Renting Homes (Wales) Act 2016 anaw 1
SCHEDULE 12 – CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE
COMMENCEMENT OF CHAPTER 3 OF PART 10
Document Generated: 2024-04-17

1

Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Determination of whether converted contract is secure contract or standard contract is up to date with all changes known to be in force on or before 17 April 2024. 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

SCHEDULE 12

CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF CHAPTER 3 OF PART 10

Determination of whether converted contract is secure contract or standard contract

3   (1) Sections 11 to 17 (community landlords and private landlords) apply to a converted contract—

    (a) under which the landlord is a private landlord, and

    (b) which immediately before the appointed day was a secure tenancy under which the landlord was a private landlord,

as if the landlord were a community landlord.

(2) But in section 14 (review of notice of standard contract) subsection (1) applies as if after "section 13" there were inserted " and the landlord's decision to give the notice is subject to judicial review ".

Commencement Information

I1   Sch. 12 para. 3 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

---

4   (1) The landlord under a converted contract [**F1**to which section 11 applies (whether or not under paragraph 3)] may give [**F2**notice as described in] section 11(2)(b) (notice of standard contract) at any time before the end of the initial notice period.

(2) If the landlord [**F3**gives notice under section 13], the contract is to be treated as having become a standard contract on the appointed day.

(3) The landlord under a converted contract may give notice under section 17(1) (notice of secure contract) at any time before the end of the initial notice period.

(4) If the landlord does so, the contract is to be treated as having become a secure contract on the appointed day.

Textual Amendments

F1   Words in Sch. 12 para. 4(1) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **6(a)(i)**

F2   Words in Sch. 12 para. 4(1) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **6(a)(ii)**

F3   Words in Sch. 12 para. 4(2) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **6(b)**

Commencement Information

I2   Sch. 12 para. 4 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

[**F4**5   A converted contract which immediately before the appointed day was—

    (a) an introductory tenancy, or

    (b) an assured shorthold tenancy—

(i) under which the landlord was a registered social landlord or a private registered provider of social housing, but not a fully mutual housing association or a co-operative housing association, and

(ii) which was expressed as being, or otherwise amounted to, a starter tenancy,

has effect as an introductory standard contract (see paragraph 23).**]**

Textual Amendments

F4 Sch. 12 para. 5 substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **7**

Commencement Information

I3 Sch. 12 para. 5 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

---

6   A converted contract has effect as a prohibited conduct standard contract (see paragraph 24) if immediately before the appointed day—

(a) section 20B of the Housing Act 1988 (c. 50) (demoted assured shorthold tenancies) applied to it, or

(b) section 143A of the Housing Act 1996 (c. 52) (demoted tenancies) applied to it.

Commencement Information

I4 Sch. 12 para. 6 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

[^{F5}6A.   A converted contract relating to supported accommodation has effect as a supported standard contract only if immediately before the appointed day the contract was—

(a) an assured shorthold tenancy (see paragraph 24A for further provision about supported standard contracts that were assured shorthold tenancies), or

(b) a licence, other than a licence which was a secure tenancy.**]**

Textual Amendments

F5 Sch. 12 para. 6A inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **8**

Commencement Information

I5 Sch. 12 para. 6A in force at 1.12.2022 by S.I. 2022/906, **art. 2**

---

7   (1) A converted contract to which sub-paragraph (2) applies is an additional exception to section 11(1) (contracts made with community landlord are secure contracts).

(2) This sub-paragraph applies to a converted contract which immediately before the appointed day was a tenancy or licence for a fixed term, provided that—

(a) a premium was paid for the contract, and

(b) before the end of the period of one month starting with the appointed day, the contract-holder decides that the contract should become a fixed term standard contract.

Renting Homes (Wales) Act 2016 anaw 1
SCHEDULE 12 – CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE
COMMENCEMENT OF CHAPTER 3 OF PART 10
Document Generated: 2024-04-17

3

Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Determination of whether converted contract is secure contract or standard contract is up to date with all changes known to be in force on or before 17 April 2024. 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

---

(3) Before the appointed day, a community landlord which is the landlord under a tenancy or licence for a fixed term, and for which a premium was paid, must—

    (a) inform the contract-holder of his or her right under sub-paragraph (2)(b) to decide that the contract should become a fixed term standard contract, and of the time by which that decision must be made, and

    (b) explain how section 11 will apply to the contract if the contract-holder does not make such a decision.

Commencement Information

    I6   Sch. 12 para. 7 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

---

8   (1) This paragraph applies where a community landlord becomes the landlord under a fixed term standard contract before the end of the period of one month starting with the appointed day.

    (2) Section 12 (contracts adopted by community landlord) applies as if in subsection (8)(b), for "before the community landlord becomes the landlord" there were substituted " before the end of the period of one month starting with the appointed day (within the meaning of section 242) ".

    (3) The landlord must give the contract-holder the notice required by section 15(1) on or before the appointed day.

Commencement Information

    I7   Sch. 12 para. 8 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

---

9   (1) The following are additional exceptions to sections 11(1) and 12(3) (contracts made or adopted by community landlord are secure contracts).

    (2) A converted contract which before the appointed day—

        (a) had been a secure tenancy, but

        (b) had ceased to be such a tenancy because of section 89, 91 or 93 of the Housing Act 1985 (c. 68) (succession, assignment and sub-letting).

    (3) A converted contract which before the appointed day—

        (a) had been an introductory tenancy, but

        (b) had ceased to be such a tenancy because of section 133 of the Housing Act 1996 (c. 52) (succession).

    (4) A converted contract which before the appointed day—

        (a) had been a demoted tenancy, but

        (b) had ceased to be such a tenancy because of section 143I of the Housing Act 1996 (succession).

Commencement Information

    I8   Sch. 12 para. 9 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

10   A converted secure contract which immediately before the appointed day was a secure tenancy becomes a standard contract if—

(a)   the tenant died before the appointed day, and

(b)   after that day an event occurs which, but for this Act, would under section 89 of the Housing Act 1985 (c. 68) (succession) have caused the contract to cease to be a secure tenancy.

Commencement Information

I9   Sch. 12 para. 10 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Changes to legislation:
Renting Homes (Wales) Act 2016, Cross Heading: Determination of whether converted contract is secure contract or standard contract is up to date with all changes known to be in force on or before 17 April 2024. 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.
View outstanding changes

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. 186A-186C inserted by 2019 anaw 2 Sch. 3 para. 4(1)
– s. 198A inserted by 2019 anaw 2 Sch. 3 para. 5