

SL(6)281 – The Renting Homes (Wales) Act 2106 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022

Background and Purpose

These Regulations amend Schedule 12 to the Renting Homes (Wales) Act 2016 to:

- (i) extend the six-month minimum notice period for a landlords' notice, which is already required in relation to new periodic standard contracts, to converted periodic standard contracts with effect from 1 June 2023;
- (ii) enable community landlords to align the rent variation date for new and existing tenancies so that, in the year following implementation, such a landlord will be able to vary the rent not less than 51 weeks after the previous increase; and
- (iii) provide that pre-existing rent variation clauses in assured tenancies in the private rented sector will continue to apply following conversion to a periodic standard contract where the landlord is a private landlord.

In addition, and as a result of (ii) above, a consequential amendment to the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 is made.

Procedure

Draft affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

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

Merits Scrutiny

The following point is 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 extension of the notice period under converted periodic standard contracts from 2 months to 6 months means that a private landlord is restricted in taking possession of their property for a longer period of time than is currently the case. Article 1 of the First Protocol to the European Convention on Human Rights protects a person's enjoyment of their property – this applies to a private landlord's enjoyment of their property. The Welsh



Government is asked to confirm whether it has undertaken a human rights impact assessment in relation to these Regulations and to provide further information as to the outcome of such assessment.

Welsh Government response

Merit Scrutiny point 1

A thorough assessment of provisions contained within these regulations has taken place to ensure they are compatible with Convention rights.

Legal Advisers

Legislation, Justice and Constitution Committee

15 November 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee