

Explanatory Memorandum to The Renting Homes (Model Written Statements of Contract) (Wales) (Amendments etc.) Regulations 2026

This Explanatory Memorandum has been prepared by the Social Housing Regulator and Strategic Business Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Renting Homes (Model Written Statements of Contract) (Wales) (Amendments etc.) Regulations 2026.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government
20 January 2026

PART 1

Description

1. These Regulations make amendments to the following legislation:
 - Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022
2. The [Renters' Rights Act 2025](#) ("the 2025 Act") made amendments to the Renting Homes (Wales) Act 2016 ("the 2016 Act"). These amendments insert two new fundamental provisions into the 2016 Act:
 - Section 54A - Right for children to live at or visit dwelling
 - Section 54B - Right to claim benefits
3. These Regulations amend Schedules 1, 2 and 3 of the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 ("the 2022 Regulations") to include both of these new fundamental terms within the Model Written Statements that are made available by the Welsh Government on its website.
4. These Regulations also provide that section 54A of the 2016 Act is not a fundamental provision of occupation contracts that are standard supported contracts.

Matters of special interest to the Legislation, Justice and Constitution Committee

5. Officials worked with UK Government officials to tailor the provisions in the Renters' Rights Bill to Wales. The Renters' Rights Bill was introduced into the House of Commons on 11 September 2024. A Legislative Consent Memorandum (LCM) was laid before the Senedd on 26 September 2024, and a supplementary LCM was laid on 22 January 2025. The Legislative Consent Motion for the Bill was agreed by the Senedd on 20 May 2025 (see [Legislative Consent: Renters' Rights Bill](#)).

Legislative background

6. Section 141(1) and (2) of the Renters' Rights Act 2025 and sections 22(1)(b), 29(1) and 256(1) of the Renting Homes (Wales) Act 2016 give the Welsh Ministers the power to make the provisions included in these Regulations.
7. Section 141(1) and (2) of the 2025 Act confers a regulation making power upon the Welsh Ministers to make provision that is consequential on Part

1 of the 2025 Act. Chapter 4 of Part 1 of the 2025 Act makes provision in relation to discrimination in the rental market in Wales.

8. Section 22(1)(b) of the 2016 enables the Welsh Ministers to make regulations that specify that any provision of any enactment is not a fundamental provision applicable to an occupation contract.
9. Section 29(1) of the 2016 Act requires the Welsh Ministers to prescribe model written statements of contract for such kinds or descriptions of occupation contract as they think fit.
10. Section 141(7) of the 2025 Act provides that the Senedd annulment procedure will apply to those provisions in these Regulations made under the powers in section 141(1) and (2) of the 2025 Act. Section 256(3) and (4) of the 2016 Act provides that the Senedd approval procedure will apply to those provisions in these Regulations made under section 22 of the 2016 Act.
11. Under section 37G of the Legislation Wales Act 2019, provision subject to the Senedd annulment procedure may be combined in the same instrument as provision subject to the Senedd approval procedure. As a result, the Senedd approval procedure applies to these Regulations, and as such, a draft of these Regulations has been laid before, and require approval by a resolution of the Senedd.

Purpose and intended effect of the legislation

12. New sections **54A Right for children to live at or visit dwelling** and **54B Right to claim benefits** of the 2016 Act are fundamental provisions and thereby are fundamental terms to be inserted into written statements of contract. These additional fundamental terms place new requirements on landlords in occupation contacts.
13. In exercise of the Welsh Ministers' power under section 29 of the 2016 Act to prescribe model written statements, the Welsh Ministers have prescribed a range of model written statements of contract in the 2022 Regulations. The Schedules to the 2022 Regulations prescribe the model written statements for secure (Schedule 1), periodic standard (Schedule 2), and fixed term standard (Schedule 3) occupation contracts.
14. The purpose of these Regulations is to insert the two new fundamental provisions as new fundamental terms into Schedules 1, 2 and 3 of the 2022 Regulations setting out the new requirements on landlords.
15. The new fundamental provision, "**Right for children to live at or visit dwelling**", prohibit landlords from discriminatory bans and restrictions in relation to a dwelling that is to be the subject of an occupation contract on the basis that a child would or may live in or visit the dwelling. A landlord must not interfere with or restrict the contract-holder's right, which will

apply unless such an interference or prohibition is a proportionate means of achieving a legitimate aim.

16. Such a legitimate aim may be that the dwelling would be subject to overcrowding if occupied by one or more children depending on the age of the children.
17. This fundamental provision will apply to all occupation contracts (except for supported standard occupation contracts) unless the landlord or a superior landlord is insured under an existing contract of insurance:
 - to which section 8H of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 does not apply, and
 - which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from having a person who has not reached the age of 18 live with or visit them at the dwelling to restrict the circumstances in which the contract-holder may have such a person live with or visit them at the dwelling.
18. Subsection (1) of new section 8H inserted into the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 provides that any term in an insurance contract will not be binding to the extent that the term a) prohibits a contract-holder from having a child live with or visit them at the dwelling, or (b) restricts the circumstances in which a contract-holder may have a child live with or visit them at the dwelling subject to the occupation contract. However, this does not apply to existing insurance agreements and will only apply to any future agreements entered into, or extended, on or after the commencement of these provisions on 1 June 2026.
19. These Regulations also provide that section 54A of the 2016 Act is not a fundamental provision of occupation contracts that are standard supported contracts. Accommodation provided in relation to ongoing support such as drug or alcohol rehabilitation would unlikely be suitable for occupation by children. For this reason, supported standard occupation contracts have been excluded from the requirement to include this fundamental term.
20. New fundamental provision **“Right to claim benefits”** prohibits discriminatory bans and restrictions by a landlord in relation to occupation of a dwelling on the basis that a contract-holder is or may be a benefits claimant.
21. This fundamental term will apply to all occupation contracts unless the landlord or a superior landlord is insured under an existing contract of insurance:
 - to which section 8H of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 does not apply, and

- which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from claiming such payments.

22. Subsection (2) of new section 8H inserted into the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 provides that any term in an insurance contract that prevents the contract-holder from being a benefits claimant will not be binding. For example, a landlord may prohibit a contract-holder, under an occupation contract from occupying the dwelling, whilst in receipt of benefits if an existing term of an insurance policy is already in place. However, this does not apply to existing insurance contracts and will only apply to an insurance contract that is entered into or extended on or after the provisions come into force on 1 June 2026. Accordingly, a new insurance policy entered into after this date will not have the effect of prohibiting the claiming of benefits by a contract-holder, even if such a term were included.

Consultation

23. As these Regulations provide for consequential amendments which are limited in their effect to ensuring that the 2022 Regulations and the model written statements are updated to reflect the new legislation and therefore do not reflect any change in the Welsh Government's policy, a formal public consultation has not been undertaken.

Regulatory Impact Assessment (RIA)

24. Given that these Regulations make only consequential amendments to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022, no Regulatory Impact Assessment has been undertaken. These factual amendments are being made to update subordinate legislation and which do not alter the policy (or its impact) in any significant way or how it is applied in a given situation.

25. Given these Regulations make only consequential amendments and are of a technical nature, no post implementation review is planned.