

RENTING HOMES (AMENDMENT) (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Julie James MS, Minister for Housing and Local Government on 13 November 2020

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<i>English text of amendment</i>	<i>Welsh text of amendment</i>	
1	Section 5, page 2, line 35, leave out 'in subsection (2), for "four months" substitute "18 months" and insert 'omit subsections (2) and (3)'. 	Adran 5, tudalen 2, llinell 36, hepgorer 'yn is-adran (2), yn lle "bedwar mis" rhodder "18 mis" a mewnosoder 'hepgorer is-adrannau (2) a (3)'. 	<p>The purpose of this amendment is to prevent a landlord from serving notice under a landlord's break clauses in the first 18 months of each new fixed term standard contract. The Bill, at introduction, included an 18 month moratorium in respect of fixed term standard contracts and this proposed amendment resets that moratorium in respect of any subsequent fixed term contract entered into after the expiration of the first fixed term contract.</p> <p>The effect of this amendment is to ensure that, if a landlord and contract-holder enter into a second fixed term contract (of two years or longer) at the end of a previous fixed term contract, the landlord will have to wait at least 18 months from the beginning of the second contract before being able to give a notice under a landlord's break clause, thereby ensuring that security is retained beyond the initial fixed term contract.</p>
2	Section 7, page 4, line 31, leave out '14' and insert '28'. 	Adran 7, tudalen 4, llinell 33, hepgorer '14' a mewnosoder '28'. 	The purpose of this amendment is to increase from 14 days to 28 days, the period during which a landlord may withdraw and reissue a section 173 notice, without being made subject to a six month

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			<p>restriction on issuing a notice following withdrawal of a previous notice.</p> <p>The effect of this amendment is to extend the time period within which a landlord may withdraw and reissue a notice under section 173 without triggering a six month prohibition on giving a further notice from 14 days to 28 days, thereby allowing a landlord more time, for example, to identify and correct any mistakes in a notice given under section 173.</p>
3	Section 8, page 5, line 11, leave out '14' and insert '28'.	Adran 8, tudalen 5, llinell 12, hepgorer '14' a mewnosoder '28'.	<p>The purpose of this amendment is to increase from 14 days to 28 days, the period during which a landlord may withdraw and reissue a notice under section 173 of the 2016 Act without obtaining the contract-holder's consent.</p> <p>The effect of this amendment is to allow a landlord more time during which they may withdraw a notice under section 173 without obtaining the contract-holder's consent.</p>
4	Section 8, page 5, line 15, leave out '14' and insert '28'.	Adran 8, tudalen 5, llinell 15, hepgorer '14' a mewnosoder '28'.	<p>The purpose of this amendment is to increase from 14 days to 28 days, the period during which a landlord may withdraw and reissue a notice under section 173 without the contract-holder's consent.</p> <p>The effect of this amendment is to allow a landlord more time during which they may withdraw and reissue a notice under section 173 without the contract-holder's consent.</p>

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5	<p>Section 8, page 5, after line 20, insert—</p> <p>[] In section 201 (termination of contract under landlord's break clause), in subsection (3), for the words from “, before the contract ends” to the end substitute “—</p> <p>(a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or</p> <p>(b) before the contract ends, and after the end of the period of 28 days starting with the day on which the notice was given—</p> <p>(i) the landlord withdraws</p>	<p>Adran 8, tudalen 5, ar ôl llinell 20, mewnosoder—</p> <p>[] Yn adran 201 (terfynu contract o dan gymal terfynu'r landlord), yn is-adran (3), yn lle'r geiriau o “, cyn i'r contract ddod i ben” hyd at y diwedd rhodder “—</p> <p>(a) yw'r landlord, cyn i'r contract ddod i ben, ac yn ystod y cyfnod o 28 diwrnod sy'n dechrau â'r diwrnod y rhoddwyd yr hysbysiad, yn tynnu'r hysbysiad yn ôl drwy roi hysbysiad pellach i ddeiliad y contract, neu</p> <p>(b) cyn i'r contract ddod i ben, ac ar ôl diwedd y cyfnod o 28 diwrnod sy'n dechrau â'r diwrnod y rhoddwyd yr hysbysiad—</p> <p>(i) yw'r landlord yn tynnu'r hysbysiad yn ôl drwy roi</p>	<p>The purpose of this amendment is to amend section 201 of the 2016 Act (via section 8 of the Bill) to ensure that a landlord has a window of opportunity during which a notice given under a landlord's break clause can be withdrawn without obtaining the contract-holder's consent.</p> <p>The effect of this amendment is to permit a landlord to withdraw a notice under a landlord's break clause within 28 days of having given a previous notice without having to obtain the consent of the contract-holder. (previously the landlord would not have been able to withdraw a notice under a landlord's break clause if the contract-holder objected).</p>

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	<p>the notice by giving further notice to the contract-holder, and</p> <p>(ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.”.</p>	<p>hysbysiad pellach i ddeiliad y contract, a</p> <p>(ii) nad yw deiliad y contract yn gwrthwynebu mewn ysgrifen i'r tynnu'n ôl cyn diwedd cyfnod rhesymol.”.</p>	
6	<p>Schedule 5, page 23, after line 25, insert—</p> <p><i>‘Secure tenancies that are housing association tenancies to be capable of becoming occupation contracts</i></p> <p>[] (1) In section 242 (interpretation of Chapter 3 of Part 10), in the definition of “secure tenancy”, omit the words from “, but it does not include a housing association tenancy” to the end.</p>	<p>Atodlen 5, tudalen 23, ar ôl llinell 25, mewnosoder—</p> <p><i>‘Tenantiaethau diogel sy'n denantiaethau cymdeithas dai i allu dod yn gontractau meddiannaeth</i></p> <p>[] (1) Yn adran 242 (dehongli Pennod 3 o Ran 10), yn y diffiniad o “tenantiaeth ddiogel”, hepgorer y geiriau o “, ond nid yw'n cynnwys tenantiaeth cymdeithas dai” hyd at y diwedd.</p> <p>(2) Yn Atodlen 2 (eithriadau i adran 7), ym mharagraff 7 (tenantiaethau a thrwyddedau nad ydynt byth yn gontractau</p>	<p>The purpose of this amendment is to ensure that secure contracts that are housing association tenancies can become occupation contracts.</p> <p>The effect of this amendment is to ensure that secure tenancies that are housing association tenancies will be abolished by section 239 of the 2016 Act, and to remove the prohibition in Schedule 2 to the 2016 which previously prevented such tenancies from becoming occupation contracts.</p>

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	(2) In Schedule 2 (exceptions to section 7), in paragraph 7 (tenancies and licences that are never occupation contracts), omit subparagraph (3)(d).'	meddiannaeth), hepgorer is-baragraff (3)(d).'	
7	<p>Schedule 5, page 23, after line 25, insert—</p> <p><i>'Power to make provision relating to the abolition of assured, secure and other tenancies</i></p> <p>[] (1) After section 239 (abolition of assured, secure and other tenancies) insert—</p> <p style="text-align: center;">“239A Power to make provision about certain tenancies and licences</p> <p>(1) The Welsh Ministers may by regulations amend this Act for the purpose of—</p> <p style="padding-left: 40px;">(a) providing that certain provisions do not apply in relation to a tenancy or licence to which subsection (2) applies;</p> <p style="padding-left: 40px;">(b) making new provision which only</p>	<p>Atodlen 5, tudalen 23, ar ôl llinell 25, mewnosoder—</p> <p><i>'Pŵer i wneud darpariaeth sy'n ymwneud â diddymu tenantiaethau sicr, tenantiaethau diogel a thenantiaethau eraill</i></p> <p>[] (1) Ar ôl adran 239 (diddymu tenantiaethau sicr, tenantiaethau diogel a thenantiaethau eraill) mewnosoder—</p> <p style="text-align: center;">“239A Pŵer i wneud darpariaeth ynghylch tenantiaethau a thrwyddedau penodol</p> <p>“(1) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r Ddeddf hon at ddiben—</p> <p style="padding-left: 40px;">(a) darparu nad yw darpariaethau penodol yn gymwys mewn perthynas â thenantiaeth neu drwydded y mae is-adran (2) yn gymwys iddi;</p> <p style="padding-left: 40px;">(b) gwneud darpariaeth newydd nad yw ond yn gymwys i denantiaeth neu drwydded y mae</p>	<p>The purpose of this amendment is to add a regulation making power to Schedule 5 to the Bill to allow the Welsh Ministers to make provision about tenancies and licences that are abolished by section 239 of the 2016 Act.</p> <p>The effect of this amendment is to allow Welsh Ministers to make any provision they deem necessary in relation to tenancies and licences which will be abolished by section 239 of the 2016 Act, including creating a new scheme for assured agricultural occupancies, making provision to address Housing Association (Rent Act) Tenancies, and providing protection at the end of the term of a long tenancy.</p>

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	<p>applies to a tenancy or licence to which subsection (2) applies;</p> <p>(c) making provision in relation to the end of the term of a long tenancy (within the meaning of paragraph 8 of Schedule 2).</p> <p>(2) This subsection applies to any tenancy or licence which would, but for section 239, have been a tenancy or licence of the kind listed in subsection (1) of that section, or would have been treated as a tenancy or licence of that kind.</p> <p>(3) Regulations under this section may make provision about tenancies or licences</p>	<p>is-adran (2) yn gymwys iddi;</p> <p>(c) gwneud darpariaeth mewn perthynas â diwedd cyfnod tenantiaeth hir (o fewn ystyr paragraff 8 o Atodlen 2).</p> <p>(2) Mae'r is-adran hon yn gymwys i unrhyw denantiaeth neu drwydded a fyddai, oni bai am adran 239, wedi bod yn denantiaeth neu'n drwydded o'r math a restrir yn is-adran (1) o'r adran honno, neu a fyddai wedi ei thrin fel tenantiaeth neu drwydded o'r math hwnnw;</p> <p>(3) Caiff Rheoliadau o dan yr adran hon wneud darpariaeth ynghylch tenantiaethau neu drwyddedau nad ydynt yn gontractau meddiannaeth, ac nad ydynt yn gallu bod yn gontract o'r fath."</p> <p>(2) Yn adran 256 (rheoliadau), yn is-adran (4), ar ôl paragraff (g) mewnosoder—</p> <p><i>“(ga) adran 239A (pŵer i wneud darpariaeth ynghylch tenantiaethau a thrwyddedau penodol),”.</i></p>	

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	<p>which are not, and cannot be, occupation contracts.”</p> <p>(2) In section 256 (regulations), in subsection (4), after paragraph (g) insert—</p> <p><i>“(ga) section 239A (power to make provision about certain tenancies and licences),”.</i></p>		
8	<p>Schedule 6, page 26, after line 17, insert—</p> <p>[] In section 147 (overview of Part 9), in table 1, in the right hand column of the entry for Chapter 1, for “section 161” substitute “section 160”.</p>	<p>Atodlen 6, tudalen 26, ar ôl llinell 18, mewnosoder—</p> <p>[] Yn adran 147 (trosolwg o Ran 9), yn nhabl 1, yng ngholofn dde y cofnod ar gyfer Pennod 1, yn lle “adran 161” rhodder “adran 160”.</p>	<p>The purpose and effect of this amendment is to correct a typographical error in section 147 the 2016 Act (replacing an erroneous reference to ‘section 161’ with the correct reference to ‘section 160’).</p>
9	<p>Schedule 6, page 26, after line 28, insert—</p> <p>[] In section 181 (serious rent arrears), in subsection (1), for “in serious rent arrears” substitute “seriously in arrears with his or her rent”.</p>	<p>Atodlen 6, tudalen 26, ar ôl llinell 31, mewnosoder—</p> <p>[] Yn adran 181 (ôl-ddyledion rhent difrifol), yn y testun Seasneg, yn is-adran (1), yn lle “in serious rent arrears” rhodder “seriously in arrears with his or her rent”.</p>	<p>The purpose of this amendment is to remove an inconsistency in the English text of the 2016 Act.</p> <p>The effect of this amendment is to ensure that the English text of sections 181 and 187 of the 2016 Act is consistent in the way it refers to serious rent arrears.</p>
10	<p>Schedule 6, page 28, line 6, after ‘(notes)’, insert—</p> <p>‘—</p> <p>(i) for “122(1)(a)” substitute “122(1)(b)”, and</p> <p>(ii) ’.</p>	<p>Atodlen 6, tudalen 28, llinell 6, ar ôl ‘(nodiadau)’, mewnosoder—</p> <p>‘—</p> <p>(i) yn lle “122(1)(a)” rhodder “122(1)(b)”, a</p> <p>(ii) ’.</p>	<p>The purpose and effect of this amendment is to correct a typographical error in Schedule 1 to the 2016 Act, replacing the erroneous reference to “section 122(1)(a)” with the correct reference to “section 122(1)(b).”</p>

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11	Schedule 6, page 31, line 30, leave out 'references in subsections (1) and (2) (and the heading) to "18 months" were references' and insert 'reference in subsection (1) (and the heading) to "18 months" were a reference'.	Atodlen 6, tudalen 31, llinell 35, hepgorer 'cyfeiriadau yn is-adrannau (1) a (2) at "18 mis" yn gyfeiriadau' a mewnosoder 'cyfeiriad yn is-adran (1) at "18 mis" yn gyfeiriad'.	<p>The purpose of this amendment is to remove a reference in the Bill to section 196(2) of the 2016 Act because section 196(2) will be removed by the first amendment listed in this table.</p> <p>The effect of the amendment is to remove a reference in the Bill which will be obsolete as a result of another proposed Stage 2 amendment.</p>