

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref: MA/JJ/3870/21

Matthew J Chinery
Head of Legal Services
Representative Body of the Church in Wales

Revd Gethin Rhys
Policy Officer
Cytûn: Churches together in Wales

1 December 2021

Dear Mr Chinery and Revd Rhys,

I am writing further to your letter of 14 May 2021, and in light of the subsequent discussions which have taken place between yourselves and my officials regarding the application of the Renting Homes (Wales) Act 2016, as amended by the Renting Homes (Amendment) (Wales) Act 2021, to properties owned by the Church in Wales and other denominations represented by Cytun, which are occupied by their clergy, and also the wider issues you have raised in relation to the potential application of the Acts to other denominations and faith groups in Wales.

Having given careful consideration to the issues you have raised and the suggestions you have put forward in your written submissions, and having discussed these matters with my officials, I have concluded that, based on the evidence provided to date, the case has not been made out to specifically exclude dwellings occupied by faith leaders from the scope of the 2016 Act (noting your view that the legislation would not apply in relation to dwellings when occupied by ministers of religion). On that basis, I also do not consider it necessary to make an exemption to allow two-month 'no-fault' notices to continue to be issued in relation to accommodation occupied by faith leaders, nor to amend section 168 so that a minister's notice of resignation is also regarded as a notice to terminate an occupation contract.

I can confirm that it is the Welsh Government's policy intention that the 2016 Act should apply to all tenancies and licences meeting the criteria for an occupation contract, except those specifically excluded by Parts 2 and 3 of Schedule 2 of the 2016 Act. If the Church in Wales, or any other denomination or faith group, or their ministers or faith leaders, require advice as to the application of the law to their particular arrangements they will need to seek that independently, and should there be a dispute as to the application of the law, it will be a matter for the courts to make a determination.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Furthermore, whilst the Church and Cytun may be of the view that their arrangements to provide accommodation to ministers will not be occupation contracts, that view may not be shared by those ministers and their families who reside in church-owned properties. I also have some concerns that making a specific exemption occupants of church-owned properties from the additional protections afforded by the 2016 would potentially raise issues of fairness and equality – not least, as I am sure you appreciate, in regard to discrimination on the ground of religion or belief as a protected characteristic under the Equality Act 2010.

Finally, in relation to your concerns that if current occupancy arrangements were to be subject to the provisions of the 2016 Act the requirement to provide a written statement of the occupation contract to the minister occupying the property could be interpreted by the courts as a contract of employment between the Church and the minister. Having considered the evidence provided to date, it is Welsh Government's view at this time that there would be no significant risk that a written statement would be deemed by an employment tribunal to amount to an employment contract, nor increase the risk of it being found that an employment relationship existed. However, as with the other issues you have raised, this would again ultimately be a matter for the courts to determine and you may wish to take your own legal advice on this.

I hope that this response provides you with assurance that it is not the Welsh Government's intention that the 2016 Act should impact negatively on the Church in Wales, or other faith groups in Wales. Rather, our aim is to ensure that all contract-holders who have a tenancy or licence that falls within the scope of the legislation should be afforded the same increased security of tenure.

Yours sincerely



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