

2015 No. 1368 (W. 136)

HOUSING, WALES

**The Regulation of Private Rented
Housing (Information, Periods and
Fees for Registration and
Licensing) (Wales) Regulations
2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the information, periods and fees required for an application for registration and an application for a licence under Part 1 of the Housing (Wales) Act 2014 (“the Act”).

Part 1 of the Act relates to the Regulation of Private Rented Housing. It includes a requirement for most landlords of dwellings let, or to be let, under domestic tenancies, to register with the relevant designated licensing authority. Similarly, persons engaged in letting or managing such dwellings, are required to obtain a licence from the relevant designated licensing authority.

Regulations 3 and 6 set out the periods within which a relevant designated licensing authority must determine an application for registration or a licence respectively.

Regulations 4 and 7 set out the information which must be included in an application for registration or a licence respectively. Regulation 10 also prescribes a declaration that must be included in any application for registration or a licence.

Regulations 5 and 8 set out the changes which must be notified to the relevant designated licensing authority in respect of a landlord who is registered or a person who is licensed respectively.

Regulation 9 provides that the specified fees are to be determined by the relevant designated licensing authority.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered

in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations. The Impact Assessment prepared for the Act is relevant and a copy may be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

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2015**

Made 7 June 2015

Laid before the National Assembly for Wales
12 June 2015

Coming into force 7 July 2015

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 15(1), (4), 16(1)(e), 19(1)(b) and (d), 21(4), 23(1)(b), 46 and 142(2) of the Housing (Wales) Act 2014(1).

Title and commencement

1.—(1) The title of these Regulations is the Regulation of Private Rented Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

(2) These Regulations come into force on 7 July 2015.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Housing (Wales) Act 2014;

“application for a licence” (“*cais am drwydded*”) means an application for a licence of the type specified in section 18 (licences that may be granted) of the Act,

(1) 2014 anaw. 7. Where “prescribed” is used within the enabling powers it is defined in section 49(1) as meaning prescribed in regulations made by the Welsh Ministers.

or an application for renewal of such a licence under section 26(2) (renewal of a licence) of the Act;

“application for registration” (“*cais i gofrestru*”) means an application under section 15(1) (registration by licensing authority) of the Act;

“connected person” (“*person cysylltiedig*”) means a person doing things under a contract of service or apprenticeship with an applicant for a licence where—

- (a) the applicant for a licence is the landlord and the person does any of the things listed in—
 - (i) section 6(2) (requirement for landlords to be licensed to carry out lettings activities) of the Act; and
 - (ii) section 7(2) (requirement for landlords to be licensed to carry out property management activities) of the Act; or
- (b) the applicant for a licence is acting on behalf of the landlord and the person does any of the things listed in—
 - (i) sub-sections (1)(a) and (b), (2)(a) and (b) and (3)(a) to (c) of section 10 (meaning of lettings work) of the Act; and
 - (ii) section 12(1) (meaning of property management work) of the Act.

Period for registration

3. For the purposes of section 15(1) (registration by a licensing authority) of the Act the licensing authority must register the landlord within 4 weeks of receipt of an application for registration which the licensing authority is satisfied meets the requirements of section 15(1) of the Act.

Information to be included in an application for registration

4. The following information is prescribed under section 15(1)(b) (registration by licensing authority) of the Act—

- (a) the name of the landlord;
- (b) details of any other names by which the landlord has been known;
- (c) the correspondence address of the landlord;
- (d) if the landlord is a body corporate, the address of the landlord’s registered or principal office;
- (e) a contact telephone number for the landlord, if available;
- (f) a contact e-mail address for the landlord, if available;
- (g) the date of birth of the landlord, if applicable;

- (h) the address of each rental property in the licensing authority's area for which the landlord is the landlord;
- (i) the name and date of birth of any joint landlord in relation to any rental property declared by the landlord under sub-paragraph (h) and which one of the joint landlords is to be designated as the lead landlord for the purposes of registration;
- (j) the name and licence number, if applicable, of any person appointed by the landlord to carry out lettings work or property management work on behalf of the landlord and the address of each rental property to which the appointment relates; and
- (k) if the landlord is a body corporate, the relevant registration number.

Changes to be notified to licensing authority

5. The prescribed changes for the purposes of section 16(1)(e) (duty to update information) of the Act are—

- (a) correspondence address;
- (b) contact telephone number, if provided;
- (c) e-mail address, if provided; and
- (d) any other contact information provided in the application.

Period for licence applications

6. For the purposes of section 21(4) (determination of licence application) of the Act the licensing authority must determine the application for a licence within 8 weeks of receipt of an application for a licence which the licensing authority is satisfied meets the requirements of section 19(1) of the Act.

Information to be included in an application for a licence

7. The following information is prescribed under section 19(1)(b) (licence application requirements) of the Act—

- (a) the name of the applicant;
- (b) details of any other names by which the applicant has been known;
- (c) the correspondence address of the applicant;
- (d) if the applicant is a body corporate, the address of the applicant's registered or principal office;
- (e) if the applicant is carrying out lettings work and property management work on behalf of a landlord in the course of a business, the

- address of any premises in the area of the licensing authority used for that purpose;
- (f) a contact telephone number for the applicant, if available;
 - (g) a contact e-mail address for the applicant, if available;
 - (h) the date of birth of the applicant, if applicable;
 - (i) whether the applicant is applying—
 - (i) in respect of a rental property which the applicant is the landlord for; or
 - (ii) as a person acting on behalf of the landlord;
 - (j) details of any licences, voluntary accreditation, or registration held, refused or revoked in connection with any rental properties in any other part of the UK by the proposed licence holder;
 - (k) a declaration of—
 - (i) any convictions of the applicant relating to offences involving the matters listed in section 20(3)(a) of the Act;
 - (ii) any court or tribunal judgment against the applicant under the Equality Act 2010(1); and
 - (iii) any convictions of the applicant relating to offences in connection with any matter relating to the provisions referred to in section 20(3)(c) of the Act and any finding of a court or tribunal that the applicant has contravened any of those provisions;
 - (l) where the applicant is a body corporate, the relevant registration number;
 - (m) if applicable, the name and date of birth of any connected person; and
 - (n) how the applicant or any connected person has met, or will meet, the training requirements specified in regulations made under section 19(2)(b) of the Act.

Changes to be notified to licensing authority

8. The prescribed changes for the purposes of section 23(1)(b) (duty of licence holder to update information) of the Act are—

- (a) correspondence address;
- (b) contact telephone number, if provided;
- (c) e-mail address, if provided;

- (d) any other contact information provided in the application;
- (e) any material change that would constitute evidence of the matters referred to in section 20(3) to (5) (fit and proper person requirement); and
- (f) any changes in identity of any connected person.

Fees for applications for registration and licensing

9.—(1) This regulation applies where a licensing authority charges a fee under section 15(1)(d), (4) (registration by licensing authority) or 19(1)(d) (licence application requirements) of the Act.

(2) Before charging a fee, the licensing authority must prepare and publish a fees policy.

(3) When fixing a fee for the purposes of section 15(1)(d), (4) (registration by licensing authority) or 19(1)(d) (licence application requirements) of the Act the licensing authority—

- (a) must act in accordance with its fees policy;
- (b) may fix different fees for different cases or descriptions of case; and
- (c) may determine that no fee is required to be paid in certain cases or descriptions of case.

(4) The licensing authority may revise its fees policy and, where it does so, must publish the policy as revised.

Declaration to be included in applications for registration or a licence

10. An application for registration or an application for a licence must include a completed declaration in the following form—

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if I/we supply any information to the licensing authority in connection with any of its functions under Part 1 of the Housing (Wales) Act 2014 that is false or misleading and which I/we know is false or misleading or am/are reckless as to whether it is false or misleading.”

Lesley Griffiths
Minister for Communities and Tackling Poverty, one
of the Welsh Ministers
7 June 2015