
WELSH STATUTORY INSTRUMENTS

2022 No. 1166

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

Local Government and Housing Act 1989 **E+W**

18.—(1) The Local Government and Housing Act 1989(1) is amended as follows.

(2) In section 74(5)(b) (duty to keep Housing Revenue Account), at the end, insert “or which is a long tenancy within the meaning given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1).”

(3) In section 173 (consent required for subsequent disposals)—

(a) in subsection (1)(2) after “a secure tenancy”, insert “or, in Wales, a secure contract”;

(b) in subsection (10)—

(i) at the end of paragraph (a), omit “and”;

(ii) at the end of paragraph (b), for the full stop, substitute “; and”;

(iii) after paragraph (b), insert—

“(c) “secure contract” has the same meaning as in section 8 of the Renting Homes Wales Act 2016 (anaw 1).”

(4) In section 186 (security of tenure on ending of long residential tenancies)—

(a) in subsection (1), after “assured periodic tenancies”, insert “or standard occupation contracts”;

(b) after subsection (1), insert—

“(1A) In this section, “standard occupation contract” has the same meaning as in section 8 of the Renting Homes (Wales) Act 2016 (anaw 1).”

(5) In Schedule 10 (security of tenure on ending of long residential tenancies)—

(a) in paragraph 1(3) (preliminary), in sub-paragraph (1), for the words from “are such that” to the end, substitute—

“are such that—

(a) in relation to a dwelling-house in England, if the tenancy were not at a low rent, it would at that time be an assured tenancy within the meaning of Part 1 of the Housing Act 1988 (c. 50);

(b) in relation to a dwelling-house in Wales, if the tenancy were not at a low rent and assured tenancies had not been abolished in Wales (by section 239 of the Renting Homes (Wales) Act 2016), it would at that time be an assured tenancy within the meaning of Part 1 of the Housing Act 1988.”;

(1) 1989 c. 42.

(2) Section 173(1) was amended by section 191(4)(a) of the Housing and Regeneration Act 2008 (c. 17) and regulation 1(2) of the Regulation of Registered Social Landlords (Wales) Act 2018 (Consequential Amendments) Regulations 2018 (S.I. 2018/870 (W. 171)).

(3) There are amendments to paragraph 1 of Schedule 10 which are not relevant to these Regulations.

- (b) after paragraph 1, insert—
- (1) In relation to a dwelling-house in Wales, when a long tenancy not at a low rent—
 - (a) comes to an end after the appointed day,
 - (b) the fixed term has come to an end otherwise than by virtue of—
 - (i) an order of the court, or
 - (ii) a surrender or other action on the part of the tenant,
 - (c) at that time, it would have been an assured tenancy, within the meaning of Part 1 of the Housing Act 1988, if assured tenancies had not been abolished in Wales (by section 239 of the Renting Homes (Wales) Act 2016), and
 - (d) the tenant remains in occupation of the dwelling-house after the end of the term, the landlord and the tenant are to be treated as having made a new periodic standard contract in relation to the dwelling-house.
 - (2) The new contract arising under sub-paragraph (1)—
 - (a) has an occupation date falling immediately after the end of the fixed term,
 - (b) has rental periods that are the same as those for which rent was last payable under the fixed term tenancy, and
 - (c) incorporates the fundamental and supplementary provisions applicable to periodic standard contracts as terms of the new contract without modification.
 - (3) Subject to sub-paragraph (2), the new contract has the same terms as the long tenancy immediately before it ended.
 - (4) A new occupation contract does not arise as described in sub-paragraph (1) if the landlord and the contract-holder have made a new occupation contract in relation to the same (or substantially the same) dwelling which has an occupation date falling immediately after the long tenancy ends.
 - (5) If, before or on the occupation date of a new occupation contract arising as described in sub-paragraph (1) or (4)—
 - (a) the tenant enters into an obligation to do an act which will cause the new contract to end, or
 - (b) the tenant gives any notice or other document that would, but for this paragraph, cause the new contract to end,
 the obligation is unenforceable or (as the case may be) the notice or document is of no effect.
 - (6) The requirement in section 39(1) of the 2016 Act (provision by landlord of information about the landlord) does not apply in relation to a periodic standard contract arising under sub-paragraph (1).”;
- (c) in paragraph 2(4)—
- (i) after sub-paragraph (2), insert—
 - “(2A) The following terms have the same meaning as in the Renting Homes (Wales) Act 2016—
 - “appointed day” (see section 242 of that Act);
 - “contract-holder” (see section 7 of that Act);

(4) Paragraph 2 of Schedule 10 was amended by regulation 2 of and paragraphs 33 and 34 of the Schedule to the References to Rating (Housing) Regulations 1990 (S.I. 1990/434).

- “fundamental term” (see section 19 of that Act);
- “standard contract” (see section 8 of that Act);
- “written statement” (see section 31 of that Act).”;
- (ii) in sub-paragraph (3), at the beginning, insert “In relation to England.”;
- (iii) after sub-paragraph (3), insert—
 - “(3A) In relation to Wales, “long tenancy” has the meaning given by paragraph 8 of Schedule 2 to the 2016 Act.”;
- (iv) in sub-paragraph (6), after the definition of “the 1988 Act”, insert ““the 2016 Act” means the Renting Homes (Wales) Act 2016 (anaw 1).”;
- (d) in paragraph 4(5) (termination of tenancy by the landlord)—
 - (i) in sub-paragraph (5)(a), after “dwelling-house”, insert “in England”;
 - (ii) at the end of sub-paragraph (5)(a), omit “or”;
 - (iii) after sub-paragraph (5)(a), insert—
 - “(aa) it proposes a periodic standard occupation contract of the dwelling-house in Wales, the written statement of which is attached to the notice, where—
 - (i) the rent for that contract is such that it would not be at a low rent, and
 - (ii) section 173 (landlord’s notice) of the 2016 Act is not incorporated as a fundamental term of the contract; or”;
 - (iv) in sub-paragraph (6), after “assured tenancy”, insert “of the dwelling-house in England.”;
 - (v) in sub-paragraph (7)(a), after “assured tenancy”, insert “or an occupation contract”;
- (e) in paragraph 6(6) (interim rent)—
 - (i) in sub-paragraph (1), after “assured tenancy”, insert “or a periodic standard contract”;
 - (ii) in sub-paragraph (3)(b), after “assured tenancy”, insert “or a periodic standard occupation contract”;
 - (iii) at the end of sub-paragraph (3)(b), omit “and”;
 - (iv) at the beginning of sub-paragraph (3)(c), insert “in relation to a dwelling-house in England.”;
 - (v) for the full stop at the end of sub-paragraph (3)(c), substitute—
 - “; and
 - (d) in relation to a dwelling-house in Wales, which affords the tenant security of tenure equivalent to that afforded by Part 9 of the 2016 Act to periodic standard occupation contracts and in respect of which possession may not be recovered under section 173 (landlord’s notice) of the 2016 Act.”;
- (f) in paragraph 9 (the assured periodic tenancy)—
 - (i) in the heading, at the end, insert “or periodic standard contract”;

(5) Paragraph 4 of Schedule 10 was amended by article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

(6) Paragraph 6 of Schedule 10 was amended by article 2(1) of and paragraph 20 of Schedule 1 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

- (ii) in sub-paragraph (1), after “assured tenancy”, insert “or a periodic standard contract”;
- (iii) in sub-paragraph (1), after “assured periodic tenancy”, insert “or a periodic standard contract”;
- (iv) in sub-paragraph (2), after “assured periodic tenancy”, insert “or periodic standard contract”;
- (v) in sub-paragraph (4), after “assured periodic tenancy” in both places, insert “or a periodic standard contract”;
- (g) in paragraph 10(7) (initial rent under and terms of assured periodic tenancy)—
 - (i) in the heading, at the end, insert “or periodic standard contract”;
 - (ii) in sub-paragraph (1), after “assured tenancy”, insert “or periodic standard contract”;
 - (iii) in sub-paragraph (1)(a)(i), after “assured periodic tenancy”, insert “or the periodic standard contract”;
 - (iv) in sub-paragraph (1)(b), after “assured periodic tenancy”, insert “or the periodic standard contract”;
 - (v) in sub-paragraph (2)(b), after “assured periodic tenancy”, insert “or the periodic standard contract”;
- (h) in paragraph 11(8)—
 - (i) in sub-paragraph (1)(a), after “assured periodic tenancy”, insert “or the periodic standard contract”;
 - (ii) in sub-paragraph (3), after “dwelling-house”, insert “in England”;
 - (iii) in sub-paragraph (3), after “(not being an assured shorthold tenancy)”, insert “, or a periodic standard contract of the dwelling-house in Wales which does not incorporate section 173 (landlord’s notice) of the 2016 Act as a term of the contract”;
 - (iv) in sub-paragraph (3)(c), after “1988 Act”, insert “in relation to the dwelling-house in England or under section 173 (landlord’s notice) of the 2016 Act in relation to the dwelling-house in Wales”;
 - (v) in sub-paragraph (5), after “assured periodic tenancy,”, insert “or the periodic standard contract”;
 - (vi) in sub-paragraph (5), after “assured tenancy”, insert “of the dwelling-house in England”;
 - (vii) in sub-paragraph (5), after “(not being an assured shorthold tenancy)”, insert “or a periodic standard contract of the dwelling-house in Wales”;
 - (viii) in sub-paragraph (5)(c), after “1988 Act”, insert “of the dwelling-house in England or under section 173 (landlord’s notice) of the 2016 Act of the dwelling-house in Wales”;
 - (ix) in sub-paragraph (8), after “assured periodic tenancy”, insert “or the periodic standard contract”;
 - (x) after sub-paragraph (8), insert—
 - “(8A) Where the tribunal has determined the terms of the occupation (including a term relating to rent) of a dwelling-house in Wales, the tribunal may—

(7) Paragraph 10 of Schedule 10 was amended by article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

(8) Paragraph 11 of Schedule 10 was amended by article 2(1) of and paragraph 20 of Schedule 1 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and article 6(1) of and paragraph 95 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

- (i) attach a written statement of the occupation contract to its order, or
 - (ii) order the landlord to give the contract-holder the modified written statement of the contract.”;
- (xi) in sub-paragraph (9), after “assured periodic tenancy”, insert “of a dwelling-house in England”;
- (xii) after sub-paragraph (9), insert—
 - “(10) Nothing in this Schedule affects the right of the landlord and the contract-holder under the occupation contract of the dwelling-house in Wales to vary by agreement any term of the occupation contract (including a term relating to rent) subject to section 122 of the 2016 Act.”;
- (i) in paragraph 12—
 - (i) in sub-paragraph (2), for “of the assured periodic tenancy (including a term relating to the rent)”, substitute “(including a term relating to the rent) of the assured periodic tenancy of the dwelling-house in England or of the periodic standard contract of a dwelling-house in Wales subject to section 20 (incorporation and modification of fundamental provisions), section 24 (incorporation and modification of supplementary provisions) and section 28 (additional terms) of the 2016 Act.”;
 - (ii) at the end of sub-paragraph (3), insert “or the periodic standard contract”;
- (j) in paragraph 15 (provisions where tenant not ordered to give up possession)—
 - (i) in sub-paragraph (4) after “assured tenancy”, insert “or periodic standard contract”;
 - (ii) in sub-paragraph (7) after “assured tenancy”, insert “or an occupation contract”.

Commencement Information

II Reg. 18 in force at 1.12.2022, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022, Section 18.