amend that Schedule),
  - (l) paragraph 4 of Schedule 7 (power to change time limit for giving notice of extension of probationary period),
  - (m) paragraph 13 of Schedule 9 (power to amend that Schedule), and
  - (n) paragraph 33 of Schedule 12 (power to amend that Schedule).
- (5) Subsection (3) also applies to any other regulations under this Act which amend, modify or repeal any provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales.
- (6) A statutory instrument containing regulations made under a provision of this Act to which subsection (3) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

### *Coming into force and short title*

#### **257 Coming into force**

- (1) This Part comes into force on the day after the day on which this Act receives Royal Assent.
- (2) The remaining provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under this section may—

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- (a) include transitory, transitional or saving provision;
- (b) make different provision for different cases or descriptions of case or different purposes or areas;
- (c) make different provision for different kinds or descriptions of occupation contract;
- (d) appoint different days for different purposes.

**258 Short title**

The short title of this Act is the Renting Homes (Wales) Act 2016.

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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.)