WELSH STATUTORY INSTRUMENTS

2003 No. 973 (W.132)

LANDLORD AND TENANT, WALES

The Administration of the Rent Officer Service (Wales) Order 2003

Made - - - -	*1st April 2003*
Coming into force - -	*1st June 2003*

Whereas, with respect to registration areas in Wales, it appears to the National Assembly for Wales that it is no longer appropriate for the appointment, remuneration and administration of rent officers to be a function of local authorities(**1**);

now the National Assembly for Wales, in exercise of the powers conferred on it by section 64B of the Rent Act 1977(**2**) hereby makes the following Order—

Title, commencement and application

1.—(1) This Order is called the Administration of the Rent Officer Service (Wales) Order 2003 and comes into force on 1st June 2003.

(2) This Order applies to Wales only.

(3) In this Order —

"the 1981 Regulations" ("*Rheoliadau 1981*") means the Transfer of Undertakings (Protection of Employment) Regulations 1981(**3**),

"the Act" ("*y Ddeddf*") means the Rent Act 1977(**4**);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

(**1**) *See* section 64B(1) of the Rent Act 1977 (c. 42); section 64B was inserted by section 120 of, and Part II of Schedule 14 to, the Housing Act 1988 (c. 50).

(**2**) The National Assembly for Wales can exercise the power under this section in relation to Wales: *see* article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(**3**) S.I. 1981/1794 as amended by regulation 2 of the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1987 (S.I. 1987/442), section 7(2) of the Dock Work Act 1989 (c. 13), sections 33 and 51 of and Schedule 10 to the Trade Union Reform and Employment Rights Act 1993 (c. 19), regulations 8, 9 and 11 of the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995 (S.I. 1995/2587), section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8), regulations 2, 8, 9 and 10 of the Collective Redundancies and transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (S.I. 1999/1925), and regulations 2 and 3 of the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (S.I. 1999/2402).

(**4**) 1977 c. 42.

"relevant body" ("*corff perthnasol*") means the body who immediately before the transfer date employed the relevant employee;

"relevant employee" ("*cyflogai perthnasol*") means a person whose contract of employment is to be transferred by Article 3 of this Order; and

"the transfer date" ("*y dyddiad trosglwyddo*") means 1st June 2003.

Abolition of schemes under section 63 of the Rent Act 1977 in Wales

2.—(1) Any scheme made under section 63 of the Act, in relation to Wales, which was in existence immediately before the transfer date, will cease to have effect from the transfer date.

(2) No scheme under section 63 of the Act is to be made for any registration area in Wales.

Transfer of Staff

3. The contract of employment between the relevant body and

(a) all rent officers; and

(b) all administrative staff of the relevant body employed in the provision of the rent officer service,

who were continuously employed by the relevant body immediately prior to the transfer date, save for any such staff who objected to the transfer of their contracts of employment pursuant to Regulation 5(4A) of the 1981 Regulations will have effect from the transfer date as if originally made between the relevant employee and the National Assembly.

4. Without prejudice to article 3:

(a) subject to paragraphs (d) to (g) below, all rights, powers, duties and liabilities of the relevant body under, or in connection with, a contract of employment to which Article 3 of this Order applies, are, by virtue of this Order, transferred from the transfer date to the National Assembly;

(b) subject to paragraphs (d) to (g) below, anything which before the transfer date was being done by, to or in relation to a relevant employee in respect of a contract of employment, may be continued after that date by, to or in relation to that person;

(c) subject to paragraphs (d) to (g) below, anything which before the transfer date was being done by, to or in relation to, a relevant body in respect of such a contract of employment or a relevant employee, is to be deemed from the transfer date to have been done by, to or in relation to, the National Assembly;

(d) subject to paragraph (e), where the appointment of a relevant employee was made subject to rights, liabilities, powers or duties, any of those rights, liabilities, powers and duties which existed immediately before the transfer date continue to exist;

(e) subject to paragraph (f), all of the proper officer's or relevant body's rights, liabilities, powers and duties, to which the appointment of a relevant employee was subject, are, by virtue of this Order, transferred to the National Assembly subject to any modifications necessary to enable them to apply in relation to the National Assembly instead of the proper officer or, as the case may be, the relevant body;

(f) paragraph (e) does not transfer or otherwise affect —

(i) the liabilities of any person to be prosecuted for, convicted of and sentenced for any offence; or

(ii) the liabilities of any person to pay compensation to or in respect of a relevant employee arising from anything done or a failure to do anything before the transfer date, and