



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 9 **E+W**

### TERMINATION ETC. OF OCCUPATION CONTRACTS

## CHAPTER 7 **E+W**

### TERMINATION OF FIXED TERM STANDARD CONTRACTS

#### 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)**)

#### *End of fixed term: landlord's notice*

#### 186 **Landlord's notice in connection with end of term** [<sup>F1</sup>of contract within Schedule 9B] **E+W**

- (1) The landlord under a fixed term standard contract [<sup>F2</sup>which is within Schedule 9B] may, before or on the last day of the term for which the contract was made, give the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.

<sup>F3</sup>(2) .....

- (3) [<sup>F4</sup>The] specified date—

- (a) may not be before the last day of the term for which the contract was made, and  
(b) may not be less than two months after the day on which the notice is given to the contract-holder.

<sup>F5</sup>(4) .....

**Changes to legislation:** *Renting Homes (Wales) Act 2016, CHAPTER 7 is up to date with all changes known to be in force on or before 23 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*

- (5) If the landlord gives the contract-holder a notice under subsection (1), the landlord may on that ground make a possession claim.
- (6) Section 215 provides that if the court is satisfied that the ground is made out, it must make an order for possession of the dwelling (subject to any available defence based on the contract-holder's Convention rights).
- (7) The landlord may not make a possession claim on that ground before the end of the fixed term standard contract.
- (8) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts [<sup>F6</sup>which are within Schedule 9B.]

#### Textual Amendments

- F1** Words in s. 186 heading inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 10(2)**, 19(3)
- F2** Words in s. 186(1) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 10(1)(a)**, 19(3)
- F3** S. 186(2) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 10(1)(b)**, 19(3)
- F4** Word in s. 186(3) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 10(1)(c)**, 19(3)
- F5** S. 186(4) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 10(1)(d)**, 19(3)
- F6** Words in s. 186(8) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 10(1)(e)**, 19(3)

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

- C2** S. 186 excluded (1.12.2022) by 2004 c. 34, s. 98A (as inserted by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **28(6)**)

#### Commencement Information

- I1** S. 186 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### [<sup>F7</sup>186A Restrictions on giving notice under section 186: breaches of statutory obligations **E+W**

Schedule 9A imposes restrictions on the giving of notice under section 186, related to breaches of certain statutory obligations.]

#### Textual Amendments

- F7** S. 186A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 6(3)**, 19(3)

#### Commencement Information

- I2** S. 186A in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

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### *Termination by landlord: serious rent arrears*

#### **187 Serious rent arrears** **E+W**

- (1) If the contract-holder under a fixed term standard contract is seriously in arrears with his or her rent, the landlord may on that ground make a possession claim.
- (2) The contract-holder is seriously in arrears with his or her rent—
  - (a) where the rental period is a week, a fortnight or four weeks, if at least eight weeks' rent is unpaid;
  - (b) where the rental period is a month, if at least two months' rent is unpaid;
  - (c) where the rental period is a quarter, if at least one quarter's rent is more than three months in arrears;
  - (d) where the rental period is a year, if at least 25% of the rent is more than three months in arrears.
- (3) Section 216 provides that the court must (subject to any available defence based on the contract-holder's Convention rights) make an order for possession of the dwelling if it is satisfied that the contract-holder—
  - (a) was seriously in arrears with his or her rent on the day on which the landlord gave the contract-holder the possession notice, and
  - (b) is seriously in arrears with his or her rent on the day on which the court hears the possession claim.
- (4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts.

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#### **Commencement Information**

**I3** S. 187 in force at 1.12.2022 by S.I. 2022/906, art. 2

#### **188 Restrictions on section 187** **E+W**

- (1) Before making a possession claim on the ground in section 187, the landlord must give the contract-holder a possession notice specifying that ground.
- (2) The landlord may not make the claim—
  - (a) before the end of the period of 14 days starting with the day on which the landlord gives the contract-holder the possession notice, or
  - (b) after the end of the period of six months starting with that day.
- (3) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts.

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#### **Commencement Information**

**I4** S. 188 in force at 1.12.2022 by S.I. 2022/906, art. 2

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### *Contract-holder's break clause*

#### **189 Contract-holder's break clause** E+W

- (1) A fixed term standard contract may contain a term enabling the contract-holder to end the contract before the end of the fixed term by giving the landlord notice that he or she will give up possession of the dwelling on a date specified in the notice.
- (2) References in this Act to a contract-holder's break clause, in relation to a fixed term standard contract, are to the term mentioned in subsection (1).

##### **Commencement Information**

**I5** [S. 189](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

#### **190 Minimum notice period** E+W

- (1) The date specified in a notice under a contract-holder's break clause may not be less than four weeks after the day on which the notice is given to the landlord.
- (2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a contract-holder's break clause.

##### **Commencement Information**

**I6** [S. 190](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

#### **191 Recovery of possession** E+W

- (1) If a contract-holder fails to give up possession of the dwelling on the date specified in a notice under a contract-holder's break clause, the landlord may on that ground make a possession claim.
- (2) Section 215 provides that if the court is satisfied that the ground is made out, it 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 a fundamental provision which is incorporated as a term of all fixed term standard contracts with a contract-holder's break clause.

##### **Commencement Information**

**I7** [S. 191](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

#### **192 Restrictions on section 191** E+W

- (1) Before making a possession claim on the ground in section 191 the landlord must give the contract-holder a possession notice specifying that ground.
- (2) The landlord may make the possession claim on or after the day on which the landlord gives the contract-holder the possession notice.

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- (3) But the landlord may not make the possession claim after the end of the period of six months starting with that day.
- (4) The landlord may not give the contract-holder a possession notice specifying the ground in section 191 after the end of the period of two months starting with the date specified in the notice under the contract-holder's break clause as the date on which the contract-holder would give up possession of the dwelling.
- (5) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a contract-holder's break clause.

#### Commencement Information

**I8** S. 192 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 193 Termination of contract under contract-holder's break clause **E+W**

- (1) If the contract-holder gives up possession of the dwelling on or before the date specified in a notice under the contract-holder's break clause, the contract ends on the date specified in the notice.
- (2) If the contract-holder gives up possession of the dwelling after that date but in connection with the notice, the contract ends—
  - (a) on the day on which the contract-holder gives up possession of the dwelling, or
  - (b) if an order for possession is made, on the date determined in accordance with section 206.
- (3) The notice ceases to have effect if, before the contract ends—
  - (a) the contract-holder withdraws the notice by further notice to the landlord, and
  - (b) the landlord does not object to the withdrawal in writing before the end of a reasonable period.
- (4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a contract-holder's break clause.

#### Commencement Information

**I9** S. 193 in force at 1.12.2022 by S.I. 2022/906, art. 2

#### *Landlord's break clause*

### 194 Landlord's break clause **E+W**

- (1) A fixed term standard contract [<sup>F8</sup>which is within subsection (1A)] may contain a term enabling the landlord to end the contract before the end of the fixed term by giving the contract-holder notice that he or she must give up possession of the dwelling on a date specified in the notice.

[<sup>F9</sup>(1A) A fixed term standard contract is within this subsection if—

- (a) it is made for a term of two years or more, or

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(b) it is within Schedule 9C (whether or not it is made for a term of two years or more).]

(2) References in this Act to a landlord's break clause, in relation to a fixed term standard contract, are to the term mentioned in subsection (1).

#### Textual Amendments

**F8** Words in s. 194(1) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 11(1)(a)**, 19(3)

**F9** S. 194(1A) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 11(1)(b)**, 19(3)

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

**C3** S. 194 excluded (1.12.2022) by 2004 c. 34, s. 98A (as inserted by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **28(6)**)

#### Commencement Information

**I10** S. 194 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### 195 Minimum notice period **E+W**

(1) The date specified in a notice under a landlord's break clause may not be less than <sup>[F10]</sup>six months] after the day on which the notice is given to the contract-holder.

<sup>[F11]</sup>(2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts, except fixed term standard contracts which—

- (a) do not have a landlord's break clause, or
- (b) are within Schedule 8A (whether or not they have a landlord's break clause).]

#### Textual Amendments

**F10** Words in s. 195(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 2(2)(a)**, 19(3)

**F11** S. 195(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 2(2)(b)**, 19(3)

#### Commencement Information

**I11** S. 195 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### <sup>[F12]</sup>195A Minimum notice period: fixed term standard contracts within Schedule 8A **E+W**

(1) If a fixed term standard contract is within Schedule 8A, the date specified in a notice under a landlord's break clause may not be less than two months after the day on which the notice is given to the contract-holder.

(2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts which—

- (a) have a landlord's break clause, and
- (b) are within Schedule 8A.]

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#### Textual Amendments

**F12** S. 195A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 2(3)**, 19(3)

#### Commencement Information

**I12** S. 195A in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### 196 <sup>F13</sup> **Restriction on use of landlord's break clause until after the first 18 months of occupation** **E+W**

(1) The landlord may not give notice under a landlord's break clause before the end of the period of <sup>F14</sup>18 months] starting with the occupation date of the contract.

<sup>F15</sup>(2) .....

<sup>F16</sup>(3) .....

(4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts, except fixed term standard contracts which—

(a) do not have a landlord's break clause, or

(b) are within Schedule 9 (whether or not they have a landlord's break clause),

<sup>F17</sup> ...

#### Textual Amendments

**F13** S. 196 heading substituted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 5(2)**, 19(3)

**F14** Words in s. 196(1) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 5(1)(a)**, 19(3)

**F15** S. 196(2) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 5(1)(b)**, 19(3)

**F16** S. 196(3) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 5(1)(b)**, 19(3)

**F17** Words in s. 196(4) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 18**

#### Commencement Information

**I13** S. 196 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

### <sup>F18</sup>197 **Restrictions on use of landlord's break clause: breaches of statutory obligations** **E+W**

Schedule 9A imposes restrictions on the giving of notice under a landlord's break clause, related to breaches of certain statutory obligations.]

#### Textual Amendments

**F18** S. 197 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), **ss. 6(4)**, 19(3)

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#### Commencement Information

**I14** S. 197 in force at 1.12.2022 by S.I. 2022/906, art. 2

### [<sup>F19</sup>198 Restriction on use of landlord's break clause following retaliatory possession claim **E+W**

- (1) Subsection (2) applies where—
  - (a) a landlord (having given a contract-holder a notice under a landlord's break clause) has made a possession claim on the ground in section 199, and
  - (b) the court has refused to make an order for possession because it considered the claim to be a retaliatory claim (see section 217).
- (2) The landlord may not give another notice under a landlord's break clause to the contract-holder before the end of the period of six months starting with the day on which the court refused to make an order for possession.
- (3) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a landlord's break clause.]

#### Textual Amendments

**F19** S. 198 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), ss. 9\(3\), 19\(3\)](#)

#### Commencement Information

**I15** S. 198 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 199 Recovery of possession **E+W**

- (1) If the landlord gives the contract-holder a notice under the landlord's break clause, the landlord may on that ground make a possession claim.
- (2) Section 215 provides that if the court is satisfied that the ground is made out, it must make an order for possession of the dwelling, unless section 217 (retaliatory evictions) applies (and subject to any available defence based on the contract-holder's Convention rights).
- (3) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a landlord's break clause.

#### Commencement Information

**I16** S. 199 in force at 1.12.2022 by S.I. 2022/906, art. 2

### 200 Restriction on section 199 **E+W**

- (1) The landlord may not make a possession claim on the ground in section 199—
  - (a) before the date specified in the notice given by the landlord to the contract-holder under the landlord's break clause, or
  - (b) after the end of the period of two months starting with that date.



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- (2) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a landlord's break clause.

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**Commencement Information**

**I17** S. 200 in force at 1.12.2022 by S.I. 2022/906, art. 2

**201 Termination of contract under landlord's break clause** **E+W**

- (1) If the contract-holder gives up possession of the dwelling on or before the date specified in a notice under the landlord's break clause, the contract ends on the date specified in the notice.
- (2) If the contract-holder gives up possession of the dwelling after that date but in connection with the notice, the contract ends—
- (a) on the day on which the contract-holder gives up possession of the dwelling, or
  - (b) if an order for possession is made, on the date determined in accordance with section 206.
- (3) The notice ceases to have effect if<sup>F20</sup>—
- (a) before the contract ends, and during the period of 28 days starting with the day on which the notice was given, the landlord withdraws the notice by giving further notice to the contract-holder, or
  - (b) before the contract ends, and after the end of the period of 28 days starting with the day on which the notice was given—
    - (i) the landlord withdraws the notice by giving further notice to the contract-holder, and
    - (ii) the contract-holder does not object to the withdrawal in writing before the end of a reasonable period.]
- (4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts with a landlord's break clause.

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**Textual Amendments**

**F20** Words in s. 201(3) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), ss. 8(3), 19(3)

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**Commencement Information**

**I18** S. 201 in force at 1.12.2022 by S.I. 2022/906, art. 2

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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](#)