



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9 **E+W**

### TERMINATION ETC. OF OCCUPATION CONTRACTS

#### CHAPTER 12 **E+W**

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

(THIS CHAPTER APPLIES ONLY TO STANDARD CONTRACTS)

*Retaliatory eviction: absolute ground that becomes a discretionary ground*

#### 217 **Retaliatory possession claims to avoid obligations to repair etc.** **E+W**

- (1) This section applies if—
  - (a) a landlord under a standard contract makes a possession claim on the ground in section 178 or section 199 (landlord's notice), and
  - (b) the court considers that the claim is a retaliatory claim.
- (2) The court may refuse to make an order for possession.
- (3) A possession claim is a retaliatory claim if—
  - (a) the contract-holder has enforced or relied on the landlord's obligations under section 91 or 92, and
  - (b) the court is satisfied that the landlord has made the possession claim to avoid complying with those obligations.
- (4) The Welsh Ministers may by regulations amend this section for the purpose of providing for further descriptions of retaliatory claim.

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**Changes to legislation:** *Renting Homes (Wales) Act 2016, Cross Heading: Retaliatory eviction: absolute ground that becomes a discretionary ground is up to date with all changes known to be in force on or before 24 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*

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**Modifications etc. (not altering text)**

- C1** Pt. 9 excluded (1.12.2022) by 2004 c. 34, s. 33(c) (as inserted by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **28(2)(c)**)
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**Commencement Information**

- I1** S. 217 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

**Changes to legislation:**

Renting Homes (Wales) Act 2016, Cross Heading: Retaliatory eviction: absolute ground that becomes a discretionary ground is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

**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](#)