

SL(5)481 – The Renting Homes (Fees etc.) (Specified Information) (Wales) 2019

Background and Purpose

These regulations set out information which must be provided to a prospective contract-holder by either the landlord or letting agent, before a holding deposit is paid. These regulations also specify the way in which the information must be provided.

If the information in regulation 2(2) is not provided to a prospective contract-holder before a holding deposit is paid, the landlord may not rely upon the exceptions set out in paragraphs 8, 9 and 10 of Schedule 2 to the Renting Homes (Fees etc.) (Wales) Act 2019 and the holding deposit must be repaid. Regulation 2(3) sets out how the information must be provided.

These Regulations revoke the Renting Homes (Fees etc.) (Specified Information) (Wales) Regulations 2019 (“the 2019 Regulations”). The 2019 Regulations were laid on 15 November, with a coming into force date of 13 December 2019. Since the 2019 Regulations were laid, the Minister for Housing and Local Government received correspondence from landlords, agents and representative bodies outlining concerns they had regarding the regulations. The concerns included the length of time that landlords and letting agents would have to implement the changes and the fact that landlords would be required to provide an address ahead of a holding deposit being taken from a contract-holder. These concerns have been addressed in these regulations.

Procedure

Negative.

Technical Scrutiny

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

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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 Assembly

1. We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date subordinate legislation is laid before the Assembly and the date the subordinate legislation comes into force), and the explanation for the breach provided by Rebecca Evans AM, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 6 December 2019.

The regulations breach the 21 day rule because the Welsh Government felt it was necessary to revoke the 2019 regulations owing to concerns raised by stakeholders before they came into force on 13 December. Legal Services note the Welsh Government’s explanations and have no further points to raise.

Implications arising from exiting the European Union

None.



Government Response

A government response is not required.

Legal Advisers

Constitutional and Legislative Affairs Committee

17 December 2019

