



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 3

PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

CHAPTER 8

DEALING

Rights to deal with occupation contract

57 Permissible forms of dealing

- (1) The contract-holder under an occupation contract may not deal with the occupation contract, the dwelling or any part of the dwelling except—
 - (a) in a way permitted by the contract, or
 - (b) in accordance with a family property order (see section 251).
- (2) A joint contract-holder may not deal with his or her rights and obligations under the occupation contract (or with the occupation contract, the dwelling or any part of the dwelling), except—
 - (a) in a way permitted by the contract, or
 - (b) in accordance with a family property order.
- (3) If the contract-holder does anything in breach of subsection (1), or a joint contract-holder does anything in breach of subsection (2)—
 - (a) the transaction is not binding on the landlord, and
 - (b) the contract-holder or joint contract-holder is in breach of the contract (despite the transaction not being binding on the landlord).
- (4) “Dealing” includes—
 - (a) creating a tenancy, or creating a licence which confers the right to occupy the dwelling;

Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Rights to deal with occupation contract is up to date with all changes known to be in force on or before 19 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

- (b) transferring;
 - (c) mortgaging or otherwise charging.
- (5) This section is a fundamental provision which is incorporated as a term of all occupation contracts.

Commencement Information

I1 [S. 57](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

58 Dealing and landlord's consent

- (1) Where a term of an occupation contract permits the contract-holder or a joint contract-holder to deal with anything mentioned in section 57(1) or (2) only with the landlord's consent, what is reasonable for the purposes of section 84 (landlord's consent) is to be determined having regard to Schedule 6.
- (2) Section 19(1) of the Landlord and Tenant Act 1927 (c. 36) (effect of covenants not to assign etc. without consent) does not apply to a tenancy which is an occupation contract.

Commencement Information

I2 [S. 58](#) 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](#)