

Government Response: *The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022*

Technical Scrutiny point 1, 2, 4, 5, 6 (but see response below), 7 to 17, 19, 20 to 24, 26, 28 to 31:

Response

The Welsh Government thanks the Legislation, Justice and Constitution Committee for its diligence and has considered the points raised. The Statutory Instrument and Explanatory Memorandum have been withdrawn and corrected (in relation to the Reporting Points listed above) and re-laid.

Technical Scrutiny point 3:

Response

Welsh Government take the view that it is not necessary to insert “in England” after the second instance where “dwelling-house” appears in section 1(1) of the Housing Act 1988. In our view it is clear from the proposed amendment to section 1(1) of the 1988 Act that “dwelling-house” in that context means a dwelling-house in England. In our view, no amendment is needed.

Technical Scrutiny point 6 (in part):

Response

The Legislation, Justice and Constitution Committee have commented that there is an error in the opening and closing quotation marks around the wording to be inserted by regulation 11(25). The Welsh Government disagree and are of the view that the quotation marks in relation to 11(25) are correct.

Technical Scrutiny point 18:

Response

Welsh Government are of the view that regulation 22(4)(b) is correct. The term “fundamental provision” is defined in section 18 of the 2016 Act and the reference to section 19 is included to assist the reader. This approach is confirmed by the Index of terms which appears at section 253 of the 2016 Act.

Technical Scrutiny point 25:

Response

Welsh Government do not agree that regulation 32 (which makes amendments to the Prevention of Social Housing Fraud Act 2013) should make amendments to the terms “tenants” and “tenancy” (to include reference to “contract-holder” and “occupation contract”). The current drafting reflects Welsh Government’s policy intention that, given that these provisions relate to criminal offences they should not be extended to persons who rent a home in Wales under a licence (which would be the effect of including reference to “contract-holder” and “occupation contract”) and should continue to apply to only occupation contracts that are tenancies. In addition, the

amendments to the provisions under the Consumer Protection Act 2015 (as amended by Regulation 34) to include “contract-holder” and “occupation contract”, reflect Welsh Government’s policy intention to extend the protections under the relevant provisions to all contract-holders, so there is no distinction between tenancies and licences.

Technical Scrutiny point 27:

Response

Welsh Government do not agree that regulation 33(2) should make reference to a tenants “total” share. The current drafting reflects the wording in the definition of “domestic tenancy” set out at section 2(1)(a)(ii) of the Housing (Wales) Act 2014.

Merits Scrutiny point 32:

Response

The Welsh Government does not have any information about when the relevant provisions of the Housing and Planning Act 2016 will be brought into force.

Merits Scrutiny point 33:

Response

The Welsh Government thanks the Legislation, Justice and Constitution Committee for its diligence and has considered the points raised in relation to the footnotes. The Statutory Instrument has been withdrawn and corrected (particularly in relation to specific points raised in relation to footnotes) and re-laid.

Merits Scrutiny point 34:

Response

The Welsh Government thanks the Legislation, Justice and Constitution Committee for its diligence, notes the comments made and endeavours to adhere to the drafting guidelines set out in “Writing Laws for Wales” wherever possible.