

# **SL(6)415 – The Renting Homes (Miscellaneous Amendments) (Wales) Regulations 2023**

## **Background and Purpose**

The Renting Homes (Miscellaneous Amendments) (Wales) Regulations 2023 (“the 2023 Regulations”) make amendments to the following regulations:

- i) The Renting Homes (Explanatory Information for Written Statements of Occupation Contracts) (Wales) Regulations 2022 (“the Explanatory Information Regulations”)

Regulation 2 amends regulations 3 and 8 of the Explanatory Information Regulations. The amendments made to regulation 3 are to clarify the prescribed matters for which the explanatory information must be contained in the written statement of an occupation contract. The amendments to regulation 8 correct textual and punctuation errors in the English language text.

- ii) The Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022

Regulation 3 amends Schedules 1 to 3 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 to clarify when compensation is payable to the contract-holder: In the event of the late provision of the written statement, compensation is payable from the occupation date. Amendments to Part 3 of Schedule 2 correct errors in the English language text of terms 47 and 60 and reflect section 180(3)(a) of the Renting Homes (Wales) Act 2016 in term 60.

- iii) The Renting Homes (Prescribed Forms) (Wales) Regulations 2022.

Regulation 4 amends the guidance notes for contract-holders in form RHW17 (landlord’s notice of termination: periodic standard contract with two-month minimum notice period (other than introductory standard contract or prohibited conduct standard contract)). This removes information relating to converted contracts in form RHW17, which is no longer relevant.

## **Procedure**

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.



## Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### 1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 4, in the opening words before paragraph (a), the location of the existing text in form RHW17 is identified in the English text as being found "*in the guidance notes for contract-holders*". This is consistent with the actual heading found in the English text of form RHW17.

However, the Welsh text has identified the location of the existing text in form RHW17 as being found in the "*nodiau cyfarwyddyd ar gyfer deiliaid contract*". But this differs from the actual heading found above those guidance notes in the Welsh text of form RHW17 which was translated as "*canllawiau i ddeiliaid contract*". Therefore, the Welsh text fails to correctly identify the location of the existing text in form RHW17 for amendment.

### 2. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 4(a)—

- a) in the Welsh text, the amendment will create a new sentence that will state:

*"Gall contract meddiannaeth fod â chyfnod hysbysu byrraf a ganiateir o ddau fis **oherwydd mae'r** contract meddiannaeth yn dod o fewn Atodlen 8A i Ddeddf Rhentu Cartrefi (Cymru) (adran 174A o'r Ddeddf honno)".*

But, the words "**oherwydd mae'r**" appear to be grammatically incorrect in the syntax of a single complete sentence, in which case it should state "**oherwydd bod y**".

If "oherwydd bod y" had been used in the sentence created by the amendment it would also be more consistent with a similar provision found in the existing Welsh text of paragraph b) under the heading "Two-month minimum notice period" in form 25 of the same Schedule;

- b) in the English text, the amendment also fails to correct another existing error because the year "2016" is missing from the title of the Renting Homes (Wales) Act **2016** at the end of paragraph b).

## Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Welsh Government response

Technical Scrutiny point 1: The Welsh Government take the view that the location of the existing text in form RHW17 for amendment is clearly identifiable in the Welsh text. The



opening words of regulation 4 contains wording which is descriptive in nature as opposed to wording which quotes a heading. Further, paragraphs (a) and (b) of regulation 4 precisely identify the location of the existing Welsh text for amendment by quoting headings and sub-headings under which that text is located.

Technical Scrutiny point 2 a): The Welsh Government take the view that the words “oherwydd mae’r” are grammatically correct in this context. Where ‘oherwydd’ is followed by a positive verb it is considered a coordinating conjunction as opposed to a subordinating conjunction.

Technical Scrutiny point 2 b): The Welsh Government acknowledge the date of the Act is missing. Whilst this is regrettable, the Welsh Government take the view that it has no impact on the operation of the Renting Homes (Prescribed Forms) (Wales) Regulations 2022 (S.I. 2022/244 (W. 72)).

## Committee Consideration

The Committee considered the instrument and Government response at its meeting on 27 November 2023 and reports to the Senedd in line with the reporting points above.

