



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Implementation of the Renting Homes (Wales) Act 2016: further Subordinate Legislation

DATE 15 July 2022

BY Julie James, Minister for Climate Change

Earlier this week the Senedd approved the following pieces of subordinate legislation necessary to fully implement the Renting Homes (Wales) Act 2016:

- ***the Renting Homes (Wales) Act 2016 (Housing Association Tenancies: Fundamental Provisions) Regulations 2022;***
- ***the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022; and***
- ***the Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022.***

In addition, on Monday 18 July I will be laying ***the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022*** (which do not require the approval of the Senedd in plenary).

The purpose of these regulations is to preserve an entitlement which is currently available to certain tenants with an assured or assured shorthold tenancy: namely the ability to refer a rent variation notice from their landlord to a Rent Assessment Committee to seek a rent determination.

These regulations will provide that when existing tenancies which include such a provision convert into occupation contracts this entitlement will carry over, and (as is currently the case) a Rent Assessment Committee will be able to take into account a range of factors to determine what, in its opinion, is an appropriate rent for the dwelling. As is the case with current arrangements, unless the landlord and tenant agree otherwise, the rent determined by the Rent Assessment Committee will be the rent payable under the contract.

I have also re-laid today a revised version of ***the Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022*** which take account of the Senedd's Legislation Justice and Constitution Committee reporting points and include an amendment to the Energy Act 2011 which was omitted from the original version laid on 21 June 2022.

This SI is subject to the Senedd's affirmative procedure which means it will need to be approved by the Senedd in plenary before it can be made. A plenary debate is being scheduled as soon after summer recess as possible, and I will issue a further written statement after that has taken place confirming the outcome of the debate.

I have also published today – in draft form – ***The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022***.

These regulations make saving and transitional provisions in relation to the 2016 Act. The purpose of these regulations is as follows:

- to ensure that where particular processes relating to existing tenancies and licences (for example possession proceedings) have already been commenced on the date at which the 2016 Act comes into force, these processes are able to be concluded in accordance with the provisions of the legislative framework under which they were initiated;
- to ensure that certain entitlements which exist in particular types of current tenancies (for example a request for improvement) are preserved so that the parties to these existing tenancies are treated fairly when their tenancy undergoes conversion into an occupation contract, with the correct balance being struck in respect of both parties' rights and obligations; and
- to confirm that certain provisions relating to temporary accommodation will not apply until 12 months after the coming into force of the 2016 Act.

Whilst these regulations do not require the approval of the Senedd in plenary, they are being published in draft form today so that they are available to stakeholders in sufficient time ahead of the 1 December coming into force date. They are not being made in their final form until the Autumn as the final versions will include references to the two Consequential Amendments SIs which have not yet been made: no other changes to these regulations are anticipated. Again, I will publish a further written statement when this SI has been formally made in the autumn.

In August I will be making ***the Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022*** – which are subject to the Senedd's negative procedure, meaning they do not have to be approved by the Senedd in plenary. Again, a further written statement will be issued to advise members when these have been made.

Finally, I will also shortly be making the two Commencement Orders necessary to bring the provisions of the 2016 Act fully into force on 1 December 2022. Again, I will publish a further written statement to alert Members when these have been made.

All of the statutory instruments made this week can be accessed [here](#).

Guidance, and other resources for landlords and tenants on the Renting Homes (Wales) Act and subordinate legislation can be accessed via the Renting Homes Wales website: <https://gov.wales/housing-law-changing-renting-homes>.