

## SCHEDULE 5

(introduced by section 14)

### MISCELLANEOUS AMENDMENTS TO THE 2016 ACT

#### *Introductory*

1 The 2016 Act is amended as follows.

#### *Modification and variation of fundamental provisions*

- 2 (1) In section 20 (incorporation and modification of fundamental provisions)—
- (a) in subsection (1), in paragraph (b), omit “in the contract-holder’s opinion,”;
  - (b) in subsection (2), in paragraph (b), omit “in the contract-holder’s opinion,”.
- (2) In section 108 (limitation on variation: secure contracts), in subsection (3), in paragraph (a)(ii) omit “in the contract-holder’s opinion”.
- (3) In section 127 (limitation on variation: periodic standard contracts), in subsection (3), in paragraph (a)(ii) omit “in the contract-holder’s opinion”.
- (4) In section 135 (limitation on variation: fixed term standard contracts), in subsection (3), in paragraph (a)(ii) omit “in the contract-holder’s opinion”.

#### *Editorial changes to written statement*

3 In section 33 (editorial changes to written statement), in subsection (2) omit the words from “; for example” to the end.

#### *Amendment of references to “the relevant date” in sections 110, 129 and 137*

- 4 In subsection (7) of each of—
- (a) section 110 (secure contracts: failure to provide written statement etc.),
  - (b) section 129 (periodic standard contracts: failure to provide written statement etc.), and
  - (c) section 137 (fixed term standard contracts: failure to provide written statement etc.),
- for the words from “references” to the end substitute “, in subsection (3) of both of those sections, for the words from “starting” to the end there were substituted “starting with the day on which the contract was varied””.

#### *Secure tenancies that are housing association tenancies to be capable of becoming occupation contracts*

- 5 (1) In section 242 (interpretation of Chapter 3 of Part 10), in the definition of “secure tenancy”, omit the words from “, but it does not include a housing association tenancy” to the end.
- (2) In Schedule 2 (exceptions to section 7), in paragraph 7 (tenancies and licences that are never occupation contracts), omit sub-paragraph (3)(d).

#### *Power to make provision relating to the abolition of assured, secure and other tenancies*

- 6 (1) After section 239 (abolition of assured, secure and other tenancies) insert—

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*Status: This is the original version (as it was originally enacted).*

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**“239A Power to make provision about certain tenancies and licences**

- (1) The Welsh Ministers may by regulations amend this Act for the purpose of—
- (a) providing that certain provisions do not apply in relation to a tenancy or licence to which subsection (2) applies;
  - (b) making new provision which only applies to a tenancy or licence to which subsection (2) applies;
  - (c) making provision in relation to the end of the term of a long tenancy (within the meaning of paragraph 8 of Schedule 2).
- (2) This subsection applies to any tenancy or licence which would, but for section 239, have been a tenancy or licence of the kind listed in subsection (1) of that section, or would have been treated as a tenancy or licence of that kind.
- (3) Regulations under this section may make provision about tenancies or licences which are not, and cannot be, occupation contracts.”
- (2) In section 256 (regulations), in subsection (4), after paragraph (g) insert—
- “(ga) section 239A (power to make provision about certain tenancies and licences),”.

*Dwellings on border between Wales and England*

- 7 In section 246 (meaning of “dwelling”), in subsection (1) omit “wholly”.

*Power to amend legislation enacted or made after the 2016 Act received Royal Assent*

- 8 In section 255 (power to make consequential etc. provision), in subsection (2) omit the words from “enacted or made” to the end.

*Removal of references to accommodation for displaced persons*

- 9 (1) In Schedule 3 (occupation contracts made with or adopted by community landlords which may be standard contracts), omit paragraph 5.
- (2) In Schedule 9 (standard contracts to which limits in sections 175, 186(2) and 196 do not apply), omit paragraph 5.

*Amendment to Schedule 3: student accommodation*

- 10 In Schedule 3 (occupation contracts made with or adopted by community landlords which may be standard contracts), in paragraph 10(1), for “for the purpose of enabling” substitute “for the sole purpose of enabling”.

*Minor amendments to the Welsh text*

- 11 (1) In section 61 (failure to comply with conditions imposed by head landlord), in the Welsh language text, in subsection (5) for “wedi ei wneud yn” substitute “wedi ei wneud mewn modd nad yw’n”.
- (2) In section 163 (contract-holder’s notice), in the Welsh language text, in subsection (2) for “meddiannaeth” substitute “diogel”.

*Status: This is the original version (as it was originally enacted).*

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- (3) In section 165 (recovery of possession), in the Welsh language text, in subsection (3) for “meddiannaeth” substitute “diogel”.
- (4) In section 236 (form of notices, statements and other documents), in the Welsh language text, in subsection (5) for “wedi ei ddilysu” substitute “ardystiedig”.
- (5) In Schedule 11 (suitable alternative accommodation), in the Welsh language text, in paragraph 3, in sub-paragraph (2)(a), for “diogelwch meddiant iddo” substitute “sicrwydd iddo o ran meddiannaeth”.