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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1166**

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

**Housing Act 1988**

**16.**—(1) The Housing Act 1988(1) is amended as follows.

(2) In section 1(2) (assured tenancies), in subsection (1), after “dwelling-house”, in the first place it occurs, insert “in England”.

(3) After section 1, insert—

**“Application of Chapters 1, 2 and 3 of this Part to dwelling in Wales**

**1A.**—(1) As a result of section 239 of the Renting Homes (Wales) Act 2016 (anaw 1), no tenancy or licence (whenever made) of a dwelling-house that is in Wales can be an assured tenancy or an assured agricultural occupancy.

(2) Accordingly, subject to subsection (3), nothing in sections 1 to 25 of this Act applies to a dwelling-house in Wales.

(3) The provisions of this Act which are referred to in Schedule 10 to the Local Government and Housing Act 1989 (c. 42) continue to apply, for the purposes of that Schedule, to a dwelling-house in Wales which is subject to a long tenancy.

(4) For the purposes of subsection (3), “long tenancy” has the meaning given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016.”

(4) In section 35 (removal of special regimes for tenancies of housing associations etc), in subsection (3)(3), after “secure tenancy”, insert “or a secure contract”.

(5) In section 37 (no further assured tenancies under the Housing Act 1980), after subsection (6), insert—

“(7) Nothing in this section that purports to grant an assured tenancy, or purports to grant a contract for the grant of an assured tenancy, applies to a dwelling-house in Wales (see section 240 of the Renting Homes (Wales) Act 2016 (anaw 1) for provision about the conversion of existing tenancies to occupation contracts, and section 241 for provision about pre-existing contracts).”

(6) In section 38(4) (transfer of existing tenancies from public to private sector)—

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(1) 1988 c. 50.

(2) Section 1 was amended by section 10 of and paragraph 4 of the Schedule to the Prevention of Social Housing Fraud Act 2013 (c. 3), section 227 of and Part 13 of Schedule 19 to the Housing Act 1996 (c. 52) and regulation 2 of and paragraph 27 of the Schedule to the References to Rating (Housing) Regulations 1990 (S.I. 1990/434).

(3) Section 35(3) was amended by article 5 of and paragraphs 63 and 66 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 18(2) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325).

(4) Section 38(4A) was inserted by section 194 of and paragraph 106 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42) and amended by article 5 of and paragraphs 63 and 67 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866) and article 5 of and paragraph 18(3) of Schedule 2 to the Housing Act 1996 (Consequential Provisions) Order 1996 (S.I. 1996/2325). Section 38(4B) was inserted by article 2 of and paragraph 3

- (a) in subsection (4A), after “secure tenancy”, insert “or a secure contract”;
- (b) in subsection (4B)—
  - (i) after “under a secure tenancy”, insert “or a secure contract”;
  - (ii) after “to be a secure tenancy”, insert “or secure contract”.
- (7) In section 45(5) (interpretation of Part 1), in subsection (1), at the appropriate place in alphabetical order, insert—
 

““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.
- (8) In section 61(6) (consultation and publicity), in subsection (2), after “secure tenants or introductory tenants”, insert “or secure contract-holders or introductory standard contract-holders”.
- (9) In section 75(7) (supplementary provisions as to transfer orders), in subsection (3)—
  - (a) after “secure tenant”, insert “,” and omit “or”;
  - (b) after “introductory tenant”, insert “, tenant who is a secure contract-holder or tenant who is an introductory standard contract-holder”.
- (10) In section 79(8) (disposal of land by housing action trusts)—
  - (a) in subsection (2)—
    - (i) after “secure tenancy”, insert “,” and omit “or”;
    - (ii) after “introductory tenancy”, insert “, a tenancy which is a secure contract or a tenancy which is an introductory standard contract”;
  - (b) in subsection (5A) after “introductory tenancies”, insert “, tenancies which are secure contracts and tenancies which are introductory standard contracts”.
- (11) In section 82(9) (provision of legal assistance to tenants after disposal), in subsection (1)—
  - (a) for paragraph (a), substitute—
 

“(a) was the secure tenant, introductory tenant, secure contract holder or introductory standard contract-holder of the house immediately before the disposal; or”;
  - (b) for paragraph (b), substitute—
 

“(b) is the widow, widower or surviving civil partner of the person who was then the secure tenant, introductory tenant, secure contract-holder, or introductory standard contract-holder of it.”

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of the Schedule to the Government of Wales Act 1998 (Housing) (Amendments) Order 1999 (S.I. 1999/61). There are other amendments to section 38 which are not relevant to these Regulations.

- (5) Section 45(1) was amended by article 6(1) of and paragraphs 80 and 94 of Schedule 1 to the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).
- (6) Section 61 was amended by paragraph 9 of Schedule 22 to the Deregulation Act 2015 (c. 20) and article 2 of and paragraph 6(a) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
- (7) Section 75 was amended by article 2 of and paragraph 6(b) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).
- (8) Section 79 was amended by sections 55(1) and 227 of and paragraph 11 of Schedule 3 and Part 1 of Schedule 19 to the Housing Act 1996 (c. 52), sections 124(1) and 187(2) of and Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 45(2) of the Housing Act 1985 (c. 68), article 2 of and paragraph 6(c) and (d) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and article 5 of and paragraphs 63 and 70 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866).
- (9) Section 82 was amended by section 81 of and paragraph 42 of Schedule 8 to the Civil Partnership Act 2004 (c. 33), section 140 of and paragraph 69(2) of Schedule 16 to the Government of Wales Act 1998 (c. 38), section 24 of and paragraphs 42 and 43 of Schedule 4 to the Access to Justice Act 1999 (c. 22), sections 38(1) and 39(1) of and paragraph 37 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), article 5 of and paragraphs 63 and 72 of Schedule 2 to the Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), article 2 of and paragraph 6(f) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and modified by section 9 of the Administration of Justice Act 1985 (c. 61).

(12) In section 84(10) (provisions applicable to disposals of dwelling-houses subject to secure tenancies)—

(a) for subsection (1)(a), substitute—

“(a) a housing action trust proposes to make a disposal of one or more houses let on secure tenancies, introductory tenancies, tenancies which are secure contracts or tenancies which are introductory standard contracts which would result in a person who, before the disposal, is a secure tenant, an introductory tenant, a tenant who is a secure contract-holder or a tenant who is an introductory contract-holder of the trust becoming, after the disposal, the tenant of another person, and”;

(b) in subsection (4)—

(i) after “in writing on”, insert “the tenant who is the secure contract-holder, the tenant who is the introductory standard contract-holder,”;

(ii) in paragraph (c), after “his position as a”, insert “tenant who is a secure contract-holder, tenant who is an introductory contract-holder,”.

(13) In section 84A(11) (transfer by order of certain dwelling-houses let on secure tenancies)—

(a) in subsection (6), after “which is let on”, insert “a tenancy which is a secure contract, a tenancy which is an introductory standard contract,”;

(b) in subsection (7)(a), after “letting, on”, insert “tenancies which are secure contracts or tenancies which are introductory standard contracts,”.

(14) In section 85 (rents generally), after subsection (2), insert—

“(3) The Renting Homes (Wales) Act 2016 (anaw 1) which provides for the variation of rent and other consideration payable under an occupation contract (for provision in relation to secure contracts see section 104 (variation of rent) and section 105 (variation of other consideration); for periodic standard contracts see section 123 (variation of rent) and section 124 (variation of other consideration); and for fixed term standard contracts see section 134 (variation) and section 135 (limitation on variation)) shall apply in respect of any housing accommodation subject to an occupation contract.”

(15) In section 86(12) (increase of rent where tenancy not secure), in subsection (1)—

(a) after “secure tenancy”, insert “,” and omit “or”;

(b) after “introductory tenancy”, insert “, or an occupation contract”.

(16) In section 92(13) (interpretation of Part 3), after subsection (1), insert—

“(1A) The following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

“contract-holder” (see section 7 of that Act);

“introductory standard contract” (see section 16 of that Act);

“occupation contract” (see section 7 of that Act);

“secure contract” (see section 8 of that Act).”

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(10) Section 84 was amended by sections 124 and 125 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and article 2 of and paragraph 6(g) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(11) Section 84A was inserted by section 125(5) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and amended by article 2 of and paragraph 6(h) and (i) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(12) Section 86 was amended by article 2 of and paragraph 6(j) of the Schedule to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74).

(13) Section 92 was amended by article 2 of and paragraph 6(k) of Schedule 1 to the Housing Act 1996 (Consequential Amendments) Order 1997 (S.I. 1997/74) and section 4 of and paragraph 79(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).

(17) In section 133(14) (consent required for certain subsequent disposals), in subsection (11), after paragraph (f), insert—

“(fa) the grant of an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.

(18) In Schedule 1 (tenancies which cannot be assured tenancies)—

(a) in paragraph 12(15) (local authority tenancies etc)—

(i) in sub-paragraph (1)(h) omit the words from “unless” to the end;

(ii) omit sub-paragraph (3);

(b) in paragraph 12ZA(16) (family intervention tenancies)—

(i) in sub-paragraph (10)—

(aa) in paragraph (a) for “; and”, substitute “.”;

(bb) omit paragraph (b);

(ii) in sub-paragraph (11)—

(aa) in paragraph (a) for “; and”, substitute “.”;

(bb) omit paragraph (b);

(iii) in sub-paragraph (12), in the definition of “appropriate national authority”—

(aa) in paragraph (a) for “; and”, substitute “.”;

(bb) omit paragraph (b).

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### Commencement Information

**II** Reg. 16 in force at 1.12.2022, see [reg. 1\(1\)](#)

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(14) Section 133(11) was amended by section 13(3) of the Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4). There are other amendments to section 133 of the 1988 Act which are not relevant to these Regulations.

(15) Paragraph 12 of Schedule 1 was amended by section 152 of and Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), section 22 of and paragraphs 25 and 29 of Schedule 22 of Localism Act 2011 (c. 20), section 209(2) of and paragraph 44 of Part 2 of Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28), section 59 of and paragraph 6 of Part 3 of Schedule 13 to Deregulation Act 2015 (c. 20), sections 22 and 39 of and paragraph 9 of Schedule 8 to and paragraph 31 of Schedule 13 to the Local Government (Wales) Act 1994 (c. 19), section 137 of the Housing (Wales) Act 2014 (anaw 7), section 78 of and paragraph 28 of Schedule 10 to the Environment Act 1995 (c. 25), sections 6 and 9 of and paragraphs 56 and 58 of Part 2 of Schedule 1 and paragraphs 81 and 83 of Part 2 of Schedule 2 to the Policing and Crime Act 2017 (c. 3), section 119 of and paragraph 79 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 43 of and paragraph 62 of Part 2 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29) and section 99 of and paragraph 178 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

(16) Paragraph 12ZA of Schedule 1 was inserted by section 297 of the Housing and Regeneration Act 2008 (c. 17) and amended by section 181(1) of and paragraph 20 of Part 1 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and article 6 of and paragraph 21 of Schedule 2 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).

**Changes to legislation:**

There are currently no known outstanding effects for the The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022, Section 16.