



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 3

PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

CHAPTER 10

COMPENSATION

87 Compensation for failures relating to provision of written statements etc.

- (1) The following sections set out the circumstances in which a landlord may be liable to pay compensation under this section—
 - (a) section 35 (failure to provide a written statement under section 31);
 - (b) section 36 (providing an incomplete written statement);
 - (c) section 37 (providing an incorrect written statement);
 - (d) section 40 (failure to provide information under section 39);
 - (e) section 110 (failure to provide written statement of variation of secure contract);
 - (f) section 129 (failure to provide written statement of variation of periodic standard contract);
 - (g) section 137 (failure to provide written statement of variation of fixed term standard contract).
- (2) Where the landlord under an occupation contract is liable to pay compensation to the contract-holder under this section, the amount of compensation payable in respect of a particular day is equivalent to the amount of rent payable under the contract in respect of that day.
- (3) If the contract provides for rent to be paid in respect of periods other than a day, the amount of rent payable in respect of a single day is the appropriate proportion of the rent payable in respect of the period in which that day falls.

Changes to legislation: Renting Homes (Wales) Act 2016, CHAPTER 10 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) If compensation is payable because of section 35, 110, 129 or 137 (failure to provide statement), the contract-holder may apply to the court for an order increasing the amount of the compensation on the ground that the landlord's failure to provide a written statement was intentional.
- (5) If compensation is payable because of section 36 or 37 (incomplete or incorrect statement), the contract-holder may apply to the court for an order increasing the amount of the compensation.
- (6) On an application under subsection (4) or (5) the court may increase the amount of the compensation payable in respect of a particular day by such percentage, not exceeding 100 per cent, as it thinks fit.

Commencement Information

I1 [S. 87](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

88 Right of set off

- (1) If the landlord under an occupation contract is liable to pay the contract-holder compensation under section 87, the contract-holder may set off that liability against rent.
- (2) This section is a fundamental provision which is incorporated as a term of all occupation contracts.

Commencement Information

I2 [S. 88](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)