
WELSH STATUTORY INSTRUMENTS

2022 No. 1172

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

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)(1) (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(2) (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)(3) (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(4) continue to have effect, as they did immediately before the appointed day, in relation to the determination of an application that is

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- (1) 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).
 - (2) 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).
 - (3) 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).
 - (4) 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)).

made or referred under section 6(5) (fixing of terms of statutory periodic tenancy), 13(6) (increases of rent under assured periodic tenancies) or 22(7) (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 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(8) 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)(9) 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.

[^{F1}(6) Paragraphs 15(1) and 15(1A) of Schedule 12 to the 2016 Act apply in relation to any variations of rent which take place after the appointed day by virtue of the savings made by this regulation, as they apply in relation to any variations in the rent payable under the contract before the appointed day.]

F1 Reg. 10(6) substituted (30.11.2022 at 11 p.m.) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2022 \(S.I. 2022/1258\)](#), regs. 1(2), 6

Commencement Information

II Reg. 10 in force at 1.12.2022, see [reg. 1\(2\)](#)

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- (5) 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](#)).
 - (6) 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](#)).
 - (7) 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](#)).
 - (8) [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](#)).
 - (9) 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.

Changes to legislation:

There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022, Section 10.