
WELSH STATUTORY INSTRUMENTS

2022 No. 1172 (W. 242)

HOUSING, WALES

**The Renting Homes (Wales) Act 2016 (Saving
and Transitional Provisions) Regulations 2022**

<i>Made</i>	- - - -	<i>at 4.05 p.m. on 9 November 2022</i>
<i>Laid before Senedd Cymru</i>		<i>10 November 2022</i>
<i>Coming into force</i>	- -	<i>1 December 2022</i>

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 255(1)(b) of the Renting Homes (Wales) Act 2016(1).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022.

(2) These Regulations come into force on 1 December 2022.

(3) In these Regulations—

“1977 Act” (“*Deddf 1977*”) means the Rent Act 1977(2);

“1985 Act” (“*Deddf 1985*”) means the Housing Act 1985(3);

“1985 Regulations” (“*Rheoliadau 1985*”) means the Secure Tenancies (Right to Repair Scheme) Regulations 1985(4);

“1986 Act” (“*Deddf 1986*”) means the Insolvency Act 1986(5);

“1988 Act” (“*Deddf 1988*”) means the Housing Act 1988(6);

“1988 Order” (“*Gorchymyn 1988*”) means the Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988(7);

“1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989(8);

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- (1) 2016 anaw 1.
(2) 1977 c. 42.
(3) 1985 c. 68.
(4) S.I. 1985/1493.
(5) 1986 c. 45.
(6) 1988 c. 50.
(7) S.I. 1988/2199.
(8) 1989 c. 42.

“1994 Regulations” (“*Rheoliadau 1994*”) means the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994⁽⁹⁾;

“1996 Act” (“*Deddf 1996*”) means the Housing Act 1996⁽¹⁰⁾;

“1997 Order” (“*Gorchymyn 1997*”) means the Rent Officers (Housing Benefit Functions) Order 1997⁽¹¹⁾;

“2004 Act” (“*Deddf 2004*”) means the Housing Act 2004⁽¹²⁾;

“2013 Order” (“*Gorchymyn 2013*”) means the Rent Officers (Universal Credit Functions) Order 2013⁽¹³⁾;

“2014 Act” (“*Deddf 2014*”) means the Housing (Wales) Act 2014⁽¹⁴⁾;

“2016 Act” (“*Deddf 2016*”) means the Renting Homes (Wales) Act 2016;

“2022 Consequential Regulations” (“*Rheoliadau Canlyniadol 2022*”) means the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022⁽¹⁵⁾;

“2022 Secondary Consequential Regulations” (“*Rheoliadau Canlyniadol Is-ddeddfwriaeth 2022*”) means the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022⁽¹⁶⁾;

“appointed day” (“*diwrnod penodedig*”) means the day appointed by the Welsh Ministers under section 257 of the 2016 Act as the day on which section 239 of that Act comes into force;

“converted secure contract” (“*contract diogel wedi ei drosi*”) has the same meaning as in the 2016 Act (see paragraph 1(1) of Schedule 12 to the 2016 Act);

“occupation contract” (“*contract meddiannaeth*”) has the same meaning as in the 2016 Act (see section 7 of the 2016 Act);

“protected shorthold tenancy” (“*tenantiaeth fyrddaliol warchodedig*”) has the same meaning as in the 1977 Act;

“restricted contract” (“*contract cyfyngedig*”) has the same meaning as in the 1977 Act.

PART 1

Possession Proceedings

Secure tenancies

2.—(1) Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1985 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) section 83(1)⁽¹⁷⁾ (proceedings for possession or termination: general notice requirements), in relation to a notice served on the tenant in accordance with that section before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day;

(9) S.I. 1994/613.

(10) 1996 c. 52.

(11) S.I. 1997/1984.

(12) 2004 c. 34.

(13) S.I. 2013/382.

(14) 2014 anaw 7.

(15) S.I. 2022/1166 (W. 241).

(16) S.I. 2022/907 (W. 198).

(17) Section 83 was substituted by section 147(1) of the Housing Act 1996 (c. 52), the heading and subsection (1) was amended by section 181 of and paragraph 7(1), (2) and (4) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). There are other amendments to section 83 of the 1985 Act, none of which is relevant to these Regulations.

- (b) section 83ZA(2)(18) (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour), in relation to a notice served on the tenant in accordance with that section before the appointed day;
- (c) section 83A(1)(19) (additional requirements in relation to certain proceedings for possession), in relation to a notice served on the tenant in accordance with section 83 of the 1985 Act before the appointed day (but see paragraph (2) of this regulation);
- (d) section 83A(2)(20), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day (but see paragraph (2) of this regulation);
- (e) section 83A(3)(21), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day;
- (f) section 83A(4)(22) and (6), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day (whether Ground 2A of Schedule 2 to the 1985 Act is added to that notice before or after that day);
- (g) section 83A(5)(23), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day;
- (h) section 84(1)(24) (grounds and orders for possession), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
- (i) section 84(2)(25), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
- (j) section 84(3)(26), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day;
- (k) section 84(4)(27), in relation to a notice served on the tenant in accordance with section 83(3) of the 1985 Act before the appointed day;
- (l) section 84A(1) to (9)(28) (absolute ground for possession for anti-social behaviour), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day;

(18) Section 83ZA was inserted by section 95 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(19) Section 83A was substituted by section 147(1) of the Housing Act 1996 (c. 52).

(20) Section 83A(2) was amended by section 181 of and paragraph 8(1), (2) and (3) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(21) Section 83A(3) was amended by section 181 of and paragraph 8(1) and (4) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(22) Section 83A(4) was amended by section 181 of and paragraph 8(1) and (5) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(23) Section 83A(5) was amended by section 181 of and paragraph 8(1), (5) and (6) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(24) Section 84(1) was amended by section 181 of and paragraph 9(1) and (2) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 155(2) of Part 7 of the Localism Act 2011 (c. 20) and section 118 of and paragraphs 2 and 9 of Schedule 7 to the Housing and Planning Act 2016 (c. 22).

(25) Section 84(2) was amended by section 181 of and paragraph 9(1) and (3) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(26) Section 84(3) was substituted by section 147(2) of the Housing Act 1996 (c. 52) and amended by section 181 of and paragraph 9(1) and (4) of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(27) Section 84(4) was substituted by section 147(2) of the Housing Act 1996 (c. 52).

(28) Section 84A was inserted by section 94(1) of Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and subsection (5) was amended by section 410 of and paragraph 84 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17).

- (m) section 85(29) (extended discretion of court in certain proceedings for possession), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
 - (n) section 85ZA(1) and (2)(30) (review of decision to seek possession on absolute ground for anti-social behaviour), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day;
 - (o) section 85ZA(3) to (6), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day (whether the request for a review was made before or after that day);
 - (p) section 85A(31) (proceedings for possession on non-absolute grounds: anti-social behaviour), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
 - (q) Schedule 2(32) (grounds for possession of dwelling-houses let under secure tenancies), in relation to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies;
 - (r) Schedule 2A(33) (absolute ground for possession for anti-social behaviour: serious offences), in relation to a notice served on the tenant in accordance with section 83ZA of the 1985 Act before the appointed day.
- (2) Despite the amendments made by the 2022 Consequential Regulations—
- (a) section 83(3)(b) and 83(4)(b) of the 1985 Act continue to have effect, but as if for “twelve months after the date so specified” there were substituted “twelve months after the date so specified, or six months after the appointed day, whichever comes first”,
 - (b) section 83ZA(9)(b) of the 1985 Act continues to have effect, but as if for “12 months after the date so specified” there were substituted “12 months after the date so specified, or 6 months after the appointed day, whichever comes first”, and
 - (c) a reference to a time when the notice is still in force in section 83A(1) and (2) of the 1985 Act (as saved by paragraph (1)(c) and (d) of this regulation) is to be read accordingly.
- (3) Paragraph (2) of this regulation takes precedence over any contrary provision in any notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day.

(29) Section 85 was amended by section 66(1) of and paragraph 53(2) and (3) of Schedule 8 to the Family Law Act 1996 (c. 27) and sections 299 and 321(1) of and paragraphs 1 and 3 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17).

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

(31) Section 85A was inserted by section 16(1) of the Anti-social Behaviour Act 2003 (c. 38) and amended by section 181 of and paragraph 10 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(32) Schedule 2 was amended by sections 144, 145 and 146 of the Housing Act 1996 (c. 52), section 83(6) of the Housing Act 1988 (c. 50), section 222 of and paragraphs 9 and 16 of Schedule 22 to the Localism Act 2011 (c. 20), sections 98(1) and 99(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 111 of and paragraph 45 of Part 3 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15), section 81 of and paragraph 33 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 152 of and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), regulation 41(a) of and paragraph 10 of Part 1 of Schedule 3 to Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458) and article 4 of and paragraphs 2 and 29 of Schedule 1 to Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002).

(33) Schedule 2A was inserted by section 94(2) of and Schedule 3 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and amended by section 70 of and paragraph 2 of Schedule 2 to the Domestic Abuse Act 2021 (c. 17) and article 2 of the Housing Act 1985 (Amendment of Schedule 2A) (Serious Offences) (Wales) Order 2016 (S.I. 2016/173 (W. 74)).

(4) Section 206(1) of the 2016 Act (effect of order for possession) applies in relation to an order for possession made by the court in accordance with section 84 or 84A of the 1985 Act after the appointed day (by virtue of savings made in this regulation), as it applies in relation to an order for possession made under the 2016 Act.

(5) Despite the amendments made by the 2022 Consequential Regulations and the 2022 Secondary Consequential Regulations, the Secure Tenancies (Absolute Ground for Possession for Anti-social Behaviour) (Review Procedure) (Wales) Regulations 2014⁽³⁴⁾ continue to have effect in relation to a review conducted under section 85ZA of the 1985 Act by virtue of savings made in this regulation (whether the review is conducted, in whole or in part, before or after the appointed day).

(6) Despite the amendments made by the 2022 Consequential Regulations, section 82(2)⁽³⁵⁾ of the 1985 Act (security of tenure) continues to have effect in relation to a possession order made by the court under section 84 or 84A of the 1985 Act before the appointed day.

(7) Any savings in this regulation which relate to a notice served on the tenant in accordance with section 83 or 83ZA of the 1985 Act before the appointed day, have effect whether proceedings were commenced before or after that day.

(8) Any savings in this regulation which relate to proceedings commenced before the appointed day and to which section 83(1)(b) of the 1985 Act applies, have effect whether the court dispensed with the requirement to serve a notice before or after the appointed day.

Assured tenancies

3.—(1) Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1988 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) section 7⁽³⁶⁾ (orders for possession), in relation to a notice served on the tenant in accordance with section 8⁽³⁷⁾ of the 1988 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 8(1)(b) of the 1988 Act applies;
- (b) section 8(1)⁽³⁸⁾ (notice of proceedings for possession), in relation to a notice served on the tenant in accordance with that section before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day (but see paragraph (2) of this regulation);
- (c) section 8(2), in relation to a notice served on the tenant in accordance with that section before the appointed day;
- (d) section 8(5)⁽³⁹⁾, in relation to proceedings commenced before the appointed day where the court has not yet exercised its power conferred by section 8(1)(b) of the 1988 Act;

⁽³⁴⁾ S.I. 2014/3278 (W. 335).

⁽³⁵⁾ Section 82(2) was substituted by section 299 of and paragraphs 1 and 2 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17) and amended by section 119 of the Housing and Planning Act 2016 (c. 22). Subsection (A1) was inserted by section 119 of the Housing and Planning Act 2016 and subsection (1A) was inserted by section 299 of and paragraphs 1 and 2 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008.

⁽³⁶⁾ Section 7 was amended by section 194 of and paragraph 101 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), section 41 of the Immigration Act 2016 (c. 19), section 181 of and paragraph 18 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 162(4) of the Localism Act 2011 (c. 20) and section 299 of and paragraphs 5 and 7 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17).

⁽³⁷⁾ Section 8 was amended by section 151 of the Housing Act 1996 (c. 52), section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and section 41 of the Immigration Act 2016 (c. 19).

⁽³⁸⁾ Section 8(1) was amended by section 151(2) of the Housing Act 1996 (c. 52).

⁽³⁹⁾ Subsection 8(5) was amended by section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and section 41(4) of Part 2 of the Immigration Act 2016 (c. 19).

- (e) section 8A(1)(40) (additional notice requirements: ground of domestic violence), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day;
- (f) section 8A(2) and (3), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day (whether Ground 14A is added before or after that day);
- (g) section 9(41) (extended discretion of court in possession claims), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 8(1)(b) of the 1988 Act applies;
- (h) section 9A(42) (proceedings for possession on non-absolute grounds: anti-social behaviour), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 8(1)(b) of the 1988 Act applies;
- (i) section 10(2) (special provisions applicable to shared accommodation), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 8(1)(b) of the 1988 Act applies;
- (j) sections 11 (payment of removal expenses in certain cases) and 12 (compensation for misrepresentation or concealment), in relation to an order for possession made before or after the appointed day (by virtue of savings made in this regulation);
- (k) section 21(1)(43) (recovery of possession on expiry or termination of assured shorthold tenancy), in relation to a notice served on the tenant in accordance with that subsection before the appointed day (but see paragraph (5));
- (l) section 21(4)(44), in relation to a notice served on the tenant in accordance with that subsection before the appointed day (but see paragraph (5));
- (m) section 21(5)(45) and (5A)(46), in relation to an order for possession made by the court under subsection (1) or (4) of that section after the appointed day (by virtue of savings made in this regulation);
- (n) Schedule 2(47) (grounds for possession of dwelling-houses let on assured tenancies), in relation to a notice served on the tenant in accordance with section 8 of the 1988 Act

(40) Section 8A was inserted by section 150 of the Housing Act 1996 (c. 52).

(41) Section 9 was amended by sections 299 and 321 of and paragraphs 5 and 8 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17) and section 66(1) of and paragraph 59(3) of Schedule 8 to the Family Law Act 1996 (c. 27).

(42) Section 9A was inserted by section 16(2) of the Anti-social Behaviour Act 2003 (c. 38) and amended by section 181 of and paragraph 19 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(43) Section 21(1) was amended by section 194 of and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42) and section 98(2) of the Housing Act 1996 (c. 52).

(44) Section 21(4) was amended by section 98(3) of the Housing Act 1996 (c. 52).

(45) Section 21(5) was inserted by section 99 of the Housing Act 1996 (c. 52).

(46) Section 21(5A) was inserted by section 15(2) of the Anti-social Behaviour Act 2003 (c. 38).

(47) Schedule 2 was amended by section 81 of and paragraph 43 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 138 of the Housing (Wales) Act 2014 (anaw 7), section 194 of and paragraphs 108 and 109 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), section 60(2)(b) of and paragraph 10 of Part 2 of Schedule 8 to the National Health Service and Community Care Act 1990 (c. 19), sections 101, 102, 148, 149 and 277 of and Part 9 of Schedule 19 to the Housing Act 1996 (c. 52), section 6(2) of and paragraph 28 of Schedule 5 to the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 111 of and paragraph 46 of Part 3 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15), sections 162 and 237 of and Part 23 of Schedule 25 to the Localism Act 2011 (c. 20), sections 97(1), 98(2) and 99(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 410 of and paragraph 97 of Part 1 of Schedule 24 to the Sentencing Act 2020 (c. 17), section 41 of the Immigration Act 2016 (c. 19), article 5 of and paragraph 18 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 5 of and paragraphs 18, 63 and 74 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010

before the appointed day and, where no notice has been served, in relation to proceedings commenced before the appointed day and to which section 8(1)(b) of the 1988 Act applies.

(2) Despite the amendments made by the 2022 Consequential Regulations—

(a) sections 8(3)(c) of the 1988 Act continues to have effect after the appointed day, but as if for “twelve months from the date of service of the notice” there were substituted “twelve months from the date of service of the notice, or six months after the appointed day, whichever comes first”, and

(b) a reference to the time limits stated in the notice in section 8(1)(a) (as saved by paragraph (1)(b) of this regulation) is to be read accordingly.

(3) Paragraph (2) of this regulation takes precedence over any contrary provision in any notice served on the tenant in accordance with section 8 of the 1988 Act before the appointed day.

(4) Section 206(1) of the 2016 Act (effect of order for possession) applies in relation to an order for possession made by the court under section 7 or 21 of the 1988 Act after the appointed day (by virtue of savings made in this regulation), as it applies in relation to an order for possession made under the 2016 Act.

(5) A notice served on the tenant in accordance with section 21(1) or (4) of the 1988 Act before the appointed day, ceases to have effect (and no new possession proceedings may be commenced in reliance of the notice)—

(a) at the end of the period of two months beginning with the appointed day, or

(b) on expiry of the period of two months beginning with the day specified in the notice as the day on which possession is required in accordance with section 21(1)(b) or (4)(a) of the 1988 Act,

whichever is the later.

(6) Despite the amendments made by the 2022 Consequential Regulations, section 5(1A)(48) of the 1988 Act continues to have effect in relation to a possession order made by the court under section 7 or 21 of the 1988 Act before the appointed day.

(7) Any savings in this regulation which relate to a notice served on the tenant in accordance with section 8 or 21 of the 1988 Act before the appointed day, have effect whether proceedings were commenced before or after that day.

(8) Any savings in this regulation which relate to proceedings commenced before the appointed day and to which section 8(1)(b) of the 1988 Act applies, have effect whether the court dispensed with the requirement to serve a notice before or after the appointed day.

Introductory tenancies

4.—(1) Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1996 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

(a) section 127(2)(49) (proceedings for possession), in relation to a notice served on the tenant in accordance with section 128 of the 1996 Act before the appointed day;

(b) section 128(1) and (5) (notice of proceedings for possession), in relation to a notice served on the tenant in accordance with section 128 of the 1996 Act before the appointed day;

(S.I. 2010/866), regulation 41(a) of and paragraph 12 of Part 1 of Schedule 3 to the Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regulation 8 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Savings, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309).

(48) Section 5(1A) was substituted by section 299 of and paragraphs 5 and 6 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17).

(49) Section 127 was amended by sections 299 and 321 of and paragraphs 10 and 11 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17).

- (c) section 129(1) (review of decision to seek possession), in relation to a notice served on the tenant in accordance with section 128 of the 1996 Act before the appointed day;
- (d) section 129(2), (5) and (6), in relation to a notice served on the tenant in accordance with section 128 of the 1996 Act before the appointed day (whether the request for a review was made, or the review was conducted, before or after the appointed day);
- (e) section 130(1) to (3)(**50**) (effect of beginning proceedings for possession), in relation to proceedings begun before the appointed day for the possession of a dwelling-house let under an introductory tenancy that ended prior to that day in accordance with that section.

(2) Section 206(1) of the 2016 Act (effect of order for possession) applies in relation to an order for possession made by the court under section 127 of the 1996 Act after the appointed day (by virtue of savings made in this regulation), as it applies in relation to an order for possession made under the 2016 Act.

(3) Despite the amendments made by the 2022 Consequential Regulations, section 127(1) and (1A) of the 1996 Act continues to have effect in relation to a possession order made by the court under that section before the appointed day.

(4) Despite the amendments made by the 2022 Secondary Consequential Regulations, the Introductory Tenants (Review) Regulations 1997(**51**) continue to have effect in relation to a review conducted under section 129 of the 1996 Act by virtue of savings made in this regulation (whether the review is conducted, in whole or in part, before or after the appointed day).

(5) A notice served on the tenant under section 128 of the 1996 Act before the appointed day ceases to have effect (and no new possession proceedings may be commenced in reliance of the notice)—

- (a) at the end of the period of six months beginning with the appointed day, or
- (b) at the end of the period of twelve months beginning with the day specified in the notice as the day after which proceedings may be begun in accordance with section 128(4) of the 1996 Act,

whichever is the earlier.

(6) Any savings in this regulation which relate to a notice served on the tenant in accordance with section 128 of the 1996 Act before the appointed day, have effect whether proceedings were commenced before or after that day.

Demoted tenancies

5.—(1) Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1996 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) section 143D(2)(**52**) (proceedings for possession), in relation to a notice served on the tenant in accordance with section 143E(**53**) before the appointed day;
- (b) section 143E(1) and (4) (notice of proceedings for possession), in relation to a notice served on the tenant in accordance with section 143E before the appointed day;

(50) Section 130 was amended by section 299 of and paragraphs 10 and 12 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17).

(51) S.I. 1997/72.

(52) Section 143D was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38) and amended by sections 299 and 321 of and paragraphs 10 and 13 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17).

(53) Section 143E was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38).

- (c) section 143F(1)(**54**) (review of decision to seek possession), in relation to a notice served on the tenant in accordance with section 143E before the appointed day;
- (d) section 143F(2), (5) and (6), in relation to a notice served on the tenant in accordance with section 143E before the appointed day (whether the request for a review was made, or the review was conducted, before or after the appointed day);
- (e) section 143G(**55**) (effect of proceedings for possession), in relation to proceedings begun before the appointed day for the possession of a dwelling-house let under a demoted tenancy that ended prior to that day in accordance with that section.

(2) Section 206(1) of the 2016 Act (effect of order for possession) applies in relation to an order for possession made by the court under section 143D(2) of the 1996 Act after the appointed day (by virtue of savings made in this regulation), as it applies in relation to an order for possession made under the 2016 Act.

(3) Despite the amendments made by the 2022 Consequential Regulations, section 143D(1) and (1A) of the 1996 Act continue to have effect in relation to a possession order made by the court under that section before the appointed day.

(4) Despite the amendments made by the 2022 Secondary Consequential Regulations, the Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005(**56**) continue to have effect in relation to reviews conducted under section 143F of the 1996 Act by virtue of savings made in this regulation (whether the reviews are conducted, in whole or in part, before or after the appointed day).

(5) A notice served on the tenant under section 143E of the 1996 Act before the appointed day ceases to have effect (and no new possession proceedings may be commenced in reliance of the notice)—

- (a) at the end of the period of six months beginning with the appointed day, or
- (b) at the end of the period of twelve months beginning with the day specified in the notice as the day after which proceedings may be begun in accordance with section 143E(2)(c) of the 1996 Act,

whichever is the earlier.

(6) Any savings in this regulation which relate to a notice served on the tenant in accordance with section 143E of the 1996 Act before the appointed day, have effect whether proceedings were commenced before or after that day.

PART 2

Extension of introductory period

Review of decision to extend introductory period

6.—(1) A request for a review made in compliance with section 125B(**57**) of the 1996 Act (review of decision to extend trial period) before the appointed day has effect as if it were made under paragraph 4 of Schedule 4 to the 2016 Act (landlord's review of decision to extend introductory tenancy).

(2) A review commenced under section 125B of the 1996 Act before the appointed day (whether it was concluded before or after that day) is to be treated as if it were conducted under paragraph 4 of Schedule 4 to the 2016 Act.

(**54**) Section 143F was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38).

(**55**) Section 143G was inserted by section 14(5) of and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003 (c. 38).

(**56**) S.I. 2005/1228 (W. 86).

(**57**) Section 125B was inserted by section 179 of the Housing Act 2004 (c. 34).

(3) A notification given by the landlord under section 125B(5) of the 1996 Act before the appointed day is to have effect as if it were given under paragraph 4(5) of Schedule 4 to the 2016 Act (and paragraph 5 of Schedule 4 (county court review of decision to extend) applies to a notice under section 125B(5) of the 1996 Act confirming the original decision, or to a failure to give notice in accordance with that section).

Procedure for reviews of decision to extend introductory period

7.—(1) This regulation applies to a review commenced under section 125B of the 1996 Act before the appointed day (whether it was concluded before or after that day).

(2) Despite the amendments made by the 2022 Secondary Consequential Regulations, the Introductory Tenancies (Review of Decisions to Extend a Trial Period) (Wales) Regulations 2006⁽⁵⁸⁾ continue to have effect in relation to reviews to which this regulation applies.

(3) Regulations made under paragraph 4(7) of Schedule 4 to the 2016 Act do not have effect in relation to reviews to which this regulation applies.

PART 3

Tenancy deposits

Transitional provisions: deposit schemes

8. The following provisions of the 2016 Act have effect in relation to a tenancy deposit paid in accordance with Chapter 4 of Part 6⁽⁵⁹⁾ of the 2004 Act (tenancy deposit schemes) before the appointed day in relation to a tenancy which became an occupation contract on that day, as they apply to a deposit paid by, or on behalf of, the contract-holder under an occupation contract—

- (a) sections 45 (requirement to use deposit scheme) and 46⁽⁶⁰⁾ (deposit schemes: further provision);
- (b) Schedule 5 (deposit schemes: further provision);
- (c) paragraph 4 of Schedule 9A⁽⁶¹⁾ (standard contracts: restrictions on giving notice under section 173, under section 186, and under a landlord's break clause).

Proceedings relating to tenancy deposits

9. Despite the amendments made by the 2022 Consequential Regulations, section 214(2), (2A), (3), (3A), (4) and (5)⁽⁶²⁾ of the 2004 Act (proceedings relating to tenancy deposits) continues to have effect, as it did immediately before the appointed day, in relation to applications made to the county court under that section before the appointed day.

⁽⁵⁸⁾ S.I. 2006/2983 (W. 274).

⁽⁵⁹⁾ Chapter 4 of Part 6 was amended by section 128 of the Housing and Planning Act 2016 (c. 22), sections 184 and 237 of and Part 30 of Schedule 25 to the Localism Act 2011 (c. 20), sections 31 and 32 of the Deregulation Act 2015 (c. 20) and section 17 of and paragraph 52 of Part 3 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

⁽⁶⁰⁾ Section 46 was amended by section 18 of and paragraphs 1 and 7 of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).

⁽⁶¹⁾ Schedule 9A was inserted by section 6 of and Schedule 2 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3) and amended by regulations 3, 4 and 5 of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 9A) Regulations 2022 (S.I. 2022/143 (W. 46)).

⁽⁶²⁾ Section 214 was amended by sections 184 and 237 of and Part 30 of Schedule 25 to the Localism Act 2011 (c. 20), section 31 of the Deregulation Act 2015 (c. 20) and section 17(5) of and paragraph 52 of Part 3 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

PART 4

Rent Determination

Rent Determination

10.—(1) Despite the amendments made by the 2022 Consequential Regulations, the following provisions of the 1988 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) section 13(4)(**63**) (increases of rent under assured periodic tenancies), in relation to a notice served on the tenant in accordance with that section before the appointed day;
- (b) section 14(**64**) (determination of rent by tribunal) (other than subsection (6)), in relation to a notice served on the tenant in accordance with section 13 of the 1988 Act before the appointed day (whether the application under section 13(4)(a) is made before or after the appointed day);
- (c) section 22(3), (4)(a) and (b), and (5)(**65**) (reference of excessive rents to appropriate tribunal), in relation to an application made under subsection (1) of that section before the appointed day.

(2) Despite the amendments made by the 2022 Secondary Consequential Regulations, the Rent Assessment Committees (England and Wales) Regulations 1971(**66**) continue to have effect, as they did immediately before the appointed day, in relation to the determination of an application that is made or referred under section 6(**67**) (fixing of terms of statutory periodic tenancy), 13(**68**) (increases of rent under assured periodic tenancies) or 22(**69**) (reference of excessive rents to appropriate tribunal) of the 1988 Act (whether the application is conducted, in whole or in part, before or after the appointed day).

(3) Despite the amendments made by the 2022 Secondary Consequential Regulations, the 1988 Order continues to have effect, as it did immediately before the appointed day, in relation to a

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- (63) Section 13(4) was amended by article 6(1) of and paragraphs 80 and 82 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).
 - (64) Section 14 was amended by section 104 of and paragraph 2(2) of Schedule 8 to the Housing Act 1996 (c. 52), article 6(1) of and paragraphs 80 and 83 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036) and article 2(1) of and paragraph 17 of Schedule 1 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and was modified by section 186 of and paragraphs 6 and 11 of Schedule 10 to the Local Government and Housing Act 1989 (c. 42).
 - (65) Section 22 was amended by sections 100, 104 and 227 of and paragraph 2 of Schedule 8 and Part 4 of Schedule 19 to the Housing Act 1996 (c. 52) and article 6 of and paragraphs 80 and 86 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).
 - (66) S.I. 1971/1065 was amended by regulation 3 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1980 (S.I. 1980/1699), regulation 4 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981 (S.I. 1981/1783), regulation 2 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1990 (S.I. 1990/427), regulation 2(a) of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1993 (S.I. 1993/653), regulation 9 of the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1997 (S.I. 1997/1854), regulation 2 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1997 (S.I. 1997/3007), regulation 2 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1988 (S.I. 1988/2200), article 6(1) of and paragraph 2 of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) and article 6(2) of and paragraph 1 of Part 1 of Schedule 2 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036). S.I. 1971/1065 will be further amended by regulation 2 of and paragraph 1 of Schedule 1 to the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907 (W. 198)) and regulation 8 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (S.I. 2022/781 (W. 170)).
 - (67) Section 6 was amended by article 6(2) of and paragraphs 80 and 81 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).
 - (68) Section 13 was amended by article 2 of the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 (S.I. 2003/259) and article 6(2) of and paragraphs 80 and 82 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).
 - (69) Section 22 was amended by sections 100, 104 and 227 of and paragraph 2 of Schedule 8 and Part 4 of Schedule 19 to the Housing Act 1996 (c. 52) and article 6(2) of and paragraphs 80 and 86 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

determination that falls within article 2 of the 1988 Order (whether the determination is conducted, in whole or in part, before or after the appointed day).

(4) Despite the amendments made by the 2022 Secondary Consequential Regulations, the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997⁽⁷⁰⁾ continue to have effect, as they did immediately before the appointed day, in so far as they prescribe—

- (a) the form for the tenant to make an application under section 13(4)(a) of the 1988 Act (Form 5), and
- (b) the form for an application under section 6(3)(a)⁽⁷¹⁾ of the 1988 Act (fixing of terms of statutory periodic tenancy) (Form 2).

(5) A variation of rent under section 13, 14 or 22 of the 1988 Act which takes place after the appointed day by virtue of the savings made by this regulation is to be treated as a variation of rent under section 104 or 123 of the 2016 Act (variation of rent) for the purpose of paragraph 14(2) of Schedule 12 (variation) to the 2016 Act.

(6) Paragraph 15(1) of Schedule 12 to the 2016 Act applies in relation to any variations of rent which take place after the appointed day by virtue of the savings made by this regulation, as it applies in relation to any variations in the rent payable under the contract before the appointed day.

PART 5

Improvements

Saving provisions: secure tenant's improvements

11.—(1) The provisions in this regulation have effect despite the amendments made by the 2022 Consequential Regulations and the 2022 Secondary Consequential Regulations.

(2) Sections 97(1) and (3)⁽⁷²⁾ (tenant's improvements require consent), 98 (provisions as to consents required by s97), 99 (conditional consent to improvements) and 100⁽⁷³⁾ (power to reimburse cost of tenant's improvements) of the 1985 Act continue to have effect after the appointed day in relation to a converted secure contract, as they had effect immediately before that day in relation to a secure tenancy, but only where a request for consent to improvement was made by the tenant before the appointed day (whether such consent is given before or after that day).

Saving and transitional provisions: compensation for improvements

12.—(1) Section 99B⁽⁷⁴⁾ of the 1985 Act (persons qualifying for compensation) and the 1994 Regulations continue to have effect, as they had effect immediately before the appointed day, in

⁽⁷⁰⁾ S.I. 1997/194 was amended by regulation 2 of and the Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (Wales) Regulations 2003 (S.I. 2003/307 (W. 46)), article 6(2) of and paragraphs 13 to 17 of Part 1 of Schedule 2 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), article 3(2) of and paragraphs 1 to 3 of Schedule 2 to Transfer of Tribunal Functions (Mobile Homes Act 2013 and Miscellaneous Amendments) Order 2014 (S.I. 2014/1900).

⁽⁷¹⁾ Section 6(3) was amended by article 6 of and paragraphs 80 and 81(a) of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036). There are other amendments to section 6, none of which is relevant to these Regulations.

⁽⁷²⁾ Section 97 was amended by section 118 of and paragraphs 2 and 12 of Schedule 7 to the Housing and Planning Act 2016 (c. 22) and section 155 of the Localism Act 2011 (c. 20).

⁽⁷³⁾ Section 100 was amended by section 194 of and paragraph 66 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), sections 103 and 147 of and paragraph 4(2) of Schedule 1 and Part 1 of Schedule 3 to the Housing Grants, Constructions and Regeneration Act 1996 (c. 53) and articles 12 and 15 of and paragraph 2 of Schedule 4 and Schedule 6 to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860).

⁽⁷⁴⁾ Section 99B was inserted by section 122 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and amended by sections 81 and 222 of and paragraph 13 of Schedule 18 to the Housing Act 1996 (c. 52), sections 81 and 261

relation to improvements carried out by a tenant under a secure tenancy under section 99A of the 1985 Act that came to an end before the appointed day (whether a request for compensation was made before or after the appointed day).

(2) Without prejudice to paragraph (1), where a request for consent to improvement was made by the tenant before the appointed day (whether such consent is given before or after that day), section 99B of the 1985 Act and the 1994 Regulations continue to have effect after the appointed day in relation to a converted secure contract, but as if—

- (a) a reference to a secure contract coming to an end was a reference to a converted secure contract coming to an end after the appointed day,
- (b) section 99B(2)(b) to (f) and (3) of the 1985 Act were omitted (and the 1994 Regulations were interpreted accordingly), and
- (c) regulation 3(2) of the 1994 Regulations were omitted.

(3) But paragraph (2) does not apply where the converted secure contract comes to an end after the appointed day because—

- (a) the Court makes an order for possession on one or more of the grounds in section 157 (breach of contract) or 160 (estate management grounds) of the 2016 Act, or
- (b) the contract ceases to be a secure contract by virtue of section 116 of the 2016 Act (order imposing periodic standard contract because of prohibited conduct).

Transitional provisions: right to repair scheme

13.—(1) Where, before the appointed day, the tenant has served a notice claiming the right to repair under paragraph 3 of the Schedule to the 1985 Regulations (tenant’s notice claiming the right to repair), the 1985 Regulations continue to have effect after the appointed day, as they had effect immediately before that day subject to paragraph (2).

(2) Where appropriate to give effect to this regulation, the 1985 Regulations are to be read as if after “secure tenant”, in each place it occurs, there were inserted “or contract holder (within the meaning given by section 7 (see also section 48) of the Renting Homes (Wales) Act 2016) under a secure contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016)”.

PART 6

Rent Act 1977

Saving provisions: protected shorthold tenancies and restricted contracts

14. The following provisions of the 1977 Act continue to have effect, as they did immediately before the appointed day, in relation to the specified matters—

- (a) Part 3(75) of the 1977 Act (rents under regulated tenancies), in relation to an occupation contract which immediately before the appointed day was a protected shorthold tenancy;
- (b) Part 5(76) of the 1977 Act (rents under restricted contracts), in relation to an occupation contract which immediately before the appointed day was a restricted contract.

of and paragraph 25 of Schedule 8, paragraph 19 of Part 2 of Schedule 9 and Schedule 30 to the Civil Partnership Act 2004 (c. 33) and section 66 of and paragraph 54 of Schedule 8 to the Family Law Act 1996 (c. 27).

(75) Part 3 of the Rent Act 1977 (c. 42) was amended by sections 60(4), 61(4), 63, 68(1) to (3) and 152 of and paragraphs 37, 38 and 64 of Schedule 25 and Schedule 26 to the Housing Act 1980 (c. 51), sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48) and article 2(3) of and Schedule 1 to the Rent (Relief from Phasing) Order 1987 (S.I. 1987/264).

(76) Part 5 of the Rent Act 1977 (c. 42) was amended by sections 70, 71, 72(1), 140 and 152 of and Part 1 of Schedule 17, Schedule 18, paragraphs 42 to 44 of Schedule 25 and Schedule 26 to the Housing Act 1980 (c. 51), sections 36(4) and 140 of and Part 1 of Schedule 17 and Schedule 18 to the Housing Act 1988 (c. 50), sections 35, 37, 38 and 46 of the Criminal Justice

PART 7

Bankrupt's estate

Saving provisions: definition of bankrupt's estate: assured agricultural occupancies

15. Despite the amendments made by the 2022 Consequential Regulations, section 283(77) of the 1986 Act (definition of bankrupt's estate) continues to have effect, as it did immediately before the appointed day, in relation to an occupation contract which immediately before the appointed day was an assured agricultural occupancy within the meaning of Part 1(78) of the 1988 Act (rented accommodation).

PART 8

Homelessness

Transitional provision: tenancies and licences to which special rules apply: homelessness

16.—(1) This regulation applies where, before the appointed day—

Act 1982 (c. 48), section 4 of and paragraph 35 of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), section 22(2) of and paragraph 3(3) of Schedule 8 to the Local Government (Wales) Act 1994 (c. 19), regulation 5 of Local Government Changes (Rent Act) Regulations 1995 (S.I. 1995/2451), article 2(1) of and paragraphs 8 to 10 of Schedule 1 and paragraph 5 of Schedule 2 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651) and article 6(1) of and paragraphs 12 and 19 to 27 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

(77) Section 283 was amended by section 117(1) of the Housing Act 1988 (c. 50), section 71(3) of and paragraphs 1 and 14 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and section 126 of and paragraphs 60 and 74 of Part 2 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c. 26).

(78) Part 1 was amended by section 2(1) of the Rent Act 1977 (c. 42), section 194 of and paragraphs 101 to 106 and 194 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), section 125 of and Schedule 20 to the Courts and Legal Services Act 1990 (c. 41), section 4 of and paragraph 79 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), section 4 of and paragraph 103 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6), section 187 of and Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), sections 96 to 100, 103, 104, 150, 151 and 227 of and paragraph 2 of Schedule 8 and Parts 4 and 8 of Schedule 19 to the Housing Act 1996 (c. 52), section 66(1) of and paragraph 59(3) of Schedule 8 to the Family Law Act 1996 (c. 27), sections 129 and 152 of and paragraph 15 of Schedule 15 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 14, 15 and 16 of the Anti-social Behaviour Act 2003 (c. 38), section 222 of the Housing Act 2004 (c. 34), section 81 of and paragraph 41 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), sections 86 and 146 of and paragraph 45 of Schedule 14 and Part 4 of Schedule 23 to the Tribunals, Courts and Enforcement Act 2007 (c. 15), sections 299 and 321(1) of and paragraphs 5 to 9 of Part 1 of Schedule 11 and Schedule 16 to the Housing and Regeneration Act 2008 (c. 17), sections 161 to 164, 195, 222 and 237 of and paragraphs 25 to 27 of Schedule 19, paragraphs 25 to 27 of Schedule 22 and Part 23 of Schedule 25 to the Localism Act 2011 (c. 20), section 17(5) of and paragraph 52 of Part 3 of Schedule 9 to the Crime and Courts Act 2013 (c. 22), regulation 6 of the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), sections 6 and 10 of and paragraph 4 of the Schedule to the Prevention of Social Housing Fraud Act 2013 (c. 3), sections 97 and 181(1) of and paragraphs 17 to 19 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), sections 35 to 40 of the Deregulation Act 2015 (c. 20), sections 40(6) and 41 of the Immigration Act 2016 (c. 19), section 63(b) of the Housing and Planning Act 2016 (c. 22), regulation 2 of and paragraphs 27 and 28 of the Schedule to the References to Rating (Housing) Regulations 1990 (S.I. 1990/434), article 2 of and Part 1 of the Schedule to the High Court and County Courts Jurisdiction Order 1991 (S.I. 1991/724), article 2(2) of and paragraphs 17 and 18 of Schedule 1 and paragraph 8 of Schedule 2 to the Local Government Finance (Housing) (Consequential Amendments) Order 1993 (S.I. 1993/651), article 5 of and paragraph 18 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 2 of and paragraph 3 of the Schedule to the Government of Wales Act 1998 (Housing) (Amendments) Order 1999 (S.I. 1999/61), articles 1 and 2 of the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 (S.I. 2003/259), article 5 of and paragraphs 63 to 67 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), article 4 of and paragraphs 36 to 39 of Schedule 1 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), article 6(1) of and paragraphs 80 to 94 of Part 1 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), article 2 of and paragraph 20 of Schedule 1 to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560) and regulation 41(a) of and paragraph 12 of Part 1 of Schedule 3 to the Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458).

- (a) a local housing authority has a duty under section 75 of the 2014 Act (duty to secure accommodation for applicants in priority need when the duty in section 73 ends) to secure that suitable accommodation is available for occupation by a person in the circumstances mentioned in subsection (2) or (3) of that section; and
 - (b) the local housing authority's duty under section 75 of the 2014 Act in relation to that person has not ended in accordance with section 76 of the 2014 Act (circumstances in which the duty in section 75 ends).
- (2) Where this regulation applies, the notification period of 12 months in paragraph 12 of Schedule 2 to the 2016 Act (tenancies and licences to which special rules apply: homelessness) is deemed to commence on the appointed day.
- (3) This regulation is subject to paragraph 12(3) of Schedule 2 to the 2016 Act.

PART 9

Housing Benefit and Universal Credit Functions

Transitional provision: housing benefit functions: local housing allowance determinations

17.—(1) For the purpose of determining a local housing allowance under article 4B(79) of and Schedule 3B(80) to the 1997 Order (broad rental market area determinations and local housing allowance determinations), for so long as it is necessary to refer to rents payable before the day on which section 239 of the 2016 Act comes into force, the value of rent which, in the rent officer's opinion, would have been payable for a category of dwelling, specified in paragraph 1 of Schedule 3B to the 1997 Order, in Wales let under an assured tenancy, is to be deemed to be the rent that would have been payable in relation to the relevant category of dwelling let under a relevant secure or standard contract.

(2) In this regulation “relevant secure or standard contract” means a secure or standard contract in relation to which the landlord does not meet the landlord condition in section 80(81) of the 1985 Act.

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- (79) Article 4B was inserted by article 2 of the Rent Officers (Housing Benefit Functions) (Local Housing Allowance) Amendment Order 2003 (S.I. 2003/2398), regulation 5 of and paragraph 11 of Schedule 2 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), articles 3 to 6 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871), article 2 of the Rent Officers (Housing Benefit Functions) Amendment Order 2008 (S.I. 2008/587), article 2 of Rent Officers (Housing Benefit Functions) Amendment Order 2010 (S.I. 2010/2836), article 2 of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2012 (S.I. 2012/646), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2013 (S.I. 2013/1544), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 (S.I. 2016/1179), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020 (S.I. 2020/27), regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) and article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment and Modification) Order 2021 (S.I. 2021/1380).
- (80) Schedule 3B was inserted by articles 3 and 4 of the Rent Officers (Housing Benefit Functions) Amendment Order 2007 (S.I. 2007/2871) and amended by article 2 of the Rent Officers (Housing Benefit Functions) Amendment (No 2) Order 2008 (S.I. 2008/3156), article 2 of the Rent Officers (Housing Benefit Functions) Amendment Order 2010 (S.I. 2010/2836), article 2 of the Rent Officers (Housing Benefit Functions) (Amendment) Order 2012 (S.I. 2012/646), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013 (S.I. 2013/2978), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 (S.I. 2016/1179), article 2 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020 (S.I. 2020/27), regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) and regulation 2 of and paragraph 17 of Schedule 1 to the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907 (W. 198)).
- (81) Section 80 was amended by section 24(2) of and paragraph 26 of Part 2 of Schedule 5 to the Housing and Planning Act 1986 (c. 63), sections 83(2) and 140 of and Schedule 18 to the Housing Act 1988 (c. 50), sections 140 and 152 of and paragraph 5 of Schedule 16 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 195 and 222 of and paragraphs 10 and 13 of Schedule 19 and paragraphs 9 and 11 of Schedule 22 to the Localism Act 2011 (c. 20), article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 4 of and paragraphs 2 and 10 of Schedule 1 to Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002) and

Transitional provision: universal credit functions: local housing allowance determinations

18.—(1) For the purpose of determining a local housing allowance under article 4(82) of and Schedule 1(83) to the 2013 Order (local housing allowance determinations), for so long as it is necessary to refer to rents payable before the day on which section 239 of the 2016 Act comes into force, the value of rent which, in the rent officer’s opinion, would have been payable for a category of dwelling, specified in paragraph 1 of Schedule 1 to the 2013 Order, in Wales let under an assured tenancy, is to be deemed to be the rent that would have been payable in relation to the relevant category of dwelling let under a relevant secure or standard contract.

(2) In this regulation “relevant secure or standard contract” means a secure or standard contract in relation to which the landlord does not meet the landlord condition in section 80(84) of the 1985 Act.

PART 10**General****General saving provision**

19. Any saving of a provision made by these Regulations includes, so far as is required for the operation of the saved provision, the saving of any other provision relating to that provision.

Julie James

Minister for Climate Change, one of the Welsh
Ministers

At 4.05 p.m. on 9 November 2022

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- article 5 of and paragraphs 15 and 19 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).
- (82) Article 4 was amended by article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2013 (S.I. 2013/1544), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2014 (S.I. 2014/3126), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753) and regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371).
- (83) Schedule 1 was amended by article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013 (S.I. 2013/2978), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2016 (S.I. 2016/1179), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2018 (S.I. 2018/1332), article 4 of the Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2020 (S.I. 2020/27), regulation 4 of the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) and regulation 2 of and paragraph 28 of Schedule 1 to the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907 (W. 198)).
- (84) Section 80 was amended by section 24(2) of and paragraph 26 of Part 2 of Schedule 5 to the Housing and Planning Act 1986 (c. 63), sections 83(2) and 140 of and Schedule 18 to the Housing Act 1988 (c. 50), sections 140 and 152 of and paragraph 5 of Schedule 16 and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 195 and 222 of and paragraphs 10 and 13 of Schedule 19 and paragraphs 9 and 11 of Schedule 22 to the Localism Act 2011 (c. 20), article 5 of and paragraph 14 of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325), article 4 of and paragraphs 2 and 10 of Schedule 1 to Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002) and article 5 of and paragraphs 15 and 19 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make saving and transitional provisions in relation to the Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”).

Regulations 2 to 5 make provision in relation to possession proceedings. Regulation 2 applies to secure tenancies, regulation 3 applies to assured tenancies, regulation 4 applies to introductory tenancies and regulation 5 applies to demoted tenancies.

Regulations 6 and 7 make provision in relation to an extension of an introductory period. Regulation 6 makes provision in relation to a review of the decision to extend the introductory period. Regulation 7 makes provision in relation to the procedure for reviewing a decision to extend the introductory period where the review, under section 125B of the Housing Act 1996, started before the appointed day (whenever concluded). The appointed day is the day appointed by the Welsh Ministers as the day on which section 239 of the 2016 Act comes into force. Regulation 7 also provides that the Introductory Tenancies (Review of Decisions to Extend a Trial Period) (Wales) Regulations 2006 continue to have effect in relation to reviews to which regulation 7 applies.

Regulations 8 and 9 make provision in relation to tenancy deposits. Regulation 8 makes transitional provision in respect of a tenancy deposit paid in accordance with Chapter 4 of Part 6 of the Housing Act 2004 (“the 2004 Act”) before the appointed day where the shorthold tenancy in respect of which that deposit was paid converted into an occupation contract on that day. Regulation 9 provides that certain provisions of the 2004 Act continue to have effect in respect of applications made to the county court before the appointed day.

Regulation 10 makes provision in respect of the determination of rent under the Housing Act 1988 and provides that the Rent Assessment Committees (England and Wales) Regulations 1971, the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 and the Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1998 continue to have effect as they did immediately before the appointed day in specified circumstances.

Regulations 11 to 13 make provision in relation to improvements. Regulation 11 makes savings in respect of improvements made by a secure tenant under the Housing Act 1985. Regulation 12 makes savings and transitional provisions in respect of improvements undertaken by a tenant under a secure tenancy which ended before the appointed day. Regulation 13 makes transitional provisions in relation to a secure tenant’s right to repair scheme where the tenant has served notice before the appointed day under paragraph 3 of the Schedule to the Secure Tenancies (Right to Repair Scheme) Regulations 1985.

Regulation 14 makes savings provision for restricted contracts and protected shorthold tenancies that exist immediately before the appointed day.

Regulation 15 makes savings provision regarding the definition of a bankrupt’s estate in relation to assured agricultural occupancies that exist immediately before the appointed day.

Regulation 16 makes transitional provision in respect of the notification period in paragraph 12 of Schedule 2 to the 2016 Act for tenancies and licences in relation to which a local housing authority’s duty under section 75 of the Housing (Wales) Act 2014 has not been discharged before the appointed day.

Regulation 17 makes transitional provision in respect of the determination of local housing allowance under article 4B of and Schedule 3B to the Rent Officers (Housing Benefit Functions) Order 1997.

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

Regulation 18 makes transitional provision in respect of the determination of local housing allowance under article 4 of and Schedule 1 to the Rent Officers (Universal Credit Functions) Order 2013.

Regulation 19 makes general savings provision.

These Regulations are made to give full effect to the 2016 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.