
WELSH STATUTORY INSTRUMENTS

2015 No. 1821 (W. 263)

HOUSING, WALES

**The Residential Property Tribunal Procedures
and Fees (Wales) (Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>21 October 2015</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 November 2015</i>
<i>Coming into force</i>	- -	<i>23 November 2015</i>

The Welsh Ministers make the following Regulations, in exercise of the powers vested in them⁽¹⁾ by section 250(2) of, and Schedule 13 to, the Housing Act 2004⁽²⁾.

Title, commencement and application

1.—(1) The title of these Regulations is the Residential Property Tribunal Procedures and Fees (Wales) (Amendment) Regulations 2015 and they come into force on 23 November 2015.

(2) These Regulations apply to proceedings of residential property tribunals for determining applications⁽³⁾ in respect of premises in Wales.

Amendment of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012

2. The Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012⁽⁴⁾ are amended in accordance with the Schedule.

21 October 2015

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

(1) The functions conferred on the National Assembly for Wales by the Housing Act 2004 are exercisable by the Welsh Ministers by virtue of section 162 of and paragraph 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(2) 2004 c. 34.
(3) The term “applications” is defined in regulation 2 of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012, as amended by these Regulations.
(4) S.I. 2012/531 (W. 83).

SCHEDULE

Regulation 2

Amendment of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012

1. In regulation 2—

(a) at the appropriate places insert—

““the 2015 Act” (“*Deddf 2015*”) means the Consumer Rights Act 2015(5);”;

““the 2014 Act” (“*Deddf 2014*”) means the Housing (Wales) Act 2014(6);”;

(b) in the definition of “application”—

(i) at the end of paragraph (c) omit “or”;

(ii) at the end of paragraph (d), for “,” substitute “;”;

(iii) after paragraph (d), insert—

“(e) sections 17(4) or 27(1) of the 2014 Act; or

(f) the 2015 Act;”;

(c) at the appropriate places insert—

““landlord” (“*landlord*”), for the purposes of applications under sections 17(4) or 27(1) of the 2014 Act, has the same meaning as in section 2(1) of that Act;”;

““letting agent” (“*asiant gosod*”), in respect of an application made under the 2015 Act, has the same meaning as in section 84 of the 2015 Act;”;

““licensing authority” (“*awdurdod trwyddedu*”) has the same meaning as in section 49(1) of the 2014 Act;”;

““local weights and measures authority” (“*awdurdod pwysau a mesurau lleol*”) in respect of an application made under the 2015 Act, has the same meaning as in section 69(2) of the Weights and Measures Act 1985;”;

(d) in the definition of “premises”—

(i) in paragraph (a) after “the 2013 Act” insert “or the 2015 Act” and at the end of paragraph (a) omit the word “and”;

(ii) at the end of paragraph (b) insert the word “and”; and

(iii) after paragraph (b) insert—

“(c) in an application made under the 2015 Act, any premises at which the letting agency fee, to which an application relates, should have been publicised;”.

2. In regulation 4(1), after “2013 Act,” insert “the 2014 Act”.

3. In regulation 14(1)—

(a) at the end of sub-paragraph (b)(ii) for “.” substitute “;”;

(b) after sub-paragraph (b)(ii) insert—

“(c) in the case of an application made under the 2014 Act—

(i) involve related issues concerning the same landlord;

(ii) involve related issues concerning the same dwelling; or

(iii) involve related issues concerning the same agent licensed under section 9 or section 11 of the 2014 Act;

(5) 2015 c 15.

(6) 2014 anaw 7.

- (d) in the case of an application made under the 2015 Act involve related issues concerning the same letting agent.”
4. In regulation 40(5), after “the 2013 Act” insert “, the 2014 Act, the 2015 Act”.
 5. After regulation 47, insert—

“Fees for applications made under the 2014 Act

47A. Subject to regulation 49(2) a fee of £155 is payable for an application to a tribunal under the following provisions of the 2014 Act—

- (a) section 17(4) (revocation of registration);
- (b) section 27(1) (licensing appeals).

Fees for applications made under the 2015 Act

47B. Subject to regulation 49(2) a fee of £155 is payable for an application to a tribunal under paragraph 5 of Schedule 9 to the 2015 Act.”

6. In regulation 48, for “or 47” substitute “, 47, 47A or 47B”.
7. In regulation 49—
 - (a) in paragraph (1), for “or 47” substitute “, 47, 47A or 47B”; and
 - (b) in paragraph (2), for “or 47” substitute “, 47, 47A or 47B”.
8. In regulation 50(1), for “or 47” substitute “, 47, 47A or 47B”.
9. In the Schedule, after paragraph 72 insert—

“Applications made under the 2014 Act

Applications relating to revocation of landlord registration

73.—(1) This paragraph applies to an application made under section 17(4) of the 2014 Act (appeal against revocation of registration).

- (2) The specified documents are—
 - (a) a copy of the notice of the licensing authority’s intention to revoke registration and the reasons for that decision;
 - (b) any representations made by the landlord in response to the licensing authority’s notice of intention to revoke registration;
 - (c) a copy of the notice revoking the registration of the landlord and the reasons given by the licensing authority; and
 - (d) any other relevant documents supporting the application.
- (3) The specified respondent is the licensing authority.

Applications relating to licensing appeals

74.—(1) This paragraph applies to an application under section 27(1) of the 2014 Act.

- (2) The specified documents are—
 - (a) a copy of the notice of the licensing authority’s intention to amend or revoke the licence or to make the licence subject to a condition, as the case may be and the reasons for its decision;

- (b) any representations made in response to the licensing authority's notice of intention to amend or revoke the licence;
 - (c) a copy of the notice making the licence subject to a condition (other than a requirement to comply with a code of practice issued by the Welsh Ministers), refusing to grant, amending or revoking the licence as the case may be and the reasons given by the licensing authority; and
 - (d) any other relevant documents supporting the application.
- (3) The specified respondent is the licensing authority.

Applications made under the 2015 Act

Applications relating to final notices

75.—(1) This paragraph applies to an application under paragraph 5 of Schedule 9 to the 2015 Act (appeal against financial penalty).

- (2) The specified documents are—
- (a) a copy of the notice of intent served on the letting agent by the local weights and measures authority under paragraph 1(1) of Schedule 9 to the 2015 Act;
 - (b) a copy of any written representations made by the letting agent following receipt of the notice of intent issued under paragraph 2 of Schedule 9 to the 2015 Act;
 - (c) a copy of the final notice served on the letting agent by the local weights and measures authority under paragraph 3 of Schedule 9 to the 2015 Act; and
 - (d) any other relevant documents supporting the application.
- (3) The specified respondent is the relevant local weights and measures authority.”

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012 (“the Principal Regulations”) in light of sections 17(4) and 27(1) of the Housing (Wales) Act 2014 (“the 2014 Act”) and the Consumer Rights Act 2015 (“the 2015 Act”). The Principal Regulations are amended to include provision in respect of new appeals which may be made to a residential property tribunal under the 2014 Act and the 2015 Act.

In relation to sections 17(4) and 27(1) of the 2014 Act, these are appeals against a decision to place certain conditions on a licence, appeals against the revocation of registration as a landlord, appeals against the amendment of a licence, appeals against the revocation of a licence and appeals against a decision not to grant a licence.

In relation to the 2015 Act, these are appeals made by letting agents against financial penalties imposed against them by a local weights and measures authority.

Part 1 of the 2014 Act relates to the regulation of private rented housing. Part 1 includes a requirement for most landlords of dwellings let, or to be let, under domestic tenancies, as defined

in section 2(1) of the 2014 Act, to register with the relevant licensing authority. Similarly, persons engaged in letting or managing such dwellings, are required to obtain a licence from the relevant licensing authority.

Licensing authorities have the power to refuse a licence; grant a licence with a condition that the licence holder complies with any code of practice issued by the Welsh Ministers and any other conditions they consider appropriate; amend a licence and revoke a licence of a landlord or agent. Part 1 of the 2014 Act also makes provision for landlords or the holder of a licence to appeal to a residential property tribunal against the decision of a licensing authority to grant a licence subject to a condition other than a condition that the licence holder complies with any code of practice issued by the Welsh Ministers; refuse a licence; amend a licence or revoke a licence.

Chapter 3 of Part 3 of the 2015 Act places a duty on a letting agent to publicise their fees and deals with enforcement of that duty. It provides that it is the duty of every local weights and measures authority to enforce the duty in its area. It also provides that a local weights and measures authority may impose financial penalties against a letting agent found to be in breach of their duties under Part 3 of the 2015 Act.

Schedule 9 to the 2015 Act deals with the procedure which a local weights and measures authority must follow before imposing financial penalties on a letting agent.

Schedule 9 to the 2015 Act sets out the process to be followed by a local weights and measures authority in taking enforcement action and includes provision for letting agents to make representations in relation to this. Schedule 9 also makes provision for appeals which may be brought by a letting agent on whom a final notice imposing a financial penalty has been served.

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.