

Government Response: *The Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022*

Technical Scrutiny point 1: The Committee's understanding of these sections of the Act is correct. The Welsh Government points out that regulation 3(g) of these Regulations would be interpreted in accordance with section 35(6) of the Act, so that the Welsh Government considers it to be clear that "for each day the written statement of the occupation contract is late" means that compensation is payable from the first day (i.e. the "relevant date" for the purposes of section 35 of the 2016 Act) on which the landlord was required to provide the written statement. However, the Welsh Government acknowledges that regulation 3(g) of these Regulations could make the position more certain and will consider making an amendment, to put the matter beyond doubt, when it next becomes necessary to amend these Regulations.

Technical Scrutiny point 2:

Section 173(1) of the Act requires that the landlord must give notice (under that section) in order to bring the contract to an end. Section 178 enables the landlord to use the notice under section 173 as a ground for possession and section 215(3) and (4) enable the Court to make an order for possession in those circumstances. These Regulations require the landlord to make the contract-holder aware of the procedural step at section 173 of the 2016 Act.

The further restrictions will apply to section 173 notices of the Act by virtue of consequential amendments that will be made to the Housing Act 2004 and the Housing (Wales) Act 2014 and those amendments will be in force by the implementation of the 2016 Act. Landlords are not required to provide the explanatory information prescribed by these regulations until after implementation of the Act by which time the relevant sections restrictions referred to above will apply to notices given under section 173 of the Act.

Technical Scrutiny point 3: Regulation 8(b)(v)(cc) requires the landlord to give explanatory information regarding the fact that the landlord has to give two months' notice to occupation contracts that fall within that sub-paragraph. However, regulation 8(b)(v)(dd) requires the landlord to give explanatory information about the fact that the landlord must give notice under the specific relevant section of the Act before the landlord can make a claim for possession. In other words, sub-paragraph (cc) is about the notice period and sub-paragraph (dd) is about the notice itself and when it can be given, for that reason, the Welsh Government considers it appropriate to refer to Schedule 8A within both sub-paragraphs 8(b)(v)(cc) and (dd).