

SL(6)178 – The Renting Homes (Safeguarding Property in Abandoned Dwellings) (Wales) Regulations 2022

Background and Purpose

These [Regulations](#) make provision regarding how property (other than the landlord's property) left in an abandoned dwelling must be dealt with. In general, they place a duty on a landlord to safeguard property left in the abandoned dwelling for four weeks from the day on which the contract has ended. The Regulations also make provision regarding the disposal of such property by a landlord.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following three points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Regulations set out what must happen to property that is in a dwelling that has been abandoned by a contract-holder. How does the Welsh Government envisage the Regulations should apply where the property is a pet / animal? Should the Regulations make express provision for such circumstances, rather than treat pets / animals in the same way as other forms of property?

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Where a landlord exercises the right to dispose of property in accordance with regulation 3(3) or regulation 3(4) by selling the property, can the Welsh Government clarify how title in the



property transfers from the original owner of the property (whether that is the contract-holder or a third party) to the buyer of the property?

Further, what safeguards are in place for, and what remedies are available to, a third party who loses possessions because the possessions have been disposed of by a landlord in accordance with the Regulations?

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Under regulation 5, a landlord may apply any proceeds of a disposal (i.e. a disposal under regulation 3(3) or regulation 3(4)) towards expenses incurred by the landlord in complying with the Regulations. Further, if there is any remainder, the landlord may apply the remainder towards any rent arrears due under the occupation contract.

Did the Welsh Government give consideration to allowing (or even requiring) a landlord to apply any remainder towards other amounts that may be due from the contract-holder apart from rent arrears?

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

23 March 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee