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# Guidance for landlords on the effect of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2023

Landlords whose contracts converted to occupation contracts on the 1 December 2022 will need to consider this guidance and if it applies take the appropriate action.

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This guidance relates to the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2023 recently passed by the Senedd. These regulations will come into force on the 1 June 2023 and amend and clarify some paragraphs of Schedule 12 (see annex A) to the Act in relation to converted contracts and substitute contracts that arise after a converted contract ends. Landlords whose contracts converted to occupation contracts on the 1 December 2022 will need to consider this guidance and if it applies take the appropriate action.

1. Change in contract-holder identity for a converted contract (see annex A).

These regulations provide additional clarity around the provision of a written statement where a change in contract-holder has occurred. A landlord will need to take the following steps to ensure their written statement is correct.

If a change in contract-holder has taken place prior to 1 June 2023, a landlord will be required to issue a written statement to that new contract-holder by 14 June 2023. In addition, the following new term should be reflected in that written statement:

*If there is a change in the identity of the contract-holder under an occupation contract before 1 June 2023, the landlord must give the new contract-holder a written statement of the contract before the end of the period of 14 days starting with—*

*(a) 1 June 2023, or*

*(b) if later, the day on which the landlord (or in the case of joint landlords, any one of them) becomes aware that the identity of the contract-holder has changed.*

*Change in contract-holder on or after 1 June 2023:*

*If there is a change in the identity of the contract-holder under an occupation*

*contract, the landlord must give the new contract-holder a written statement of the contract before the end of the period of 14 days starting with—*

*(a) the day on which the identity of the contract-holder changes, or*

*(b) if later, the day on which the landlord (or in the case of joint landlords, any one of them) becomes aware that the identity of the contract-holder has changed.*

The changes outlined above apply only to the contract which converted to an occupation contract on the 1 December 2022 and not a **substitute contract** (see annex A).

## 2. Change in contract-holder identity under a substitute contract.

If a change in contract-holder has taken place prior to 1 June 2023 under a *substitute contract*, a landlord will be required to issue a written statement to that new contract-holder by 14 June 2023. The term set out in paragraph 1 above should be reflected in that written statement.

## 3. Substitute contracts and the provision of a written statement.

Where a substitute contract has arisen before 1 June 2023, a landlord must provide the written statement of this substitute contract to the contract-holder by 14 June 2023. In addition, the following new term set out below should be reflected in that written statement. A landlord who has already provided a written statement of this substitute contract should send a **written statement of variation** (see annex A) to the contract-holder notifying them of this change of term. For example, term 76(1) of the model written statement for a periodic standard statement could be amended as follows.

*The landlord under a substitute occupation contract which came into existence before 1 June 2023 must give the contract-holder a written statement of that substitute contract before the end of the period of 14 days starting with the 1*

*June 2023.*

Where a substitute contract arises after the 1 June 2023, a landlord should provide a written statement of that contract to the contract-holder within 14 days of the date the contract-holder is entitled to begin their occupation under the substitute contract. The following new term set out below should be reflected in that written statement:

*The landlord under an occupation contract must give the contract-holder a written statement of the contract before the end of the period of 14 days starting with the day on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract.*

4. Provision of information by landlord about the landlord under a substitute contract

Where a substitute contract has come into existence before the 1 June 2023 a landlord must provide any landlord information required by section 39 of the 2016 Act (Provision of information about landlord) under that substitute contract. This information should be provided by 14 June 2023 on form **RHW2**. The following new term set out below should be reflected in the written statement:

*Where the substitute contract has arisen before the 1 June 2023.*

*The landlord under an occupation contract must, before the end of the period of 14 days starting with the 1 June 2023 of the contract, give the contract-holder notice of an address to which the contract-holder may send documents that are intended for the landlord.*

Where a substitute contract comes into existence on or after the 1 June 2023 a landlord must provide any landlord information required by section 39 of the 2016 Act (Provision of information about landlord) under that substitute contract. This information should be provided in form **RHW2** within 14 days of the day the

contract-holder is entitled to begin occupation under that substitute contract. The following new term should be reflected in the written statement:

*The landlord under an occupation contract must, before the end of the period of 14 days starting with the date on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract give the contract-holder notice of an address to which the contract-holder may send documents that are intended for the landlord.*

## Annex A

**Schedule 12** to the Act deals with the conversion of tenancies or licences, which existed prior to the Act coming into force on the 1 December 2022, into occupation contracts. Special rules need to apply to these types of contracts to ensure parties to the contract are treated fairly. For example, some of the terms that were within an Assured Shorthold Tenancy (AST) prior to 1 December can remain part of an occupation contract providing they do not conflict with a fundamental term under the 2016 Act.

A **converted contract** is a contract which existed prior to the 1 December 2022, for example an AST, and converted into an occupation contract on that day. The conversion took place automatically under the 2016 Act on 1 December 2022 and a written statement of this contract is a confirmation of the terms under the converted contract. See [Creating a converted occupation contract](#).

A **substitute contract** (as specified by paragraph 32 of Schedule 12) is a type of contract that arises after a converted contract ends. For example, a fixed term AST which existed prior to the 1 December 2022 automatically converted to a fixed term standard contract on the 1 December 2022. It will operate as a fixed term standard contract for the remainder of the period originally agreed at the start of the AST. At the end of the fixed term contract, should the contract-holder remain in occupation, a periodic standard contract arises automatically, this

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would be a substitute contract.

**A change in contract-holder identity** can happen for several reasons, including the death of the contract-holder and a family member taking over occupation as a successor.

A **written statement of variation** is provided when a term of the contract changes either by agreement between the landlord and contract-holder or by the requirements of legislation. A landlord can provide a written statement of variation in two ways:

- A statement provided to the contract-holder setting out the new varied term or terms, for example in a letter setting out the new term.
- A new full written statement containing the new varied term or terms.

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