WELSH STATUTORY INSTRUMENTS

2006 No. 2983 (W.274)

HOUSING, WALES

The Introductory Tenancies (Review of Decisions to Extend a Trial Period) (Wales) Regulations 2006

Made - - - -	*14 November 2006*
Coming into force - -	*17 November 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 125B(3) and (4) of the Housing Act 1996(**1**) makes the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is The Introductory Tenancies (Review of Decisions to Extend a Trial Period) (Wales) Regulations 2006 and they come into force on 17 November 2006.

(2) These Regulations apply in relation to dwelling houses in Wales.

(3) In these Regulations references to—

(a) a tenant are to an introductory tenant;

(b) a landlord are to a local housing authority which has elected to operate an introductory tenancy regime; and

(c) a decision are to a decision to extend a trial period.

Right to review by way of oral hearing

2.—(1) Where the tenant so requests, a review under section 125B of the Housing Act 1996 of a decision must be by way of an oral hearing.

(2) Any such request must be made to the landlord before the end of the time permitted under subsection (1) of that section (time permitted for requesting review).

Notice of review

3. The landlord must give the tenant at least ten clear days' notice of—

(**1**) 1996 c. 52; section 125B was inserted by section 179 of the Housing Act 2004 (2004 c. 34). The functions of the Secretary of State under Part 5 of the Housing Act 1996 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by Article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) (to which there are amendments not relevant to these Regulations) and section 267 of the Housing Act 2004.

(a) the date of a review; and

(b) in the case of a review by way of oral hearing, the time and place of the review.

Persons who may carry out reviews

4.—(1) A review must be carried out by a person who was not involved in the decision.

(2) Where the review is of a decision made by an officer of the landlord and is to be carried out by another officer, the officer reviewing the decision must occupy a position within the organisation of the landlord which is senior to that of the officer who made the decision.

Written representations at review

5.—(1) Whether or not the review is to be by way of oral hearing, the tenant may make written representations to the landlord in connection with the review.

(2) Such representations must be received by the landlord not less than two clear days before the date of the review.

(3) The landlord must consider any such representations which are received by that date.

Procedure to be followed at hearing

6.—(1) Subject to the provisions of these Regulations, the procedure at review by way of oral hearing is to be determined by the person who carries it out.

(2) The tenant has the right—

(a) to be heard and to be accompanied or to be represented by another person;

(b) to call persons to give evidence at the hearing; and

(c) to put questions to any person who gives evidence at the hearing.

(3) Any representative of the tenant is to have the same rights and powers as the tenant has under these Regulations.

Absence of tenant or representative from hearing

7. Where the landlord has given notice in accordance with regulation 3 of a review by way of an oral hearing and neither the tenant nor the tenant's representative attends on the date, and at the time and place notified, the person carrying out the review may—

(a) proceed with the hearing; or

(b) make such directions with a view to the conduct of the review as that person considers appropriate, taking into account all relevant circumstances including any explanation offered for the absence.

Postponement of hearing

8.—(1) Where the landlord has given notice in accordance with regulation 3 of a review by way of an oral hearing and the tenant requests a postponement, the landlord may grant or refuse the request as it sees fit.

(2) If the hearing is postponed, the landlord must give the tenant reasonable notice of the time, date and place of the reconvened hearing.