

Draft Regulations laid before the National Assembly for Wales under section 142(3)(a)(ii) of the Housing (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2015 No. (W.)

HOUSING, WALES

**The Regulation of Private Rented
Housing (Training Requirements)
(Wales) Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that a licensing authority (which has been designated under Part 1 of the Housing (Wales) Act 2014 (“the Act”)) may authorise a training provider and approve a training course for purposes of delivering training. A landlord or a person acting on behalf of a landlord will need to be licensed in order to carry out lettings and/or property management activities unless exempted under the Act.

Regulation 2 sets out defined terms for purposes of these Regulations. Other terms have been defined under Part 1 of the Act.

Regulation 3 authorises the licensing authority to specify requirements in relation to training. The regulation also provides that training must only be carried out by the licensing authority or by a person authorised by the licensing authority. It also provides that training must be delivered by the licensing authority or through training courses approved by the licensing authority.

Regulation 4 confers a power upon a licensing authority to specify requirements in relation to training. These specific requirements include those referred to in section 19(3)(a) of the Act.

Regulation 5 provides the process for assessing an application for an authorisation or an approval. The regulation provides a right to make representations in relation to any proposal of the licensing authority to either (i) impose a condition or conditions in relation

to an authorisation or an approval, or (ii) refuse an application for an authorisation or an approval. The person who applies for an authorisation or approval may choose not to make any representations against the proposal. Further to issuing a proposal and having considered any written representations made, the licensing authority must then issue a formal decision.

Regulation 6 allows the licensing authority to propose to vary an authorisation or approval so as to attach or remove a condition or conditions. The regulation provides a right to make representations in relation to the proposal to attach a condition or conditions. Further to issuing a proposal and having considered any written representations made, the licensing authority must then issue a formal decision.

Regulation 7 provides that the licensing authority may withdraw the authorisation of the training provider in certain circumstances and provides a right of review against the licensing authority's decision to do so.

Regulation 8 provides that the licensing authority may also withdraw approval of a training course in certain circumstances and provides a right of review against the licensing authority's decision to do so.

Regulation 9 provides that the licensing authority may charge a fee and must prepare and publish a fees policy.

Regulation 10 provides that the licensing authority must monitor an authorised training provider.

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 No. (W.)

HOUSING, WALES

**The Regulation of Private Rented
Housing (Training Requirements)
(Wales) Regulations 2015**

Made

Coming into force

3 June 2015

The Welsh Ministers, in exercise of the powers conferred upon them by sections 19(2)(b), 19(3), 46 and 142 of the Housing (Wales) Act 2014⁽¹⁾, make the following Regulations.

In accordance with section 142(3)(a)(ii) of that Act a draft of these Regulations was laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Regulation of Private Rented Housing (Training Requirements) (Wales) Regulations 2015.

(2) These Regulations come into force on 3 June 2015.

Interpretation

2. In these Regulations—

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

(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.

“applicant for a licence” (“*ceisydd am drwydded*”) means a person who has made an application for a licence under section 19 of the Act;

“approved training course” (“*cwrs hyfforddi cymeradwy*”) means a course which has been approved by the licensing authority for purposes of delivering relevant training;

“authorised training provider” (“*darparwr hyfforddiant awdurdodedig*”) means a person who is authorised by the licensing authority to carry out relevant training;

“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;

“licensing authority” (“*awdurdod trwyddedu*”) means the person or persons designated by order under section 3 of the Act;

“relevant training” (“*hyfforddiant perthnasol*”) means training which meets the requirements referred to in regulation 3(1)(a) to (c) and regulation 4.

General training requirements

3.—(1) The requirements in relation to training which are specified for the purposes of section 19(2)(b) of the Act are that the—

- (a) licensing authority has specified the requirements in relation to training which are set out in regulation 4;
- (b) training is carried out by an authorised training provider or by the licensing authority;
- (c) training is delivered through an approved training course or a course which is delivered by the licensing authority;

- (d) licensing authority must be satisfied that—
 - (i) the applicant for a licence and any connected person has completed or will complete relevant training, or
 - (ii) if the applicant for a licence is a body corporate or is a landlord to whom section 45 (landlords who are trustees) of the Act applies, any connected person has completed or will complete relevant training.

(2) For purposes of this regulation, completion of relevant training must be evidenced by an authorised training provider or the licensing authority issuing confirmation that the applicant for a licence or any connected person has successfully completed the course or courses.

Specific training requirements

4. The Welsh Ministers authorise the licensing authority, in accordance with section 19(3)(a) of the Act, to specify requirements in relation to training in respect of—

- (a) the statutory obligations of a landlord and tenant;
- (b) the contractual relationship between a landlord and tenant;
- (c) the role of an agent who carries out lettings work or property management work;
- (d) best practice in letting and managing dwellings subject to, or marketed or offered for let under, a domestic tenancy;
- (e) the role of a landlord who carries out lettings activities or property management activities; and
- (f) any other requirements in relation to training which the licensing authority considers necessary to be included in an approved training course.

Application for an authorisation or an approval

5.—(1) An application to the licensing authority for an authorisation or an approval (“an application”) must be in writing and be accompanied by—

- (a) such information the licensing authority may reasonably require; and
- (b) any applicable fee charged by the licensing authority in accordance with regulation 9.

(2) The licensing authority may refuse to consider an application if the person making the application (“the applicant”) fails to comply with the requirement of paragraph (1).

(3) The licensing authority must give a decision in writing in relation to each application which complies with the requirement of paragraph (1).

(4) Where the licensing authority proposes to either grant an authorisation or approval subject to a condition or conditions or to refuse an application, written notice must be given to the applicant stating the—

- (a) reasons for the proposal, and
- (b) right of the applicant to make representations under paragraph (5) concerning the proposal.

(5) Where the licensing authority gives notice to the applicant under paragraph (4)—

- (a) the applicant may, not later than the period of 14 days beginning with the day on which notice under paragraph (4) is given, make representations in writing to the licensing authority concerning the proposal, and
- (b) if any such representations are made within the period referred to in sub-paragraph (a), the licensing authority must take those representations into consideration before deciding whether or not to grant an authorisation or approval subject to a condition or conditions or to refuse the application.

Variation of an authorisation or approval

6.—(1) The licensing authority may propose to vary an authorisation or approval to attach or remove a condition or conditions.

(2) Where the licensing authority proposes to attach a condition or conditions under paragraph (1), written notice must be given to the person who initially applied for the authorisation or approval (“the initial applicant”) stating the—

- (a) reasons for the proposal, and
- (b) right of the initial applicant to make representations under paragraph (3) concerning the proposal.

(3) Where the licensing authority gives notice to the initial applicant under paragraph (2)—

- (a) the initial applicant may, not later than the period of 14 days beginning with the day on which notice under paragraph (2) is given, make representations in writing to the licensing authority concerning the proposal, and
- (b) if any such representations are made within the period referred to in sub-paragraph (a), the licensing authority must take those representations into consideration before

deciding whether or not to grant an authorisation or approval subject to a condition or conditions or to refuse the application.

(4) The licensing authority must give notice in writing to the initial applicant of any decision to vary an authorisation or approval to attach or remove a condition or conditions.

Withdrawal of an authorisation

7.—(1) The licensing authority may withdraw an authorisation if the training provider has—

- (a) failed to observe a condition imposed on their authorisation by the licensing authority; or
- (b) ceased to be an appropriate training provider.

(2) Where the licensing authority proposes to withdraw authorisation, written notice must be given by the licensing authority to the training provider stating—

- (a) the reasons for the proposal; and
- (b) the training provider's right to make representations under paragraph (3) concerning the proposal.

(3) Where the licensing authority gives notice to the training provider under paragraph (2)—

- (a) the training provider may, not later than the period of 28 days beginning with the day on which notice under paragraph (2) is given, make representations in writing to the licensing authority concerning the proposal;
- (b) the licensing authority must not decide whether or not to withdraw authorisation until after the expiration of the period referred to in sub-paragraph (a); and
- (c) if any representations are made within the period referred to in sub-paragraph (a), the licensing authority must take those representations into consideration before deciding whether or not to withdraw the authorisation.

(4) The licensing authority must, on making a decision to withdraw the authorisation of a training provider, give notice in writing to the training provider and the notice must state—

- (a) the date on which the withdrawal is, subject to paragraph (3), to take effect; and
- (b) the reasons for the decision to withdraw the authorisation.

(5) Paragraphs (2) to (4) do not apply if the licensing authority—

- (a) is satisfied that, by reason of serious misconduct on the part of the training provider or a person acting on behalf or under the direction of the training provider, the authorisation must be withdrawn without delay; and
- (b) gives notice in writing to the training provider to that effect which states the nature of the serious misconduct.

Withdrawal of an approval

8.—(1) The licensing authority may withdraw approval of a training course if that training course ceases to be relevant training.

(2) Where the licensing authority proposes to withdraw approval of a training course, written notice must be given by the licensing authority to the person who initially applied for the approval (“the initial applicant”) stating—

- (a) the reasons for the proposal; and
- (b) the initial applicant’s right to make representations under paragraph (3) concerning the proposal.

(3) Where the licensing authority gives notice to the applicant under paragraph (2)—

- (a) the initial applicant may, not later than the period of 28 days beginning with the day on which notice under paragraph (2) is given, make representations in writing to the licensing authority concerning the proposal;
- (b) the licensing authority must not decide whether or not to withdraw approval until after the expiration of the period referred to in sub-paragraph (a); and
- (c) if any such representations are made within the period referred to in sub-paragraph (a), the licensing authority must take those representations into consideration before deciding whether or not to withdraw the approval.

(4) The licensing authority must, on making a decision to withdraw the approval of a training course, give notice in writing to the initial applicant and the notice must state—

- (a) the date on which the withdrawal is, subject to paragraph (3), to take effect; and
- (b) the reasons for the decision to withdraw the approval.

Powers of licensing authority to charge fees

9.—(1) This regulation applies where the licensing authority charges a fee for an authorisation or an approval under regulation 5(1)(b).

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

(3) When fixing a fee for the purposes of determining an application for an authorisation or an approval under regulation 5, the licensing authority—

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

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

Monitoring of authorised training providers

10.—(1) An authorised training provider must, on a request from the licensing authority, supply to the licensing authority—

- (a) such information concerning the authorised training provider's administrative arrangements and the conduct of courses and in such manner, as the licensing authority may reasonably require; and
- (b) records or other documents (in whatever form they are held) which are kept for the purposes of compliance with these Regulations.

(2) Information or documents (as the case may be) requested under paragraph (1) must be supplied by the authorised training provider within such time limit as the licensing authority may reasonably require or as soon as reasonably practicable.

Minister for Communities and Tackling Poverty, one
of the Welsh Ministers

Date