

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JJ/4354/21

Chair of the Legislation Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

28 March 2022

Dear Huw

I am writing in response to your letter of 28 February 2022 in relation to statutory instruments made under the Renting Homes (Wales) Act 2016.

To take the substantive points raised in your letter in order:

***The Renting Homes (Supported Standard Contracts) (Supplementary Provisions) (Wales) Regulations 2022 and the Renting Homes (Supplementary Provisions) (Wales) Regulation 2022***

Your letter expresses concern that my response to the Committee's observation that the absence of a timescale within which landlords must take action in response to comments made by contract-holders about inventories leaves 'significant scope for uncertainty'.

As indicated in my response, we do not consider that this will be an issue in practice. However, I should perhaps have made it clearer in my original response to the Committee's reporting point that the Welsh Government does not believe it necessary to legislate in this regard because the Rent Smart Wales training that all landlords are required to undertake in order to be licensed is currently being updated to reflect the new legal framework which will be introduced by the 2016 Act. This training already includes guidance on the provision of inventories, and advises landlords that it is their interests to ensure the inventory is agreed because "if there is a dispute over the condition of the property...it will generally be for you or your agent to prove the claim". In updating the guidance we have asked Rent Smart Wales to include as best practice a recommendation that in the event of comments being received from the contract-holder in relation to the inventory provided, the landlord should respond to these within a 14 day timescale (the same timescale as the contract-holder is provided with to comment on the inventory in the first instance).

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We are confident that incorporating this timescale into the Rent Smart Wales training as best practice will be sufficient to ensure that, in the event of a dispute arising between a landlord and contract-holder, a court or deposit scheme adjudicator would, in reaching a decision, be able to consider whether this recommendation had been adhered to by the landlord.

### ***The Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022***

In relation to the matter of compensation where the landlord is late in providing a contract-holder with a written statement, your letter states that in response to my commitment to address this point the next time it becomes necessary to amend the Regulations the Committee believes this is an important issue and is concerned that it remains unaddressed.

Since providing my response to the Committee on this point, changes have been made to the Welsh Government's Renting Homes website to make it clear to contract-holders that "for each day after the occupation date that the written statement has not been provided, the landlord may be liable to pay you compensation". While it remains my intention to clarify this point in due course by amending the Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022, I am satisfied that the Regulations have to be interpreted in accordance with section 35(6) of the 2016 Act and that (in practice) most, if not all landlords, letting agents and contract-holders are likely to rely on the information available on the Welsh Government's Renting Homes website. I am therefore content that any lack of clarity in the content of the Regulations in the meantime will have little, or perhaps no, practical impact.

### ***The Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022***

In relation to the absence of a space in the model for the term of the contract to be set out, your letter states that '...all other key matters are expressly dealt with in the model written statement, but the key matter of the term of the contract is not. We are particularly concerned that this is not being dealt with as a matter of priority.'

Since providing my response to the Committee on this reporting point, the Welsh Government's Renting Homes website has been updated to make it clear that the end of the fixed term should be recorded. Since most, if not all, landlords and contract-holders are expected to access the Welsh Government's website, any potential uncertainty caused by a lack of clarity in the Regulations is substantially mitigated. Nevertheless, I will still look to make an amendment to the version set out in the Regulations the next time it becomes necessary to amend the Regulations.

### ***Delayed Implementation***

I confirmed during the plenary debate on the first tranche of Regulations that I would support a post-implementation review of the 2016 Act. I recognise that there has been a delay in implementation, but I know you will share with me that it is important that we have good law, and the work involved in drafting the implementation Regulations have been colossal and complex.

We are keen to learn lessons and continue to keep the legislative programme under review. In the meantime, I can assure the Committee that the priority is to continue to fully implement the remaining aspects of the Act.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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