

*These notes refer to the Renting Homes (Wales) Act 2016  
(c.1) which received Royal Assent on 18 January 2016*

# RENTING HOMES (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 - Provisions Applying to All Occupation Contracts**

#### *Chapter 8 - Dealing*

#### *Section 57 – Permissible forms of dealing and Section 58 - Dealing and landlord's consent*

196. If a term of the contract incorporates this section without modification, a contract-holder may not 'deal' with their occupation contract in any way which is not permitted by the contract itself or by a family property order. Family property orders are defined in section 251, and include an order to transfer a tenancy made by the court under the Family Law Act 1996.
197. For these purposes, 'dealing' includes creating a sub-tenancy or sub-licence, transferring the contract to another or taking out a mortgage on the dwelling.
198. A contract-holder dealing with the occupation contract outside of the terms of their contract or of a family property order, or without the landlord's consent, will be in breach of contract.
199. Where an occupation contract contains provision which allows for dealing subject to the landlord's consent, then, as set out in section 84, the landlord cannot withhold consent unreasonably or consent subject to unreasonable conditions. Furthermore, Schedule 6 sets out specific matters that are relevant to considering reasonableness in relation to a consent relating to dealing.