



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 9

TERMINATION ETC. OF OCCUPATION CONTRACTS

CHAPTER 9

POSSESSION CLAIMS: POWERS OF COURT

(THIS CHAPTER APPLIES TO ALL OCCUPATION 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)**)

204 Possession claims

(1) The court may not hear a possession claim made by the landlord under an occupation contract—

(a) if the landlord has failed to act in accordance with whichever of the ^{F1}following provisions] apply—

- ^{F2}(i)
- (ii) section 159 (restrictions on making a possession claim following breach of contract);
- (iii) section 161 (restrictions on making a possession claim on estate management grounds);
- (iv) section 166 (restrictions on making a possession claim following contract-holder's notice: secure contracts);
- (v) section 171 (restrictions on making a possession claim following contract-holder's notice: periodic standard contracts);

Status: Point in time view as at 01/12/2022.

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- (vi) section 175 (restriction on giving landlord's notice under a periodic standard contract [^{F3}until after the first six months] of occupation);
 - (vii) sections [^{F4}177, 177A] and 179 (restrictions relating to landlord's notice: periodic standard contracts);
 - (viii) section 182 (restrictions on making a possession claim following serious rent arrears: periodic standard contracts);
 - (ix) section 186 (restrictions relating to notice in connection with the end of fixed term);
 - (x) section 188 (restrictions on making a possession claim following serious rent arrears: fixed term standard contracts);
 - (xi) section 192 (restrictions on making a possession claim following use of contract-holder's break clause in a fixed term standard contract);
 - (xii) section 196 (restriction on use of landlord's break clause in a fixed term standard contract [^{F5}until after the first 18 months] of occupation);
 - (xiii) sections ^{F6}... 198 and 200 (restrictions relating to landlord's break clause in a fixed term standard contract);
 - (xiv) section 203 (review of a decision to give a notice requiring possession: introductory standard contracts and prohibited conduct standard contracts),
 - [^{F7}(xv) Schedule 9A (restrictions on giving notice under sections 173 and 186 and under a landlord's break clause: breach of statutory obligations),]
- or
- (b) if the landlord was required to give a possession notice and has failed to comply with section 150 or (in relation to an introductory standard contract or a prohibited conduct standard contract) section 151.
- (2) Subsection (1) does not apply if the court considers it reasonable to dispense with the requirements mentioned in that subsection.
- (3) Subsection (1) does not apply to an application for an order for possession against a sub-holder under section 65(2) (extended possession order).

Textual Amendments

- F1** Words in s. 204(1)(a) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(a)**
- F2** S. 204(1)(a)(i) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(b)**
- F3** Words in s. 204(1)(a)(vi) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(c)**
- F4** Words in s. 204(1)(a)(vii) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(d)**
- F5** Words in s. 204(1)(a)(xii) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(e)**
- F6** Word in s. 204(1)(a)(xiii) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(f)**
- F7** S. 204(1)(a)(xv) inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 19(g)**

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Commencement Information

II S. 204 in force at 1.12.2022 by S.I. 2022/906, art. 2

205 Orders for possession

- (1) The court may make an order requiring the contract-holder under an occupation contract to give up possession of the dwelling only on one or more of the grounds in—
 - (a) section 157 (breach of contract);
 - (b) section 160 (estate management);
 - (c) section 165 (contract-holder's notice: secure contracts);
 - (d) section 170 (contract-holder's notice: periodic standard contracts);
 - (e) section 178 (landlord's notice: periodic standard contracts);
 - (f) section 181 (serious rent arrears: periodic standard contracts);
 - (g) section 186 (landlord's notice in connection with end of fixed term);
 - (h) section 187 (serious rent arrears: fixed term standard contracts);
 - (i) section 191 (contract-holder's notice: fixed term standard contracts);
 - (j) section 199 (landlord's notice: fixed term standard contracts).
- (2) Where the landlord is required to give the contract-holder a possession notice, the court may not make an order for possession on a ground that is not specified in the landlord's possession notice.
- (3) But the court may allow the ground (or grounds) specified in the possession notice to be altered or added to at any time before the court makes an order for possession.

Commencement Information

II S. 205 in force at 1.12.2022 by S.I. 2022/906, art. 2

206 Effect of order for possession

- (1) If the court makes an order requiring the contract-holder under an occupation contract to give up possession of the dwelling on a date specified in the order, the contract ends—
 - (a) if the contract-holder gives up possession of the dwelling on or before that date, on that date,
 - (b) if the contract-holder gives up possession of the dwelling after that date but before the order for possession is executed, on the day on which he or she gives up possession of the dwelling, or
 - (c) if the contract-holder does not give up possession of the dwelling before the order for possession is executed, when the order for possession is executed.
- (2) Subsection (3) applies if—
 - (a) it is a condition of the order that the landlord must offer a new occupation contract in respect of the same dwelling to one or more joint contract-holders (but not all of them), and
 - (b) that joint contract-holder (or those joint contract-holders) continue to occupy the dwelling on and after the occupation date of the new contract.

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- (3) The occupation contract in relation to which the order for possession was made ends immediately before the occupation date of the new contract.
- (4) This section is a fundamental provision which is incorporated as a term of all occupation contracts.

Modifications etc. (not altering text)

C2 S. 206(1) applied (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **2(4)**, 3(4), 4(2), 5(2) (with reg. 19)

Commencement Information

I3 S. 206 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

207 Participation in proceedings

- (1) A person occupying a dwelling subject to an occupation contract who has home rights is entitled, so long as the person remains in occupation—
 - (a) to be a party to any proceedings on a possession claim relating to the dwelling, or in connection with an order for possession of the dwelling, or
 - (b) to seek an adjournment, postponement, stay or suspension under section 211, 214 or 219.
- (2) “Home rights” has the meaning given by section 30(2) of the Family Law Act 1996 (c. 27).

Commencement Information

I4 S. 207 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

208 Misrepresentation or concealment of facts used to obtain order for possession

- (1) This section applies if, after the landlord under an occupation contract obtains an order for possession against the contract-holder, the court is satisfied that the order was obtained by misrepresentation or concealment of material facts.
- (2) The court may order the landlord to pay to the contract-holder such sum as appears sufficient compensation for damage or loss sustained by the contract-holder as a result of the order.

Commencement Information

I5 S. 208 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Status:

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