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**Changes to legislation:** Renting Homes (Wales) Act 2016, Cross Heading: Determination of whether existing tenancy or licence is occupation contract is up to date with all changes known to be in force on or before 10 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

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## SCHEDULE 12

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

#### *Determination of whether existing tenancy or licence is occupation contract*

- 2 (1) Schedule 2 applies to—
- (a) a tenancy or licence which immediately before the appointed day was a secure tenancy, an assured tenancy, an introductory tenancy or a demoted tenancy, and
  - (b) a tenancy which existed immediately before the appointed day but is not within paragraph (a),
- as if paragraphs 3(2)(b) and 4 (care institutions) were omitted.
- (2) Schedule 2 applies to a tenancy which immediately before the appointed day was a secure tenancy, an assured tenancy, an introductory tenancy or a demoted tenancy as if paragraphs 3(2)(c) and 5 (temporary expedients) were omitted.
- [<sup>F1</sup>(2A) Schedule 2 applies to a tenancy or licence which immediately before the appointed day was a secure tenancy or an assured tenancy as if paragraph 7(3)(k)(i) of that Schedule were omitted.]
- (3) The landlord may, in relation to a tenancy or licence which existed immediately before the appointed day, give notice under paragraph 1 or 3 of Schedule 2 at any time before the end of the initial notice period.
- (4) If the landlord does so, the tenancy or licence is to be treated as having become an occupation contract on the appointed day.
- [<sup>F2</sup>(5) Part 5 of Schedule 2 (special rules applying to supported accommodation) does not apply to—
- (a) a tenancy which existed immediately before the appointed day;
  - (b) a licence which—
    - (i) immediately before the appointed day was a secure tenancy;
    - (ii) has a start date (within the meaning given in paragraph 13(5) of Schedule 2) falling more than 6 months before the appointed day.
- (6) In their application to a tenancy or licence which immediately before the appointed day was an assured agricultural occupancy—
- (a) section 7 (tenancies and licences that are occupation contracts) applies as if subsection (1)(b) (rent or other consideration must be payable) were omitted, and
  - (b) Schedule 2 applies as if paragraph 1(2) were omitted.]

#### Textual Amendments

- F1** Sch. 12 para. 2(2A) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 4(a)
- F2** Sch. 12 para. 2(5)(6) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 4(b)

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#### **Commencement Information**

**I1** [Sch. 12 para. 2](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

[<sup>F3</sup>2A. (1) Section 7(6) and paragraph 7(2) of Schedule 2 do not apply to a licence where immediately before the appointed day—

- (a) the licensee was aged 16 or 17, and
- (b) the licence was—
  - (i) a secure tenancy, or
  - (ii) an assured agricultural occupancy.

(2) Where sub-paragraph (1) applies, this Act applies to the contract-holder as if he or she were aged 18.]

#### **Textual Amendments**

**F3** [Sch. 12 para. 2A](#) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **5**

#### **Commencement Information**

**I2** [Sch. 12 para. 2A](#) 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 existing tenancy or licence is occupation contract is up to date with all changes known to be in force on or before 10 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.

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