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SHLA Wales and some other news...

There has been a lot of changes at SHLA since January. Katrina Robinson MBE and Lee Russell are now our joint chairs with Katerina Birkeland and Mark Cooper supporting them as vice-chairs. Katerina Birkeland continues to edit the newsletter and she has been joined by our previous chair, Sarah Salmon.

SHLA Wales

This month we are delighted to announce we have launched our third regional sub-committee: SHLA Wales. Sarah Salmon has set up this branch of SHLA following the implementation of Renting Homes (Wales) Act 2016 on 1 December 2022. Given the wholesale and significant changes to landlord and tenant law in Wales, SHLA felt the region needed its own dedicated team. You can meet our Wales committee [here](#).

SHLA Wales encourages law firms, housing associations, local authorities and all other social housing professionals impacted by the changes in Wales to join SHLA to take advantage of webinars, newsletters and other events which will focus on the unique position of Wales. Details of our membership packages can be found [here](#).

We are also pleased to announce the very first webinar hosted by the newly formed SHLA Wales. Stuck for something to do during your lunch hour, the webinar will run on 21 November 2023 at 12 noon. Caroline Stubbs, committee member and Director of Legal Services at Pobl Group will chair an informative session on housing conditions. She will be

and Head of Property Dispute Resolution at Hugh James Solicitors).

Disrepair and property condition is high on the agenda of social housing landlords across Wales in light of recent media coverage and the introduction of the Renting Homes (Wales) Act 2016. Join us for a discussion about current trends in disrepair and to hear about work ongoing in the sector to support landlords and tenants. The webinar will be free to SHLA members. You can sign up [here](#).

Save the date

With October and November becoming increasingly saturated with annual conferences, SHLA has taken the decision to move its annual conference. Our next annual conference will take place on 14 March 2024. It will be held at Law Society at 113 Chancery Lane. It is always a fabulous day to meet with colleagues and exchange best practice, so do save the date!

The newsletter

We are always looking for articles from our members. Our next newsletter will be out in December. If you would like to submit an article then please contact info@shla.org.uk for more details. The deadline for submissions is 4pm on 24 November 2023.

Finally, we are grateful to those who have provided articles for this newsletter. Readers will be able to enjoy articles from:

- Clare Cullen of Field Court Chambers discussing the importance of engaging with the pre-action protocol in disrepair claims; and,
- Alistair Cantor of Cornerstone Barristers, in conjunction with the announcement of SHLA Wales, taking us through some of the interesting issues that have arisen during work on contracts for the implementation of Renting Homes (Wales) Act 2016.

Enjoy the read!

Sarah & Katerina

21 November 2023 at 12 noon to 1pm

We are very pleased to announce the very first webinar hosted by the newly formed Wales regional committee of the Social Housing Law Association. Disrepair and property condition is high on the agenda of social housing landlords across Wales in light of recent media coverage and the introduction of the Renting Homes (Wales) Act 2016. Caroline Stubbs, sub-committee member and Director of Legal Services at Pobl Group will chair an informative session considering current trends in disrepair in Wales. She will be joined by Hayley McNamara (a specialist policy advisor overseeing Community Housing Cymru's cost of living, damp and mould and disrepair work) and Rebecca Rees (Partner and Head of Property Dispute Resolution at Hugh James Solicitors).

Please join us, meet some of the members of the new Wales sub-committee and hear about work ongoing in the sector to support landlords and tenants.

Members – free

Non-Members – £30

[Register here](#)

The Renting Homes Wales Act: pitfalls and appeal points

In this article, [Alistair Cantor](#), barrister at Cornerstone Barristers, discusses some interesting issues that arise following the implementation of the Renting Homes (Wales) Act 2016



Several of my colleagues and I at Cornerstone Barristers spent the majority of 2022 and the first half of 2023 on a project of huge scale and complexity – helping a large number of Welsh community landlords prepare for the implementation of the Renting Homes (Wales) Act 2016, by drafting legally compliant occupation contracts for use in a wide range of contexts.

By way of a short explainer for those less familiar with the Act, it abolished the majority of the statutory framework for tenancies, including secure and assured tenancies. Replacing those familiar concepts are 'occupation contracts'. These can be either 'secure' or 'standard', i.e. social or private sector respectively, although many social landlords will

landlord's notice, secure contracts can only be ended on statutory grounds i.e. they enjoy the same high degree of security of tenure as secure tenancies under the Housing Act 1985. The Act mandates that every 'contract-holder' (formerly known as 'tenants') be provided with 'written statements' of the terms of their occupation contracts, which must contain and accurately state certain statutorily prescribed 'fundamental' and 'supplementary' terms, as well as any 'additional' terms the landlord wishes to include. Failure to comply opens landlords up to claims for compensation, and declarations as to correct terms. While compensation per claim will be relatively modest, the Civil Procedure Rules provide they will ordinarily be allocated to the fast track and, given the number of occupation contracts some social landlords hold, the scaled-up liabilities in the event of getting things wrong could be considerable.

[Read the full article here](#)

The importance of engaging with the pre-action protocol: expert evidence and disrepair



[Clare Cullen](#), a barrister at Field Court Chambers, discusses two disrepair cases that found their way to a Circuit Judge at the County Court sitting at Cardiff. The Judge found in favour of the housing association and refused permission for the claimants to rely upon the expert reports obtained at the pre-action stage because of breaches of the pre-action protocol.

Background

In disrepair cases, experts are often instructed unilaterally by the proposed claimant at the pre-action stage.

If an expert has been instructed unilaterally, the defendant may have to choose between seeking permission to rely on their own expert or arguing the case on the basis of the claimant's expert evidence. An expert may have been instructed unilaterally because the proposed defendant didn't engage in pre-action correspondence but this is not always the case.

The County Court at Cardiff has recently considered the use of experts in two disrepair cases concerning a housing association which had engaged in pre-action correspondence (*Bryant, Rodda v Trivallis Ltd* and *Griffiths v Trivallis Ltd*).

In both cases:

- The housing association queried whether it was necessary to instruct an expert, objected to the proposed expert, proposed an alternative expert and provided a schedule of repairs.

In one of the cases, the claimant's proposed expert was instructed unilaterally without the claimant engaging further with the housing association.

In the other case, the claimant instructed a different expert unilaterally without providing their details to the defendant and engaging further with the housing association.

The housing association argued that the claimants in both cases should have engaged further at the pre-action stage to set out why it was necessary to instruct an expert given that a schedule of works had been prepared. It was also argued that the claimant should have sought to agree the instruction of a single joint expert given that, in principle, the housing association was amenable to a single joint expert but opposed the particular expert who had been suggested.

The housing association applied in both cases for the claimant to be prevented from relying on the expert report obtained at pre-action stage and for a different single joint expert to be instructed.

[Read the full article here](#)

SHLA Membership



If you have any further questions please contact us at
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