WELSH STATUTORY INSTRUMENTS

2006 No. 2824 (W.247)

HOUSING, WALES

The Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006

Made - - - -	*25 October 2006*
Coming into force - -	*26 October 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by section 79(4) of the Housing Act 2004(**1**), makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006 and it comes into force on 26 October 2006.

(2) This Order applies to houses(**2**) in Wales.

Exempt tenancies or licences for the purposes of Part 3 of the Housing Act 2004

2.—(1) A tenancy or licence of a house or a dwelling contained in a house is an exempt tenancy or licence for the purposes of Part 3 of the Housing Act 2004 ("the Act") if it falls within any of the following descriptions —

(a) a tenancy or licence of a house or dwelling that is subject to a prohibition order made under section 20 of the Act whose operation has not been suspended in accordance with section 23 of the Act;

(b) a tenancy described in any of the following provisions of Part 1 of Schedule 1 to the Housing Act 1988(**3**), which cannot be an assured tenancy by virtue of section 1(2) of that Act —

(i) paragraph 4 (business tenancies);

(ii) paragraph 5 (licensed premises)(**4**);

(iii) paragraph 6 (tenancies of agricultural land); or

(**1**) 2004 c. 34. The powers conferred by section 79(4) of the Act are exercisable as respects Wales by the National Assembly for Wales. *See* the definition of "the appropriate national authority" in section 261(1).
(**2**) For the meaning of "house" *see* section 99 of the Act.
(**3**) 1988 c. 50.
(**4**) Paragraph 5 of Part 1 of Schedule 1 to the Housing Act 1988 has been amended by section 198(1) and paragraph 108 of Schedule 6 to the Licensing Act 2003 (c. 17).

(iv) paragraph 7 (tenancies of agricultural holdings(**5**)etc.);

(c) a tenancy or licence of a house or a dwelling that is managed or controlled by —

(i) a local housing authority;

(ii) a police authority established under section 3 of the Police Act 1996(**6**);

(iii) a fire and rescue authority under the Fire and Rescue Services Act 2004(**7**); or

(iv) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990(**8**);

(d) a tenancy or licence of a house which is not a house in multiple occupation for any purposes of the Act (except Part 1) by virtue of —

(i) paragraph 3 of Schedule 14 to the Act (buildings regulated otherwise than under the Act); or

(ii) paragraph 4(1) of that Schedule (buildings occupied by students)(**9**);

(e) a tenancy of a house or a dwelling where —

(i) the full term of the tenancy is more than 21 years;

(ii) the lease does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term; and

(iii) the house or dwelling is occupied by a person to whom the tenancy was granted or that person's successor in title or any members of such person's family;

(f) a tenancy or licence of a house or a dwelling granted by a person to a person who is a member of that person's family where —

(i) the person to whom the tenancy or licence is granted occupies the house or dwelling as that person's only or main residence;

(ii) the person granting the tenancy or licence is the freeholder or the holder of a lease of the house or dwelling the full term of which is more than 21 years; and

(iii) the lease referred to in sub-paragraph (ii) does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term;

(g) a tenancy or licence that is granted to a person in relation to that person's occupancy of a house or a dwelling as a holiday home; or

(h) a tenancy or licence under the terms of which the occupier shares any accommodation with the landlord or licensor or a member of the landlord's or licensor's family.

(2) For the purposes of this article —

(a) a person is a member of the same family as another person if —

(i) those persons live as a couple;

(ii) one of them is the relative of the other; or

(iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple;

(b) "couple" ("*cwpl*") means two persons who are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);

(**5**) Paragraph 7 of Part 1 of Schedule 1 to the Housing Act 1988 has been amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8).
(**6**) 1996 c. 16.
(**7**) 2004 c. 21.
(**8**) 1990 c. 19.
(**9**) *See* section 254(5) of the Act.