
WELSH STATUTORY INSTRUMENTS

2022 No. 245 (W. 73)

HOUSING, WALES

**The Renting Homes (Review of
Decisions) (Wales) Regulations 2022**

Made - - - - 8 March 2022

Laid before Senedd Cymru 10 March 2022

Coming into force in accordance with regulation 1

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 203(5) of, paragraph 4(7) of Schedule 4 to, and paragraph 5(7) of Schedule 7 to the Renting Homes (Wales) Act 2016⁽¹⁾.

Title and commencement

1. The title of these Regulations is the Renting Homes (Review of Decisions) (Wales) Regulations 2022 and they come into force on the day on which section 239 of the Act⁽²⁾ comes into force.

Interpretation

2. In these Regulations—

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

“contract-holder” (“*deiliad contract*”) has the meaning given by section 7(5) of the Act (see also section 48);

“dwelling” (“*annedd*”) has the meaning given by section 246⁽³⁾ of the Act;

“hearing” (“*gwrandawriad*”) means an oral hearing;

“landlord” (“*landlord*”) has the meaning given by section 244(2) of the Act (see also section 53);

“review” (“*adolygiad*”) means a review under section 203 of, paragraph 4 of Schedule 4 to, or paragraph 5 of Schedule 7 to the Act.

(1) 2016 anaw 1. See section 252 for the definition of “prescribed”.

(2) Section 239 of the Renting Homes (Wales) Act 2016 comes into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

(3) Section 246 was amended by section 14 of, and paragraphs 1 and 5 of Schedule 5 to, the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).

Persons who may carry out a review

3.—(1) A review must be carried out by a person who was not involved in the decision under review.

(2) Where the review is of a decision made by an officer of the landlord and the review is to be carried out by another such officer, the officer reviewing the decision must occupy a position within the organisation of the landlord which is senior to that of the officer who made the decision.

Right to a hearing

4.—(1) Where the contract-holder so requests, a review must be by way of a hearing.

(2) Any such request must be made to the landlord before the end of the period described in section 202(3) of, paragraph 4(2) of Schedule 4 to, or paragraph 5(2) of Schedule 7 to the Act, as the case may be.

Written representations

5.—(1) Whether or not the review is to be by way of a hearing, the contract-holder may make written representations to the landlord in connection with the review.

(2) The landlord must notify the contract-holder in writing of the date by which any such representations must be received by the landlord.

(3) That date must be at least five days after the notification under paragraph (2) is received by the contract-holder.

(4) The landlord must consider any such representations which are received by that date.

Virtual hearing

6. Where the contract-holder consents in writing, the hearing may be conducted by video link, telephone or other means of instantaneous two-way electronic communication.

Notice of hearing

7.—(1) Where the contract-holder requests a hearing, the landlord must give the contract-holder at least ten days' written notice of—

- (a) the date, time and location of the hearing, or
- (b) if the hearing is to be conducted pursuant to regulation 6, the date and time of, and instructions on how to access, the hearing.

(2) If the contract-holder has not been given such notice, the hearing may only proceed with the consent of the contract-holder or his or her representative.

(3) The date, time and, where relevant, the location of the hearing must be reasonably convenient for the contract-holder.

(4) In determining a reasonably convenient location for the hearing where a contract-holder is to be physically present at that hearing, consideration must be given to the distance between the location of the hearing and the dwelling to which the review relates.

Review by way of hearing

8.—(1) Subject to the provisions of these Regulations, the procedure at a review hearing is to be determined by the person carrying out the review.

(2) The contract-holder has the right to—

- (a) be heard,
- (b) be accompanied,
- (c) be represented by another person (“a representative”), whether that person is professionally qualified or not,
- (d) call persons to give evidence,
- (e) put questions to any person who gives evidence at the hearing, and
- (f) make representations in writing.

(3) For the purposes of the proceedings, a representative of the contract-holder is to have the same rights and powers as the contract-holder under these Regulations.

Absence of contract-holder or representative at hearing

9. Where the landlord has given notice of a hearing in accordance with regulation 7 and neither the contract-holder nor any representative of the contract-holder attends on the date and at the time and, where relevant, the location notified, the person carrying out the review may—

- (a) proceed with the hearing, or
- (b) make such directions regarding the conduct of the review as that person considers appropriate, taking into account all relevant circumstances including any explanation offered for the absence.

Postponement of hearing

10.—(1) Where—

- (a) the landlord has given notice of a hearing in accordance with regulation 7, and
- (b) before the hearing starts, the contract-holder requests a postponement,

the landlord may grant or refuse the request as the landlord sees fit.

(2) If the hearing is postponed, the landlord must give the contract-holder reasonable notice of—

- (a) the date, time and location of the reconvened hearing, or
- (b) if the reconvened hearing is to be conducted pursuant to regulation 6, the date and time of, and instructions on how to access, the reconvened hearing.

(3) The date, time and, where relevant, the location of the reconvened hearing must be reasonably convenient for the contract-holder.

(4) In determining a reasonably convenient location for the reconvened hearing where a contract-holder is to be physically present at that hearing, consideration must be given to the distance between the location of the reconvened hearing and the dwelling to which the review relates.

Adjournment of hearing

11.—(1) Once a hearing has started, it may be adjourned at any time by the person carrying out the review, either on that person’s own initiative or at the request of the contract-holder, the contract-holder’s representative or the landlord.

(2) The landlord must give the contract-holder reasonable notice of—

- (a) the date, time and location of the adjourned hearing, or
- (b) if the adjourned hearing is to be conducted pursuant to regulation 6, the date and time of, and instructions on how to access, the adjourned hearing.

(3) The date, time and, where relevant, the location of the adjourned hearing must be reasonably convenient for the contract-holder.

(4) In determining a reasonably convenient location for the adjourned hearing where a contract-holder is to be physically present at that hearing, consideration must be given to the distance between the location of the adjourned hearing and the dwelling to which the review relates.

(5) If the person carrying out the review at the adjourned hearing is not the same person as the person who was carrying out the review at the earlier hearing, the review must proceed by way of a complete rehearing of the case unless the contract-holder or the contract-holder's representative agrees otherwise.

8 March 2022

Julie James
Minister for Climate Change, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedures to be followed by landlords in connection with a review requested by a contract-holder of a decision to—

- (a) terminate an introductory standard contract or a prohibited conduct standard contract, under section 202 of the Renting Homes (Wales) Act 2016 (anaw 1) (“the Act”),
- (b) extend an introductory period of an introductory standard contract under paragraph 3 of Schedule 4 to the Act, and
- (c) extend a probation period of a prohibited conduct standard contract under paragraph 4 of Schedule 7 to the Act.

Regulation 3 provides that a review must be carried out by a person who was not involved in the original decision. It also requires that if the person carrying out the review and the person who made the original decision are both officers of the landlord, the person carrying out the review must hold a position in the landlord’s organisation senior to the person who made the original decision.

Regulation 4 enables a contract-holder to request a hearing and sets out how this right is to be exercised.

Regulation 5 sets out a contract-holder’s right to submit written representations.

Regulation 6 enables the hearing to be conducted virtually where the contract-holder consents.

Regulation 7 requires a landlord to give the contract-holder notice of the hearing and to consider, where relevant, whether the location of the hearing is reasonably convenient for the contract-holder.

Regulations 8 to 11 provide the details of the procedures to be followed in relation to a hearing. Regulation 8 sets out the procedure to be followed at a hearing, including a contract-holder’s rights. Regulation 9 details the procedure where a contact-holder or representative does not attend a hearing. Regulations 10 and 11 detail the procedures regarding postponement and adjournment, respectively.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.