



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 11

##### POSSESSION CLAIMS: POWERS OF COURT IN RELATION TO ABSOLUTE GROUNDS

(THIS CHAPTER APPLIES ONLY TO SECURE CONTRACTS)

#### **212 Contract-holder's notice ground**

- (1) This section applies if—
  - (a) the landlord under a secure contract makes a possession claim on the ground in section 165 (contract-holder's notice), and
  - (b) the court is satisfied that the ground is made out.
- (2) The court must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (3) This section is subject to section 213 (review by the county court).

#### **213 Review of claim made on absolute ground**

- (1) This section applies if a landlord under a secure contract makes a possession claim in the county court on the ground in section 165 (contract-holder fails to give up possession following a contract-holder's notice), and—
  - (a) the landlord is a community landlord, or
  - (b) the landlord's decision to make a possession claim on that ground is subject to judicial review.

- (2) The contract-holder may make an application in the possession proceedings for a review by the county court of the landlord's decision to make the claim.
- (3) The county court may confirm or quash the decision.
- (4) In considering whether to confirm or quash the decision, the county court must apply the principles applied by the High Court on an application for judicial review.
- (5) If the county court quashes the decision it may—
  - (a) set aside the possession notice and dismiss the possession proceedings;
  - (b) make any order the High Court could make when making a quashing order on an application for judicial review.
- (6) The contract-holder may not make an application under subsection (2) after an order for possession has been made in respect of the dwelling.

#### **214 Powers to postpone giving up of possession**

- (1) This section applies if the court makes an order for possession of a dwelling under section 212.
- (2) The court may not postpone the giving up of possession to a date later than 14 days after the making of the order, unless it appears to the court that exceptional hardship would be caused if the giving up of possession were not postponed to a later date.
- (3) The giving up of possession may not in any event be postponed to a date later than six weeks after the making of the order.
- (4) The giving up of possession may be postponed by the order for possession, or by suspending or staying execution of the order for possession.