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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1166**

**The Renting Homes (Wales) Act 2016  
(Consequential Amendments) Regulations 2022**

**Housing Act 1985**

**11.**—(1) The Housing Act 1985<sup>(1)</sup> is amended as follows.

(2) In section 25<sup>(2)</sup> (increase of rent where tenancy not secure), in subsection (1), after “introductory tenancy”, insert “or a dwelling (in Wales) is let by such an authority on a weekly or other periodic tenancy which is not an occupation contract”.

(3) In section 27AB<sup>(3)</sup> (management agreements with tenant management organisations)—

(a) in subsection (7)(b)(ii), after “secure tenants”, insert “or tenants who are secure contract-holders”;

(b) in subsection (8), at the appropriate places, insert—

““contract-holder” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);”;

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);”.

(4) In section 27BA<sup>(4)</sup> (consultation with respect to management), in subsection (8), after “secure tenants”, insert “or tenants who are secure contract-holders”.

(5) In section 32<sup>(5)</sup> (power to dispose of land held for purposes of this Part)—

(a) in subsection (2), for “subsection (3)”, substitute “subsections (3) and (3A)”;

(b) after subsection (3), insert—

“(3A) No consent is required for the letting of land (in Wales) under—

- (a) a secure contract,
- (b) a supported standard contract,
- (c) an introductory standard contract, or
- (d) a standard contract—

(i) in relation to which the exception in section 11(2) of the Renting Homes (Wales) Act 2016 (anaw 1) applies (first exception to requirement that contract made by a community landlord is a secure contract), and

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(1) 1985 c. 68.

(2) Section 25 was amended by article 2 of and paragraph 3(b) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(3) Section 27AB was inserted by section 132(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28). There are amendments to section 27AB which are not relevant to these Regulations.

(4) Section 27BA was inserted by section 222 of and paragraph 3(2) of Schedule 18 to the Housing Act 1996 (c. 52).

(5) Section 32 was amended by article 2 of and paragraph 3(d) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74); there are other amendments to section 32 which are not relevant to these Regulations.

- (ii) which is within any of paragraphs 4 and 6 to 14 of Schedule 3 to that Act (occupation contracts made with or adopted by community landlords which may be standard contracts).”
- (6) In section 43(6) (consent required for certain disposals not within section 32)—
- (a) in subsection (1), for “appropriate national body”, substitute “Secretary of State”;
  - (b) after subsection (1), insert—
 

“(1A) The consent of the Welsh Ministers is required for the disposal by a local authority of a dwelling belonging to the authority which is subject to a tenancy which is a secure contract or is an introductory standard contract.”;
  - (c) in this section, after “house”, in each place it occurs, insert “or dwelling”;
  - (d) in subsection (2)(b), after “houses”, insert “or dwellings”.
- (7) In section 56(7) (minor definitions), after subsection (1), insert—
- “(1A) In this Part, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—
- (a) “contract-holder” (see section 7 (see also section 48) of that Act);
  - (b) “dwelling” (see section 246 of that Act);
  - (c) “introductory standard contract” (see section 16 of that Act);
  - (d) “occupation contract” (see section 7 of that Act);
  - (e) “secure contract” (see section 8 of that Act);
  - (f) “standard contract” (see section 8 of that Act);
  - (g) “supported standard contract” (see section 143 of that Act).”
- (8) In section 57(8) (index of defined expressions: Part 2), at the appropriate places in the Table, insert—

“contract-holder	section 56”
“dwelling	section 56”
“introductory contract	standard section 56”
“occupation contract	section 56”
“secure contract	section 56”

- (6) Section 43 was amended by section 311 of and paragraph 1 of Schedule 14 to the Housing and Regeneration Act 2008 (c. 17), sections 132 and 140 of and paragraph 39 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), section 227 of and Part 9 of Schedule 19 to the Housing Act 1996 (c. 52), section 77 of the Housing and Planning Act 2016 (c. 22), section 194 of and Part 1 of Schedule 12 to the Local Government and Housing Act 1989 (c. 42), section 78 of and paragraph 24 of Schedule 10 to the Environment Act 1995 (c. 25), article 2 of and paragraph 3 of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and article 6 of and paragraphs 3 and 15 of Schedule 2 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).
- (7) Section 56 was amended by article 2 of and paragraph 3(f) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74), article 6 of and paragraphs 3 and 16 of Schedule 2 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).
- (8) There are amendments to section 57 which are not relevant to these Regulations.

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“standard contract                      section 56”

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“supported standard contract    section 56”

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- (9) In section 79 (secure tenancies)—
- (a) in subsection (1), after “dwelling-house”, insert “in England”, and
  - (b) in subsection (3), after “dwelling-house”, insert “in England”.
- (10) In section 84A(9) (absolute ground for possession for anti-social behaviour)—
- (a) omit subsection (11),
  - (b) in subsection (12), after “(10)” omit “or (11)”, and
  - (c) in subsection (13)—
    - (i) after “(10)” omit “or (11)”, and
    - (ii) omit paragraph (b) and the “, or” which precedes it.
- (11) In section 85ZA(10) (review of decision to seek possession on absolute ground for anti-social behaviour)—
- (a) omit subsection (8),
  - (b) in subsection (9), for “subsections (7) and (8)”, substitute “subsection (7)”, and
  - (c) in subsection (10)(b), omit sub-paragraph (ii).
- (12) Omit section 87(11) (persons qualified to succeed tenant: Wales).
- (13) In section 92(12) (assignments by way of exchange)—
- (a) for subsection (1), substitute—

“(1) It is a term of every secure tenancy that the tenancy may, with the written consent of the landlord, assign the tenancy to—

    - (a) another secure tenant who satisfies the condition in subsection (2),
    - (b) an assured tenant who satisfies the conditions in subsection (2A), or
    - (c) a tenant who is a secure contract-holder and who satisfies the conditions in subsection (2B).”;
  - (b) after subsection (2A), insert—

“(2B) The conditions to be satisfied with respect to a tenant who is a secure contract-holder are that—

    - (a) their landlord is a community landlord, and
    - (b) they intend to transfer their secure contract to—
      - (i) the secure tenant referred to in subsection (1),
      - (ii) another secure tenant who satisfies the condition in subsection (2), or

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(9) Section 84A was added by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and amended by section 410 of and paragraph 84 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17).

(10) Section 85ZA was added by section 96 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(11) Section 87 was amended by section 160(2) of the Localism Act 2011 (c. 20) and section 81 of and paragraph 20 of Schedule 8 to the Civil Partnership Act 2004 (c. 33).

(12) Section 92 was amended by section 163(1) to (3) of the Local Government and Housing Act 1989 (c. 42), sections 140 and 152 of and paragraph 10 of Schedule 16 and Part 6 of Schedule 18 to the Government of Wales Act 1998 (c. 38), article 5 of and paragraphs 15 and 21 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 14(9) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

- (iii) another secure contract-holder.”;
- (c) after subsection (6), insert—
- “(7) In this section, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—
- (a) “community landlord” (see section 9 of that Act);
- (b) “contract-holder” (see section 7 (see also section 48) of that Act);
- (c) “secure contract” (see section 8 of that Act).”
- (14) In section 105(13) (consultation on matters of housing management)—
- (a) in subsection (1), after “secure tenants”, insert “or secure contract-holders”;
- (b) in subsection (2)—
- (i) in paragraph (a), after “secure tenancies”, insert “or secure contracts”;
- (ii) after “secure tenancy”, insert “or secure contract”;
- (c) in subsection (6), in paragraph (b), after “secure tenancies”, insert “or secure contracts”;
- (d) in subsection (7), after paragraph (b), insert—
- “(c) secure contract-holders include prohibited conduct standard contract-holders;
- (d) secure contracts include prohibited conduct standard contracts.”
- (15) In section 106(14) (information about housing allocation)—
- (a) in subsection (1)(b), after “secure tenants”, insert “or secure contract-holders”;
- (b) after “secure tenancies”, in each place it occurs, insert “or secure contracts”.
- (16) In section 106A(15) (consultation before disposal to private sector landlord), in subsection (2), after “disposal to which that Schedule applies”, insert “under paragraph 1(1) of that Schedule”.
- (17) In section 116 (minor definitions)—
- (a) the existing provision becomes subsection (1);
- (b) after that subsection, insert—
- “(2) In this Part, the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—
- (a) “contract-holder” (see section 7 (see also section 48) of that Act);
- (b) “prohibited conduct standard contract” (see section 116 of that Act);
- (c) “secure contract” (see section 8 of that Act).”
- (18) In section 117(16) (index of defined expressions: Part 4), at the appropriate places in the Table, insert—

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- (13) Section 105 was amended by section 140 of and paragraph 5 of Schedule 16 to the Government of Wales Act 1998 (c. 38), section 22(2) of and paragraph 5(7) of Schedule 8 to the Local Government (Wales) Act 1994 (c. 19), section 14(5) of and paragraph 2 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38), article 5 of and paragraph 14(10) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325) and article 5 of and paragraphs 15 and 22 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).
- (14) Section 106 was amended by section 140 of and paragraph 5 of Schedule 16 to the Government of Wales Act 1998 (c. 38), section 22(2) of and paragraph 5(7) of Schedule 8 to the Local Government (Wales) Act 1994 (c. 19), section 173 of and paragraph 1 of Schedule 16 to the Housing Act 1996 (c. 52), section 18(1) of and paragraph 1 of Schedule 1 to the Homelessness Act 2002 (c. 7), article 5 of and paragraphs 15 and 23 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 14(11) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).
- (15) Section 106A was inserted by section 6 of the Housing and Planning Act 1986 (c. 63) and subsection (2) was amended by article 2 of and paragraph 3(h) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
- (16) There are amendments to section 117 which are not relevant to these Regulations.

“contract-holder	section 116”
“prohibited conduct standard contract	section 116”
“secure contract	section 116”

(19) In section 247 (changes of ownership or occupation of land to be notified to local housing authority)—

(a) after subsection (5)(ca)(17), insert—

“(cb) the grant of an occupation contract, or of a tenancy or licence which is not an occupation contract by reason only of the shared accommodation exception in paragraph 6 of Part 2 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1) applying and the notice condition in paragraph 3(3) of Part 2 of that Schedule not being met;”;

(b) after subsection (6), insert—

“(7) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).”

(20) In section 270 (demolition orders: recovery of possession of building to be demolished), in subsection (3)(18) after “Rent Acts”, insert “, the Renting Homes (Wales) Act 2016 (anaw 1) or secondary legislation made under that Act”.

(21) In section 553(19) (effect of repurchase on certain existing tenancies)—

(a) in the section heading, at the end, insert “(England)”;

(b) in subsection (1), after “defective dwelling”, insert “in England”.

(22) After section 553, insert—

**“553A Effect of repurchase on certain existing tenancies (Wales)**

(1) Where an authority mentioned in section 80 (authorities satisfying the landlord condition for secure tenancy) acquire an interest in a defective dwelling in Wales in pursuance of Schedule 20 (repurchase) and—

(a) the land in which the interest subsists is or includes a dwelling-house occupied as a separate dwelling, and

(b) the interest of the person entitled to assistance by way of repurchase is, immediately before the completion of the authority’s acquisition, subject to a tenancy of the dwelling-house,

the tenancy shall not, on or after the acquisition, become a secure contract unless the conditions specified in subsection (2) are met.

(2) The conditions are—

(a) that the tenancy was a protected tenancy throughout the period beginning with the making of an application for assistance under this Part in respect of the defective dwelling and ending immediately before the authority’s acquisition, and

(17) Paragraph (ca) was inserted by section 140 of and paragraph 45 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50).

(18) Section 270(3) was amended by section 140 of and Part 1 of Schedule 17 to the Housing Act 1988 (c. 50) and section 165 of and paragraph 18(2) of Part 2 of Schedule 9 to the Local Government and Housing Act 1989 (c. 42).

(19) Section 553 was amended by section 140 of and paragraph 60 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50) and section 227 of and Part 4 of Schedule 19 to the Housing Act 1996 (c. 52).

- (b) no notice was given in respect of the tenancy in accordance with any of the Cases 11 to 18 and 20 in Schedule 15 to the Rent Act 1977 (c. 42) (notice that possession might be recovered under that Case).
- (3) This section has effect notwithstanding any provision to the contrary in section 11 of the Renting Homes (Wales) Act 2016 (anaw 1).”
- (23) In section 554(20) (grant of tenancy to former owner-occupier)—
- (a) in subsection (2), after “a secure tenancy”, insert “or secure contract”;
- (b) in subsection (2A)—
- (i) after “secure tenancy”, insert “or, where the dwelling-house is in Wales, a secure contract”;
- (ii) in paragraph (a), after “secure tenant”, insert “or a secure contract-holder”;
- (c) in subsection (3), at the end of paragraph (c), insert
- “, or
- (d) a secure contract.”
- (24) In section 555 (grant of tenancy to former statutory tenant)—
- (a) in subsection (1), after “secure tenancy”, insert “or, where the dwelling-house is in Wales, a secure contract”;
- (b) in subsection (3), after “secure tenancy”, insert “or secure contract”;
- (c) after subsection (3), insert—
- “(4) This section has effect notwithstanding any provision to the contrary in section 11 of the Renting Homes (Wales) Act 2016 (anaw 1).”
- (25) In section 558 (interpretation of sections 553 to 557), after paragraph (c), insert—
- “(d) references to the grant of a secure contract are to the grant of an occupation contract which would be a secure contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016 (anaw 1)) assuming that the contract-holder under the contract occupies the dwelling as their only or principal home;
- (e) the following terms have the same meaning as in the Renting Homes (Wales) Act 2016—
- (i) “contract-holder” (see section 7 (see also section 48) of that Act);
- (ii) “occupation contract” (see section 7 of that Act).”
- (26) In section 577(21) (index of defined expressions: Part 16), in the Table, at the appropriate places in alphabetical order, insert—

“contract-holder	section 558”
“occupation contract	section 558”

(20) Section 554 was amended by section 140 of and paragraph 61 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), section 81 of and paragraph 32 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), article 4 of and paragraphs 2 and 26 of Schedule 1 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), article 5 of and paragraphs 15 and 35 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(21) Section 577 was amended by section 140 of and paragraphs 62 and 113 of Part 1 of Schedule 17 to the Housing Act 1988 (c. 50), sections 140 and 152 of and paragraph 20 of Schedule 16 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), article 4 of and paragraphs 2 and 27 of Schedule 1 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002) and article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

