

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

SCHEDULE 1

(introduced by section 4)

OVERVIEW OF FUNDAMENTAL PROVISIONS
INCORPORATED AS TERMS OF OCCUPATION CONTRACTS

PART 1

SECURE CONTRACTS

Commencement Information

II Sch. 1 Pt. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

TABLE 3

FUNDAMENTAL PROVISION	NATURE OF PROVISION	NOTES
Section 31	Landlord (“L”) must provide contract-holder (“C-H”) with written statement of occupation contract	
Sections 39 and 40	L must provide C-H with L's name and address and other information	
Section 41	Notices and documents must be in writing	
Sections 43 and 45	Payment of deposits etc. and requirement that L uses authorised deposit scheme	Section 45 must be incorporated without modification.
Section 49	C-H may, with L's consent, add joint C-H	
Section 52	Rights of joint C-H where another joint C-H dies or otherwise leaves contract	Must be incorporated without modification.
Section 54	L must not interfere with C-H's right to occupy the dwelling	
Section 55	Anti-social behaviour and other prohibited conduct	Must be incorporated without modification.
Section 57	C-H may only deal with the occupation contract in limited ways	
Section 88	C-H may set off compensation L is liable to	

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	pay under section 87 against C-H's rent	
Sections 91 to 93 and 95 to 99	L's obligations to keep the dwelling in good state of repair etc.	
Sections 103 to 109	When and how contract may be varied	Sections 103(1)(b) and (2) and 108 must be incorporated without modification. Section 104 applies only to contracts under which rent is payable [^{F1} and which are not housing association tenancies (as to which, see section 93 of the Rent Act 1977 (c. 42))], and section 105 applies only to contracts under which consideration other than rent is payable.
Section 111	Withdrawal of joint C-H	
Section 113	C-H may have lodgers	
Section 114	C-H may transfer contract to potential successors	
Section 118	C-H's right to transfer to other secure C-Hs	Only applies where L is a community landlord.
Sections 148 to 150	General provision about termination of contract	Sections 148 and 149 must be incorporated without modification.
Sections 152 to 155	Termination without possession claim	Section 155 (death of C-H) must be incorporated without modification.
Sections 157 to 159	Termination by L on ground of breach of contract	Section 158 (false statement inducing L to make contract) must be incorporated without modification.
Sections 160 and 161 and Part 1 of Schedule 8	Termination by L on an estate management ground	
Sections 163 to 167	Termination by notice given by C-H	
Section 206	Effect of order for possession	
Section 231	Termination of contract which has joint C-Hs	

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Textual Amendments

- F1** Words in Sch. 1 Pt. 1 table 3 inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(6)(a)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)

PART 2

PERIODIC STANDARD CONTRACTS

Commencement Information

- I2** [Sch. 1 Pt. 2](#) in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

TABLE 4

FUNDAMENTAL PROVISION	NATURE OF PROVISION	NOTES
Section 31	Landlord (“L”) must provide contract-holder (“C-H”) with written statement of occupation contract	
Sections 39 and 40	L must provide C-H with L's name and address and other information	
Section 41	Notices and documents must be in writing	
Sections 43 and 45	Payment of deposits etc. and requirement that L uses authorised deposit scheme	Section 45 must be incorporated without modification.
Section 49	C-H may, with L's consent, add joint C-H	
Section 52	Rights of joint C-H where another joint C-H dies or otherwise leaves contract	Must be incorporated without modification.
Section 54	L must not interfere with C-H's right to occupy the dwelling	
Section 55	Anti-social behaviour and other prohibited conduct	Must be incorporated without modification.
Section 57	C-H may only deal with the occupation contract in limited ways	

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Section 88	C-H may set off compensation L is liable to pay under section 87 against C-H's rent	
Sections 91 to 93 and 95 to 99	L's obligations to keep dwelling in good state of repair etc.	
Sections 122 to 128	When and how contract may be varied	Sections [^{F2} 122(1)(b)] and (2) and 127 must be incorporated without modification. Section 123 applies only to contracts under which rent is payable [^{F3} and which are not housing association tenancies (as to which, see section 93 of the Rent Act 1977 (c. 42))], and section 124 applies only to contracts under which consideration other than rent is payable. ^{F4} ...
Section 130	Withdrawal of joint C-H	
Section 145	L's right to temporarily exclude C-H from supported accommodation	Applies only to supported standard contracts (see section 143).
Sections 148 to 150	General provision about termination of contract	Sections 148 and 149 must be incorporated without modification.
Section 151	Further provision about notices requiring contract-holder to give up possession	Applies only to introductory standard contracts and prohibited conduct standard contracts.
Sections 152 to 155	Termination without possession claim	Section 155 (death of C-H) must be incorporated without modification.
Sections 157 to 159	Termination by L on ground of breach of contract	Section 158 (false statement inducing L to make contract) must be incorporated without modification.
Sections 160 and 161 and Part 1 of Schedule 8	Termination by L on an estate management ground	
Sections 168 to 172	Termination by notice given by C-H	

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[^{F5} Sections 173 to 175 and 177 to 180, and Part 1 of Schedule 9A]	Termination by notice given by L	[^{F6} If section 173 is not incorporated, sections 174 to 177A and Schedule 9A do not apply; but if a contract incorporates section 173, Part 1 of Schedule 9A must be incorporated without modification. Section 174A applies instead of section 174 to a contract that is within Schedule 8A, and section 175 does not apply to a contract that is within Schedule 9 (even if section 173 is incorporated).]
Sections 181 and 182	Termination by L on serious rent arrears ground	In section 182, subsection (2) is not applicable to introductory standard contracts and prohibited conduct standard contracts, and subsection (3) is applicable only to such contracts.
Section 183	Possession claims where contract has arisen at end of a fixed term standard contract	Only applies to a contract that has arisen at end of a fixed term standard contract (see section 184(2)).
Section 206	Effect of order for possession	
Section 231	Termination of contract which has joint C-Hs	
Paragraph 7 of Schedule 4	Variation of secure contract addressed in written statement of introductory standard contract	Only applies to introductory standard contracts where the written statement addresses the secure contract that may arise at the end of the introductory period, in accordance with paragraph 6(2) of Schedule 4.

Textual Amendments

- F2** Word in Sch. 1 Pt. 2 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 22\(2\)\(a\)\(i\)](#)
- F3** Words in Sch. 1 Pt. 2 table 4 inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, [5\(6\)\(b\)](#) (as amended by [S.I. 2022/906](#), arts. 1(2), 14)
- F4** Words in Sch. 1 Pt. 2 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 22\(2\)\(a\)\(ii\)](#)

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- F5** Words in Sch. 1 Pt. 2 substituted (7.6.2021) by **Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 6 para. 22(2)(b)(i)**
- F6** Words in Sch. 1 Pt. 2 substituted (7.6.2021) by **Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 6 para. 22(2)(b)(ii)**

PART 3

FIXED TERM STANDARD CONTRACTS

Commencement Information

- I3** Sch. 1 Pt. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

TABLE 5

FUNDAMENTAL PROVISION	NATURE OF PROVISION	NOTES
Section 31	Landlord (“L”) must provide contract-holder (“C-H”) with written statement of occupation contract	
Sections 39 and 40	L must provide C-H with L's name and address and other information	
Section 41	Notices and documents must be in writing	
Sections 43 and 45	Payment of deposits etc. and requirement that L uses authorised deposit scheme	Section 45 must be incorporated without modification.
Section 49	C-H may, with L's consent, add joint C-H	
Section 52	Rights of joint C-H where another joint C-H dies or otherwise leaves contract	Must be incorporated without modification.
Section 54	L must not interfere with C-H's right to occupy the dwelling	
Section 55	Anti-social behaviour and other prohibited conduct	Must be incorporated without modification.
Section 57	C-H may only deal with the occupation contract in limited ways	
Section 88	C-H may set off compensation L is liable to	

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	pay under section 87 against C-H's rent	
Sections 91 to 93 and 95 to 99	L's obligations to keep dwelling in good state of repair etc.	Not applicable to fixed term standard contracts made for a term of seven years or more.
Sections 134 to 136	When and how contract may be varied	Sections 134(1)(b) and (2) and 135 must be incorporated without modification. Section 135(2)(k) applies only if contract has a contract-holder's break clause (see section 189).
Section 145	L's right to temporarily exclude C-H from supported accommodation	Only applies to supported standard contracts (see section 143).
Sections 148 to 150	General provision about termination of contract	Sections 148 and 149 must be incorporated without modification.
Sections 152 to 155	Termination without possession claim	Section 155 (death of C-H) must be incorporated without modification (but not into fixed term standard contracts that contain the provision mentioned in section 139(1)).
Sections 157 to 159	Termination by L on ground of breach of contract	Section 158 (false statement inducing L to make contract) must be incorporated without modification.
Sections 160 and 161 and Part 1 of Schedule 8	Termination by L on an estate management ground	
Section 186	Termination by notice given by L in connection with the end of the term of the contract	[^{F7} Only applies if contract is within Schedule 9B. If contract incorporates section 186, Part 1 of Schedule 9A must be incorporated without modification.]
Sections 187 and 188	Termination by L on serious rent arrears ground	
Sections 190 to 193	Termination by notice given by C-H under contract-holder's break clause	Only apply if contract has a contract-holder's break clause.
[^{F8} Sections 195, 195A and 196, and 198 to 201, and Part 1 of Schedule 9A]	Termination by notice given by L under landlord's break clause	[^{F9} Only apply if contract has a landlord's break clause; but if a contract has a landlord's break clause, Part 1 of Schedule 9A must

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be incorporated without modification. Section 195A applies instead of section 195 to a contract that is within Schedule 8A, and section 196 does not apply to a contract that is within Schedule 9.]

Section 206	Effect of order for possession
Section 231	Termination of contract which has joint C-Hs

Textual Amendments

- F7** Words in [Sch. 1 Pt. 3](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 22\(3\)\(a\)](#)
- F8** Words in [Sch. 1 Pt. 3](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 22\(3\)\(b\)\(i\)](#)
- F9** Words in [Sch. 1 Pt. 3](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 22\(3\)\(b\)\(ii\)](#)

SCHEDULE 2

(introduced by section 7)

EXCEPTIONS TO SECTION 7

PART 1

TENANCIES AND LICENCES NOT WITHIN SECTION 7 THAT ARE OCCUPATION CONTRACTS IF NOTICE IS GIVEN

The rule

- 1 (1) A tenancy or licence which is not within section 7 may be an occupation contract if—
- (a) it confers the right to occupy the dwelling as a home on an individual (“the beneficiary”) other than the person with whom it is made, and
 - (b) the notice condition is met.
- (2) A tenancy or licence which is not within section 7 because no rent or other consideration is payable under it (and to which sub-paragraph (1) does not apply) may be an occupation contract if the notice condition is met.
- (3) The notice condition is met if, before or at the time when the tenancy or licence is made, the landlord gives a notice to the person with whom it is made stating that it is to be an occupation contract.

Commencement Information

- I4** [Sch. 2 para. 1](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

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Contracts for another's benefit: further provision

- 2
- (1) This paragraph applies where a notice under paragraph 1(3) is given in relation to a tenancy or licence within paragraph 1(1)(a).
 - (2) The notice may specify provisions of this Act and regulations made under it which are to have effect in relation to the occupation contract as if references to the contract-holder were references to the beneficiary.
 - (3) If it does so, the provisions specified in the notice have effect accordingly.
 - (4) Section 20(1)(b) and (2)(b) applies to fundamental provisions specified in the notice as if references to the contract-holder were references to the beneficiary.

Commencement Information

I5 Sch. 2 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 2

TENANCIES AND LICENCES WITHIN SECTION 7 THAT ARE
NOT OCCUPATION CONTRACTS UNLESS NOTICE IS GIVEN

The rule

- 3
- (1) A tenancy or licence within section 7, but to which sub-paragraph (2) applies, is not an occupation contract unless the notice condition is met.
 - (2) This sub-paragraph applies to a tenancy or licence—
 - (a) which confers the right to occupy a dwelling for the purposes of a holiday,
 - (b) which relates to the provision of accommodation in a care institution (see paragraph 4),
 - (c) which is a temporary expedient (see paragraph 5), or
 - (d) to which the shared accommodation exception applies (see paragraph 6).
 - (3) The notice condition is met if, before or at the time when the tenancy or licence is made, the landlord gives a notice to the person with whom it is made stating that it is to be an occupation contract.

Commencement Information

I6 Sch. 2 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Meaning of “care institution”

- 4
- “Care institution” means—
- (a) a health service hospital within the meaning of the National Health Service (Wales) Act 2006 (c. 49) (see section 206(1) of that Act),
 - ^{F10}(b) an independent hospital within the meaning of the Care Standards Act 2000 (c. 14) (see section 2 of that Act),

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- (c) a place at which a care home service within the meaning of paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over,
- (c) a place at which a care home service within the meaning of paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided wholly or mainly to persons aged 18 or over,
- (d) a place at which a residential family centre service within the meaning of paragraph 3 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 is provided, or
- (e) a place in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide—
 - (i) a secure accommodation service within the meaning of paragraph 2 of Schedule 1 to that Act, or
 - (ii) a care home service within the meaning of paragraph 1 of Schedule 1 to that Act to persons wholly or mainly under the age of 18.]

Textual Amendments

F10 Sch. 2 para. 4(b)-(e) substituted for Sch. 2 para. 4(b)(c) (1.12.2022) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), regs. 2(4), **56**; S.I. 2022/906, **art. 2**

Commencement Information

I7 Sch. 2 para. 4 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Meaning of “temporary expedient”

- 5
- (1) A tenancy or licence is a temporary expedient if it is made as a temporary expedient with a person who entered the dwelling to which it relates (or any other dwelling) as a trespasser.
 - (2) It is irrelevant whether or not, before the beginning of the tenancy or licence, another tenancy or licence to occupy the dwelling (or any other dwelling) had been made with the person.
 - (3) A tenancy or licence which arises under section 238 is not a temporary expedient.

Commencement Information

I8 Sch. 2 para. 5 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Meaning of “shared accommodation”

- 6
- (1) The shared accommodation exception applies if—
 - (a) the terms of the tenancy or licence provide for the tenant or licensee to share any accommodation with the landlord, and
 - (b) immediately before the tenancy or licence is made the landlord occupies as the landlord's only or principal home a dwelling which includes all or part of the shared accommodation.

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- (2) But the exception applies under sub-paragraph (1) only while the person who is from time to time the landlord in relation to the tenancy or licence continues to occupy such a dwelling as that person's only or principal home.
- (3) The shared accommodation exception also applies if—
 - (a) the terms of the tenancy or licence provide for the tenant or licensee to share any accommodation with another person (“the beneficiary”),
 - (b) immediately before the tenancy or licence is made the beneficiary occupies as his or her only or principal home a dwelling which includes all or part of the shared accommodation,
 - (c) that dwelling is subject to a trust, and
 - (d) under the trust the beneficiary—
 - (i) is entitled to an interest in the dwelling, and
 - (ii) by reason of that interest, is entitled to occupy the dwelling.
- (4) But the exception applies under sub-paragraph (3) only while the beneficiary continues to occupy such a dwelling as the beneficiary's only or principal home.
- (5) A tenant or licensee shares accommodation with the landlord or beneficiary if the tenant or licensee has the use of it in common with the landlord or beneficiary (whether or not in common with others).
- (6) “Accommodation” does not include an area used for storage, or a staircase, passage, corridor or other means of access.
- (7) If two or more persons are the landlord in relation to a tenancy or licence, references to the landlord are references to any one of them.

Commencement Information

19 Sch. 2 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 3

TENANCIES AND LICENCES THAT ARE NEVER OCCUPATION CONTRACTS

The rule

- 7 (1) A tenancy or licence is not an occupation contract at any time when this paragraph applies to it.
- (2) This paragraph applies to a tenancy or licence if all the persons with whom it is made are excluded from being contract-holders by section 7(6) (individuals who have not reached the age of 18).
- (3) This paragraph also applies to—
 - (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (c. 56) (business tenancies) applies;
 - (b) a protected occupancy or a statutory tenancy within the meaning of the Rent (Agriculture) Act 1976 (c. 80);

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- (c) a protected tenancy or a statutory tenancy within the meaning of the Rent Act 1977 (c. 42);
- ^{F11}(d)
- (e) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 (c. 5);
- (f) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 (c. 8);
- (g) a long tenancy (see paragraph 8);
- (h) a tenancy or licence which relates to armed forces accommodation (see paragraph 9);
- (i) a tenancy or licence which relates to direct access accommodation (see paragraph 10);
- ^{F12}(j) a tenancy or licence which relates to accommodation provided—
 - (i) by, or on behalf of, the Secretary of State in connection with a requirement imposed under section 3(6) (general provisions) of the Bail Act 1976 (c. 63), or
 - (ii) under Part 1 (arrangements for the provision of probation services) of the Offender Management Act 2007 (c. 21) for the probation purposes (within the meaning of section 1 of that Act);
- (k) a tenancy or licence which relates to—
 - (i) accommodation provided under section 4 (accommodation) or Part 6 (support for asylum-seekers, etc.) of the Immigration and Asylum Act 1999 (c. 33), or
 - (ii) facilities provided under paragraph 9 of Schedule 10 to the Immigration Act 2016 (c. 19) (immigration bail) for the accommodation of a person at an address specified in an immigration bail condition];
- ^{F13}(l) a licence which relates to private sector temporary homelessness accommodation (see paragraph 10A).]

Textual Amendments

- F11** Sch. 2 para. 7(3)(d) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), s. 19(3), **Sch. 5 para. 5(2)**
- F12** Sch. 2 para. 7(3)(j)(k) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022](#) (S.I. 2022/803), regs. 1(1), 2 (as amended by S.I. 2022/906, arts. 1(2), **15**)
- F13** Sch. 2 para. 7(3)(l) inserted (30.11.2023) by [The Renting Homes \(Wales\) Act 2016 and Homelessness \(Suitability of Accommodation\) \(Wales\) Order 2015 \(Amendment\) Regulations 2023](#) (S.I. 2023/1277), regs. 1(1), **2(2)(a)(i)**

Commencement Information

- I10** Sch. 2 para. 7 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Meaning of “long tenancy”

- 8 (1) “Long tenancy” means—
- (a) a tenancy for a fixed term of more than 21 years (whether or not it is or may become terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture),

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- (b) a tenancy for a term fixed by law because of a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy, or
 - (c) a tenancy made in pursuance of Part 5 of the Housing Act 1985 (c. 68) (the right to buy), including a tenancy made in pursuance of that Part [^{F14}as that Part had effect] because of section 17 of the Housing Act 1996 (c. 52) (the right to acquire).
- (2) But a tenancy terminable by notice after a death is not a long tenancy unless it is a shared ownership tenancy.
- (3) A shared ownership tenancy is a tenancy which—
- (a) was made with a housing association which was a registered social landlord or a private registered provider of social housing,
 - (b) was made for a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it, and
 - (c) when made complied with the requirements of the shared ownership regulations then in force.
- (4) A tenancy made before any shared ownership regulations were in force is to be treated as within sub-paragraph (3)(c) if, when the tenancy was made, it complied with the requirements of the first such regulations to come into force after it was made.
- (5) “Shared ownership regulations” means regulations under—
- (a) section 140(4)(b) of the Housing Act 1980 (c. 51), or
 - (b) paragraph 5 of Schedule 4A to the Leasehold Reform Act 1967 (c. 88) made for the purposes of paragraph 4(2)(b) of that Schedule.

Textual Amendments

F14 Words in [Sch. 2 para. 8\(1\)\(c\)](#) substituted (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(anaw 1\)](#), s. 11(3)(4), [Sch. 1 para. 9\(2\)](#); S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

Commencement Information

I11 [Sch. 2 para. 8](#) in force at 1.12.2022 by S.I. 2022/906, [art. 2](#)

Meaning of “armed forces accommodation”

- 9 Armed forces accommodation is accommodation which is provided to—
- (a) a member of any of Her Majesty's forces,
 - (b) a member of the family of a member of any of Her Majesty's forces, or
 - (c) a civilian subject to service discipline (within the meaning of section 370 of the Armed Forces Act 2006 (c. 52)),
- for the purposes of any of Her Majesty's forces.

Commencement Information

I12 [Sch. 2 para. 9](#) in force at 1.12.2022 by S.I. 2022/906, [art. 2](#)

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Meaning of “direct access accommodation”

- 10 (1) Direct access accommodation is accommodation which—
- (a) is provided by a community landlord or a registered charity,
 - (b) (subject to availability) is provided on demand to any person who appears to satisfy criteria determined by the community landlord or charity, and
 - (c) is provided only for periods of 24 hours (or less) at a time.
- (2) Accommodation may be direct access accommodation even if it is provided to the same person for several periods in succession.

Commencement Information

I13 Sch. 2 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Meaning of “private sector temporary homelessness accommodation”

- [^{F15}10A(1) Private sector temporary homelessness accommodation is accommodation which—
- (a) is provided by a private landlord under arrangements made with a local housing authority in pursuance of any of that authority’s homelessness housing functions, and
 - (b) is within the definition of “B&B accommodation” in article 2 (interpretation) of the Homelessness (Suitability of Accommodation) (Wales) Order 2015 (S.I. 2015/1268 (W. 87)), as it has effect on 30 November 2023, which is the date on which the Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023 (S.I. 2023/XXXX (W. XX)) came into force.
- (2) In this paragraph “local housing authority” and “homelessness housing functions” have the meanings given in paragraph 12(5).]

Textual Amendments

F15 Sch. 2 para. 10A inserted (30.11.2023) by [The Renting Homes \(Wales\) Act 2016 and Homelessness \(Suitability of Accommodation\) \(Wales\) Order 2015 \(Amendment\) Regulations 2023 \(S.I. 2023/1277\)](#), regs. 1(1), **2(2)(a)(ii)**

PART 4

TENANCIES AND LICENCES TO WHICH SPECIAL RULES APPLY: HOMELESSNESS

- 11 A tenancy or licence within section 7, but made with an individual by a local housing authority because of the authority's functions under Part 2 of the Housing (Wales) Act 2014 (anaw 7) (homelessness), is not an occupation contract unless the authority is satisfied that it owes a duty to the individual under section 75(1) of that Act (duty to secure availability of suitable accommodation).

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Commencement Information

II4 Sch. 2 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 12 (1) This paragraph applies where a local housing authority, in pursuance of any of its homelessness housing functions, makes arrangements with a relevant landlord for the provision of accommodation [^{F16}, but this paragraph does not apply in relation to a licence of the kind described in paragraph 7(3)(l)].
- (2) A tenancy or licence within section 7 but made with a relevant landlord in pursuance of the arrangements is not an occupation contract until immediately after the end of the notification period.
- (3) Sub-paragraph (2) does not apply if, before the end of the notification period, the landlord gives the person with whom the tenancy or licence is made notice that it is an occupation contract.
- (4) The notification period is the period of 12 months starting with—
- (a) the day on which that person was notified of—
 - (i) the outcome of the authority's assessment under section 62 of the Housing (Wales) Act 2014 (anaw 7) or the authority's decision under section 80(5) of that Act, or (as the case may be)
 - (ii) the authority's decision under section 184(3) or 198(5) of the Housing Act 1996 (c. 52), or
 - (b) if there is—
 - (i) a review of that decision under section 85 of the Housing (Wales) Act 2014 or an appeal to the county court under section 88 of that Act, or (as the case may be)
 - (ii) a review of that decision under section 202 of the Housing Act 1996 or an appeal to the court under section 204 of that Act,
- the day on which that person is notified of the outcome of the assessment or the decision on review, or the day on which the appeal is finally determined.
- (5) In this paragraph—
- “homelessness housing functions” (“*swyddogaethau darparu tai i'r digartref*”) means—
 - (a) in relation to a local housing authority for an area in Wales, its functions under sections 68, 73, 75, 82 and 88(5) of the Housing (Wales) Act 2014, and
 - (b) in relation to a local housing authority for an area in England, its functions under sections 188, 190, 200 and 204(4) of the Housing Act 1996;
 - “local housing authority” (“*awdurdod tai lleol*”) means—
 - (a) in relation to Wales, a county council for an area in Wales or a county borough council, and
 - (b) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - “relevant landlord” (“*landlord perthnasol*”) means—
 - (a) a community landlord which is a registered social landlord or a private registered provider of social housing, or

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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) a private landlord.

Textual Amendments

F16 Words in [Sch. 2 para. 12\(1\)](#) inserted (30.11.2023) by [The Renting Homes \(Wales\) Act 2016 and Homelessness \(Suitability of Accommodation\) \(Wales\) Order 2015 \(Amendment\) Regulations 2023 \(S.I. 2023/1277\)](#), regs. 1(1), **2(2)(b)**

Modifications etc. (not altering text)

C1 [Sch. 2 para. 12](#) modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **16** (with reg. 19)

Commencement Information

I15 [Sch. 2 para. 12](#) in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

PART 5

TENANCIES AND LICENCES TO WHICH SPECIAL RULES APPLY: SUPPORTED ACCOMMODATION

- 13 (1) A tenancy or licence within section 7, but which relates to supported accommodation (see section 143), is not an occupation contract if the landlord intends that the accommodation provided under the tenancy or licence is not to be subject to an occupation contract.
- (2) But if the tenancy or licence continues after the end of the relevant period, it becomes an occupation contract immediately after the end of that period.
- (3) The relevant period is (subject to paragraph 14)—
- (a) the period of six months starting with the start date of the tenancy or licence, or
 - (b) if the relevant period has been extended under paragraph 15, the period starting with the start date of the tenancy or licence and ending with the date specified in the notice of extension.
- (4) The occupation date of a tenancy or licence which becomes an occupation contract under sub-paragraph (2) is the day immediately after the last day of the relevant period.
- (5) For the purposes of this Part, the start date of a tenancy or licence is the day on which the tenant or licensee is first entitled under the tenancy or licence to occupy the dwelling subject to the tenancy or licence.

Commencement Information

I16 [Sch. 2 para. 13](#) in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Meaning of relevant period where there are previous contracts

- 14 (1) This paragraph applies in relation to a tenancy or licence mentioned in paragraph 13(1) (“the current tenancy or licence”) if—

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (a) the tenant or licensee was previously entitled to occupy supported accommodation under one or more relevant previous contracts, and
 - (b) the current tenancy or licence is the immediate successor of a relevant previous contract.
- (2) A relevant previous contract is a tenancy or licence which relates to supported accommodation and to—
- (a) the dwelling to which the current tenancy or licence relates (“the current dwelling”);
 - (b) if the current dwelling forms part only of a building, another dwelling which is in—
 - (i) that building, or
 - (ii) if that building is one of a number of buildings managed as a single entity, any of those buildings.
- (3) If there is a sole tenant or licensee and one relevant previous contract, the relevant period is—
- (a) the period of six months starting with the start date of the relevant previous contract, or
 - (b) if the relevant period has been extended under paragraph 15, the period set out in the notice of extension.
- (4) If there is a sole tenant or licensee and two or more relevant previous contracts running in immediate succession, the relevant period is—
- (a) the period of six months starting with the start date of the first of those contracts, or
 - (b) if the relevant period has been extended under paragraph 15, the period set out in the notice of extension.
- (5) If there are joint tenants or licensees, the relevant period is—
- (a) the period of six months starting with the date determined by—
 - (i) identifying, in relation to each joint tenant or licensee, the date on which the relevant period would start under sub-paragraph (3)(a) or (4)(a) if he or she were the sole tenant or licensee, and
 - (ii) taking the earliest of those dates, or
 - (b) if the relevant period has been extended under paragraph 15, the period set out in the notice of extension.
- (6) A tenancy or licence (“contract 2”) is the immediate successor of another tenancy or licence (“contract 1”) if contract 1 ends immediately before the start date of contract 2.

Commencement Information

I17 Sch. 2 para. 14 in force at 1.12.2022 by S.I. 2022/906, art. 2

Extending the relevant period

- 15 (1) The landlord may (on one or more occasions) extend the relevant period of a tenancy or licence mentioned in paragraph 13(1) by giving the tenant or licensee a notice of extension in accordance with this paragraph.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (2) The relevant period may not be extended by more than three months on any separate occasion.
- (3) The notice of extension must be given at least four weeks before the date on which the relevant period would end under whichever of the following applies—
 - (a) paragraph 13(3)(a) or (b);
 - (b) paragraph 14(3)(a) or (b);
 - (c) paragraph 14(4)(a) or (b);
 - (d) paragraph 14(5)(a) or (b).
- (4) Before giving a notice of extension, the landlord must consult the tenant or licensee.
- (5) A landlord (other than a local housing authority) may not give a notice of extension without the consent of the local housing authority in whose area the accommodation is provided.
- (6) The notice of extension must—
 - (a) state that the landlord has decided to extend the relevant period,
 - (b) set out the reasons for extending the relevant period,
 - (c) if the landlord is not a local housing authority, state that the local housing authority in whose area the accommodation is provided has consented to the extension, and
 - (d) specify the date on which the relevant period will come to an end.
- (7) The notice of extension must also inform the tenant or licensee that he or she has a right to apply for a review in the county court under paragraph 16, and of the time by which the application must be made.
- (8) In making the decision to extend the relevant period, the landlord may take into account—
 - (a) the conduct of the tenant or licensee (or, if there is more than one tenant or licensee, the conduct of any of them), and
 - (b) the conduct of any person who appears to the landlord to live in the dwelling.
- (9) A landlord may take a person's conduct into account under sub-paragraph (8)(b) whether or not the person lives continuously in the dwelling, and whatever the capacity in which the person lives in the dwelling.
- (10) The Welsh Ministers may make provision by regulations for the purposes of sub-paragraph (5), including provision about the procedure to be followed in relation to obtaining the consent of a local housing authority.

Commencement Information

I18 Sch. 2 para. 15(1)-(9) in force at 1.12.2022 by S.I. 2022/906, art. 2

I19 Sch. 2 para. 15(10) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), Sch. Pt. 1

I20 Sch. 2 para. 15(10) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2

County court review of decision to extend

- 16 (1) This section applies if a landlord gives a tenant or licensee a notice of extension under paragraph 15.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (2) The tenant or licensee may apply to the county court for a review—
 - (a) where the landlord is a local housing authority, of the decision to give a notice of extension, or
 - (b) where the landlord is not a local housing authority, of the local housing authority's decision to consent to the landlord giving the notice of extension.
- (3) The application must be made before the end of the period of 14 days starting with the day on which the landlord gives the tenant or licensee a notice of extension.
- (4) The county court may give permission for an application to be made after the end of the period allowed by sub-paragraph (3), but only if it is satisfied—
 - (a) where permission is sought before the end of that period, that there is a good reason for the tenant or licensee to be unable to make the application in time, or
 - (b) where permission is sought after that time, that there is a good reason for the tenant or licensee's failure to make the application in time and for any delay in applying for permission.
- (5) The county court may—
 - (a) confirm or quash the decision, or
 - (b) vary the length of the extension (subject to paragraph 15(2)).
- (6) In considering whether to confirm or quash the decision or vary the length of the extension, the county court must apply the principles applied by the High Court on an application for judicial review.
- (7) If the county court varies the length of the extension, the notice of extension has effect accordingly.
- (8) If the county court quashes the decision—
 - (a) the notice of extension is of no effect, and
 - (b) the county court may make any order the High Court could make when making a quashing order on an application for judicial review.
- (9) If the county court quashes the decision and the landlord gives the tenant or licensee a further notice of extension under paragraph 15 before the end of the post-review period, the notice has effect as if given in accordance with paragraph 15(3) (other than for the purposes of sub-paragraph (3)).
- (10) The post-review period is the period of 14 days beginning with the day on which the county court varies the length of the extension or quashes the decision.

Commencement Information

I21 Sch. 2 para. 16 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 6

POWER TO AMEND SCHEDULE

17 The Welsh Ministers may by regulations amend this Schedule.

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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*

Commencement Information

- I22** Sch. 2 para. 17 in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), Sch. Pt. 1
I23 Sch. 2 para. 17 in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2

SCHEDULE 3

(introduced by sections 11 and 12)

OCCUPATION CONTRACTS MADE WITH OR ADOPTED BY
 COMMUNITY LANDLORDS WHICH MAY BE STANDARD CONTRACTS

Occupation contracts by notice

- 1 An occupation contract which would not be an occupation contract but for a notice under paragraph 1 or 3 of Schedule 2.

Commencement Information

- I24** Sch. 3 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Supported accommodation

- 2 An occupation contract which relates to supported accommodation.

Commencement Information

- I25** Sch. 3 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

Introductory occupation

- 3 (1) An occupation contract within this paragraph which does not relate to supported accommodation.
- (2) An occupation contract is within this paragraph unless, immediately before the relevant date—
- (a) a contract-holder under it was a contract-holder under a secure contract, and
 - (b) the landlord under the secure contract was a community landlord.
- (3) The relevant date—
- (a) in relation to a contract made with a community landlord, is the occupation date, and
 - (b) in relation to a contract under which a community landlord becomes the landlord, is the day on which it becomes the landlord.

Commencement Information

- I26** Sch. 3 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

F17 ...

Textual Amendments

F17 Sch. 3 para. 4 and cross-heading omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022 \(S.I. 2022/803\)](#), regs. 1(1), **3** (as amended by S.I. 2022/906, arts. 1(2), **15**)

F17₄

Accommodation for displaced persons

F18₅

Textual Amendments

F18 Sch. 3 para. 5 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 5 para. 9(1)**

Accommodation for homeless persons

6 An occupation contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Commencement Information

I27 Sch. 3 para. 6 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Service occupancy: general

- 7 (1) An occupation contract where the contract-holder—
- (a) is employed by a relevant employer, and
 - (b) is required by his or her contract of employment to occupy the dwelling.
- (2) “Relevant employer” means—
- (a) a local authority;
 - (b) a new town corporation;
 - (c) a housing action trust;
 - (d) an urban development corporation;
 - (e) a registered social landlord (other than a fully mutual housing association or a co-operative housing association);
 - (f) a private registered provider of social housing;
 - (g) a manager who exercises a local housing authority's management functions under a management agreement;
 - (h) the governing body of any of the following schools (see the School Standards and Framework Act 1998 (c. 31))—
 - (i) a voluntary aided school,
 - (ii) a foundation school, or
 - (iii) a foundation special school.

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- (3) “Management agreement” means an agreement under section 27 of the Housing Act 1985 (c. 68) and “manager” means a person with whom the agreement is made.

Commencement Information

I28 Sch. 3 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy: police

- 8 An occupation contract where—
- (a) the contract-holder is a member of a police force, and
 - (b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c.16) (general regulations as to government, administration and conditions of service).

Commencement Information

I29 Sch. 3 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy: fire and rescue services

- 9 An occupation contract where—
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Commencement Information

I30 Sch. 3 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

Student accommodation

- 10 (1) An occupation contract where the right to occupy is conferred [F19 for the sole purpose of enabling] the contract-holder to attend a designated course at an educational establishment.
- (2) “Designated course” means a course of any kind prescribed for the purposes of this paragraph.
- (3) “Educational establishment” means an institution or university which provides further education or higher education (or both); and “further education” and “higher education” have the same meaning as in the Education Act 1996 (c. 56) (see sections 2 and 579 of that Act).

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Textual Amendments

- F19** Words in [Sch. 3 para. 10\(1\)](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 5 para. 10](#)

Commencement Information

- I31** [Sch. 3 para. 10\(1\)\(3\)](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)
I32 [Sch. 3 para. 10\(2\)](#) in force at 5.8.2016 for specified purposes by [S.I. 2016/813, art. 2\(a\)](#), [Sch. Pt. 1](#)
I33 [Sch. 3 para. 10\(2\)](#) in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906, art. 2](#)

Temporary accommodation: land acquired for development

- 11 (1) An occupation contract where—
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.
- (2) “Development” has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Commencement Information

- I34** [Sch. 3 para. 11](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Temporary accommodation: persons taking up employment

- 12 An occupation contract where—
- (a) immediately before the making of the contract the contract-holder was not living in the local housing authority area in which the dwelling is situated,
 - (b) before the making of the contract the contract-holder obtained employment or an offer of employment in that area or in an adjoining local housing authority area, and
 - (c) the right to occupy was conferred for the purpose of meeting the contract-holder's need for temporary accommodation in the local housing authority area in which the dwelling is situated or in an adjoining local housing authority area in order to work there, and enabling him or her to find permanent accommodation there.

Commencement Information

- I35** [Sch. 3 para. 12](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Temporary accommodation: short-term arrangements

- 13 An occupation contract where—
- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,

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- (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
- (c) the lessor is not a community landlord, and
- (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Commencement Information

I36 Sch. 3 para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: accommodation during works

- 14 (1) An occupation contract where—
- (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,
 - (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and
 - (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.
- (2) In this paragraph, references to the contract-holder include references to the contract-holder's predecessor.
- (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under an occupation contract if that person was an earlier contract-holder under the same contract.

Commencement Information

I37 Sch. 3 para. 14 in force at 1.12.2022 by S.I. 2022/906, art. 2

Accommodation which is not social accommodation

- 15 (1) An occupation contract where—
- (a) the allocation rules did not apply to the making of the contract, or
 - (b) the dwelling is made available to the contract-holder because he or she is a key worker.
- (2) The allocation rules are the landlord's rules for determining priority as between applicants in the allocation of housing accommodation, and include any rule or practice whereby the landlord provides accommodation to persons nominated by a local housing authority.
- (3) Whether a contract-holder is a “key worker” is to be determined in accordance with regulations made by the Welsh Ministers.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (4) The regulations may include provision identifying key workers by reference to the nature of their employment, the identity of their employer, and the amount of their earnings.

Commencement Information

- I38** Sch. 3 para. 15(1)(2) in force at 1.12.2022 by S.I. 2022/906, art. 2
I39 Sch. 3 para. 15(3)(4) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), Sch. Pt. 1
I40 Sch. 3 para. 15(3)(4) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2

Dwellings intended for transfer

- 16 An occupation contract where—
- (a) the community landlord is a registered social landlord or a private registered provider of social housing,
 - (b) the landlord has acquired or built or otherwise developed the dwelling with the intention of transferring it to a fully mutual housing association or a co-operative housing association, and
 - (c) the occupation contract is made in anticipation of the transfer of the dwelling.

Commencement Information

- I41** Sch. 3 para. 16 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

- 17 The Welsh Ministers may by regulations amend this Schedule.

Commencement Information

- I42** Sch. 3 para. 17 in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), Sch. Pt. 1
I43 Sch. 3 para. 17 in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2

SCHEDULE 4

(introduced by section 16)

INTRODUCTORY STANDARD CONTRACTS

Introductory period

- 1 (1) The introductory period, in relation to an occupation contract which is a periodic standard contract because the first exception in section 11 or 12 applies and because it is within paragraph 3 of Schedule 3, is—
- (a) the period of 12 months starting with the introduction date of the contract, or
 - (b) if there is an extension under paragraph 3, the period of 18 months starting with the introduction date of the contract.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (2) Sub-paragraph (3) applies instead of sub-paragraph (1) if, at the end of what would be the introductory period under sub-paragraph (1)—
 - (a) a possession claim made by the landlord in respect of the dwelling has not been concluded, or
 - (b) the landlord has given the contract-holder a possession notice or a notice under section 173 (landlord's notice to end contract), and the period before the end of which the landlord may make a possession claim has not ended.
- (3) Where this sub-paragraph applies, the introductory period is the period starting with the introduction date of the contract and ending—
 - (a) when a relevant event occurs, or
 - (b) if no relevant event occurs, immediately after the contract ends.
- (4) In a case within sub-paragraph (2)(a) the relevant event is the conclusion of the possession claim in favour of the contract-holder.
- (5) In a case within sub-paragraph (2)(b) each of the following is a relevant event—
 - (a) withdrawal of the notice;
 - (b) the period ending without a possession claim having been made;
 - (c) conclusion in favour of the contract-holder of a possession claim made in reliance on the notice.
- (6) If a private landlord becomes the landlord under the contract before the time at which the introductory period would end apart from this sub-paragraph, the introductory period ends.
- (7) The introduction date of an occupation contract is (subject to paragraph 2)—
 - (a) the occupation date of the contract, or
 - (b) if the contract became a periodic standard contract because the first exception in section 12 applied and because it was within paragraph 3 of Schedule 3 on a community landlord becoming the landlord under the contract, the day the community landlord became the landlord.

Commencement Information

I44 [Sch. 4 para. 1](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Meaning of introduction date where there are previous introductory standard contracts

- 2 (1) This paragraph applies in relation to an occupation contract which is a periodic standard contract because the first exception in section 11 or 12 applies and because it is within paragraph 3 of Schedule 3 if—
 - (a) a contract-holder under the contract (“the current contract”) was previously a contract-holder under one or more introductory standard contracts (“previous contracts”), and
 - (b) the current contract is the immediate successor of a previous contract.
- (2) If there is a sole contract-holder and one previous contract, the introduction date of the current contract is the introduction date of the previous contract.

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- (3) If there is a sole contract-holder and two or more previous contracts running in immediate succession, the introduction date of the current contract is the introduction date of the first of those contracts.
- (4) If there are joint contract-holders, the introduction date of the contract is determined by—
 - (a) identifying, in relation to each joint contract-holder, what the introduction date would be under sub-paragraphs (2) and (3) if he or she were the sole contract-holder, and
 - (b) taking the earliest of those dates.
- (5) Sub-paragraph (6) applies if the introductory period of a previous contract with the same introduction date as the current contract was extended under paragraph 3.
- (6) Where this sub-paragraph applies, the introductory period of the current contract is the period of 18 months starting with the introduction date of the current contract.
- (7) An occupation contract (“contract 2”) is the immediate successor of another contract (“contract 1”) if contract 1 ends immediately before the occupation date of contract 2.

Commencement Information

I45 Sch. 4 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

Extending the introductory period

- 3 (1) The landlord may extend the introductory period to the period of 18 months starting with the introduction date of the contract by giving the contract-holder a notice of extension.
- (2) The notice of extension must be given to the contract-holder at least eight weeks before the day on which the introductory period would end under paragraph 1(1)(a).
- (3) The notice of extension must state that the landlord has decided to extend the introductory period, and set out the reasons for that decision.
- (4) The notice of extension must also inform the contract-holder that he or she has a right to request a review under paragraph 4 of the landlord's decision to extend the introductory period, and of the time by which the request must be made.
- (5) In making the decision to extend the introductory period, the landlord may take into account—
 - (a) the conduct of the contract-holder (or, if there are joint contract-holders, the conduct of any of them), and
 - (b) the conduct of any person who appears to the landlord to live in the dwelling.
- (6) A landlord may take a person's conduct into account under sub-paragraph (5)(b) whether or not the person lives continuously in the dwelling, and whatever the capacity in which the person lives in the dwelling.
- (7) The Welsh Ministers may by regulations amend sub-paragraph (2) for the purpose of changing when a notice of extension must be given to a contract-holder^{F20}....

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Textual Amendments

F20 Words in [Sch. 4 para. 3\(7\)](#) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 24](#)

Commencement Information

I46 [Sch. 4 para. 3](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Landlord's review of decision to extend introductory period

- 4 (1) If a landlord gives a notice of extension under paragraph 3, the contract-holder may request that the landlord carries out a review of the decision to give the notice.
- (2) The request must be made to the landlord before the end of the period of 14 days (or such longer period as the landlord may allow in writing) starting with the day on which the landlord gives the contract-holder the notice of extension.
- (3) If the contract-holder requests a review in accordance with sub-paragraph (2), the landlord must carry out the review.
- (4) Following a review, the landlord may—
- (a) confirm the decision to give the notice, or
 - (b) reverse the decision.
- (5) The landlord must notify the contract-holder of the outcome of the review before the date on which the introductory period would end under paragraph 1(1)(a).
- (6) If the landlord confirms the decision, the notice must—
- (a) set out the reasons for the confirmation, and
 - (b) inform the contract-holder that he or she has a right to apply for a review in the county court under paragraph 5, and of the time by which the application must be made.
- (7) The Welsh Ministers may prescribe the procedure to be followed in connection with a review under this paragraph.
- (8) Regulations under sub-paragraph (7) may, amongst other things—
- (a) require the review to be carried out by a person of appropriate seniority who has not been involved in the decision, and
 - (b) set out circumstances in which a contract-holder is entitled to an oral hearing, and whether and by whom he or she may be represented at such a hearing.

Commencement Information

I47 [Sch. 4 para. 4\(1\)-\(6\)](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

I48 [Sch. 4 para. 4\(7\)\(8\)](#) in force at 5.8.2016 for specified purposes by [S.I. 2016/813](#), [art. 2\(a\)](#), [Sch. Pt. 1](#)

I49 [Sch. 4 para. 4\(7\)\(8\)](#) in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906](#), [art. 2](#)

County court review of decision to extend

- 5 (1) This paragraph applies if a landlord, following a request for a review made in accordance with paragraph 4(2)—

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- (a) gives notice under paragraph 4(5) informing the contract-holder that the landlord has decided to confirm a decision to give a notice of extension under paragraph 3, or
 - (b) fails to give notice in accordance with paragraph 4(5).
- (2) The contract-holder may apply to the county court for a review of the decision to give the notice of extension.
- (3) The application must be made—
 - (a) before the end of the period of 14 days starting with the day on which the landlord gives the contract-holder notice under paragraph 4(5), or
 - (b) if no notice has been given in accordance with paragraph 4(5), before the end of the period of 14 days starting with the day after the date by which the landlord was required to give notice under that sub-paragraph.
- (4) The county court may give permission for an application to be made after the end of the period allowed by sub-paragraph (3), but only if it is satisfied—
 - (a) where permission is sought before the end of that period, that there is a good reason for the contract-holder to be unable to make the application in time, or
 - (b) where permission is sought after that time, that there is a good reason for the contract-holder's failure to make the application in time and for any delay in applying for permission.
- (5) The county court may confirm or quash the decision to give the notice of extension.
- (6) 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.
- (7) If the county court quashes the decision—
 - (a) the notice of extension is of no effect, and
 - (b) the county court may make any order the High Court could make when making a quashing order on an application for judicial review.
- (8) If the county court quashes the decision and the landlord gives the contract-holder a further notice of extension under paragraph 3 before the end of the post-review period—
 - (a) the notice has effect as if given in accordance with paragraph 3(2) (other than for the purposes of paragraph 4(2)), and
 - (b) paragraph 4(5) is to be read as if it requires the landlord to notify the contract-holder of the outcome of a review under that paragraph before the end of the period of 14 days starting with the day on which the contract-holder requested the review.
- (9) The post-review period is the period of 14 days beginning with the day on which the county court quashes the decision.

Commencement Information

150 Sch. 4 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

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*Written statement may address secure contract
 arising at end of introductory standard contract*

- 6 (1) Sub-paragraph (2) applies if, before the end of the introductory period, the landlord and the contract-holder have agreed (subject to the provisions of this Act as to the incorporation of fundamental and supplementary provisions) what the terms of the secure contract that may arise at the end of the introductory period are to be.
- (2) A written statement of the introductory standard contract may set out the terms of the secure contract by—
- (a) identifying the terms of the introductory standard contract that will not be terms of the secure contract, and setting out the terms that will apply only to the secure contract, or
 - (b) separately setting out all of the terms of the secure contract.
- (3) Where a written statement of an introductory standard contract addresses the secure contract in accordance with sub-paragraph (2) (a “relevant written statement”)—
- (a) the relevant written statement is not incorrect (see section 37) merely because it addresses the secure contract,
 - (b) the landlord is to be treated as having complied with the requirement in section 31(1) (provision of written statement) in relation to the secure contract, and
 - (c) the terms of the secure contract may not be enforced against the contract-holder before the occupation date of that contract (and accordingly, section 42 does not apply).
- (4) If the occupation date of a secure contract addressed in a relevant written statement changes because the landlord has extended the introductory period in accordance with paragraph 3, the relevant written statement is not incorrect merely because it does not set out the new occupation date.

Commencement Information

I51 Sch. 4 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 7 (1) A secure contract addressed in a relevant written statement may be varied by agreement between the landlord and the contract-holder before the occupation date of the secure contract, subject to sub-paragraphs (2) to (5).
- (2) Section 108(1) to (5) (limit on variation) applies in relation to such a variation.
- (3) Sections 109(1) to (3) and 110 (written statement of variation) apply in relation to such a variation.
- (4) Section 104(1) to (3) or (as the case may be) section 105(1)(b) and (2) to (4) applies in relation to a variation of the rent or other consideration which is to be payable under the secure contract.
- (5) Sections 104(3)(a) and 105(4)(a), as applied by sub-paragraph (4), are to be read as if for “any date” there were substituted “ the occupation date of the secure contract, or a later date ”.
- (6) This paragraph is a fundamental provision which is incorporated as a term of all introductory standard contracts where the written statement of the contract is a relevant written statement; section 20 provides that this paragraph—

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- (a) must be incorporated, and
- (b) must not be incorporated with modifications.

Commencement Information

I52 Sch. 4 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Terms of secure contract which was an introductory standard contract

- 8 (1) This paragraph applies where an introductory standard contract ends and is replaced with a secure contract because the introductory period has ended, and the landlord has not addressed the secure contract in the written statement of the introductory standard contract in accordance with paragraph 6(2).
- (2) If the landlord and the contract-holder have agreed what the terms of the secure contract are to be in that event, the terms of the contract are the terms agreed.
- (3) Sub-paragraph (2) is subject to the provisions of this Act as to the incorporation of fundamental and supplementary provisions.
- (4) If the landlord and the contract-holder have not agreed what the terms of the secure contract are to be in that event—
- (a) the fundamental and supplementary provisions applicable to secure contracts made with the landlord are incorporated as terms of the contract without modification,
 - (b) any terms of the contract which are incompatible with those fundamental or supplementary provisions cease to have effect, and
 - (c) otherwise, the terms of the secure contract are the same as the terms of the introductory standard contract.

Commencement Information

I53 Sch. 4 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

*Landlord's duty to give address at start of contract
does not apply in relation to secure contract*

- 9 The requirement in section 39(1) (landlord must give contract-holder a contact address at start of contract) does not apply in relation to a secure contract which replaces an introductory standard contract.

Commencement Information

I54 Sch. 4 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

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SCHEDULE 5

(introduced by section 46)

DEPOSIT SCHEMES: FURTHER PROVISION

Modifications etc. (not altering text)

- C2** Sch. 5 modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **8** (with reg. 19)

Deposit schemes

- 1 (1) The Welsh Ministers must make arrangements for securing that one or more deposit schemes are available.
- (2) “Deposit scheme” means a scheme for the purpose of—
- (a) safeguarding deposits paid in connection with occupation contracts, and
 - (b) facilitating the resolution of disputes arising in connection with such deposits.
- (3) “Arrangements” means arrangements with any person (“the scheme administrator”) under which the scheme administrator undertakes to establish and maintain a deposit scheme of a description specified in the arrangements.
- (4) The arrangements must require the scheme administrator to give the Welsh Ministers such information, and such facilities for obtaining information, as the Welsh Ministers may require.
- (5) The Welsh Ministers may—
- (a) give financial assistance to the scheme administrator;
 - (b) make other payments to the scheme administrator in pursuance of the arrangements;
 - (c) guarantee the discharge of any financial obligation incurred by the scheme administrator in connection with the arrangements.
- (6) The Welsh Ministers may make regulations conferring powers and imposing duties on scheme administrators.

Commencement Information

- I55** Sch. 5 para. 1(1)-(5) in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**
- I56** Sch. 5 para. 1(6) in force at 5.8.2016 for specified purposes by [S.I. 2016/813](#), **art. 2(a)**, **Sch. Pt. 1**
- I57** Sch. 5 para. 1(6) in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906](#), **art. 2**

Authorised deposit schemes: proceedings where the occupation contract has not ended

- 2 (1) Where a deposit has been paid in connection with an occupation contract that has not ended, the contract-holder (or any person who has paid the deposit on his or her behalf) may make an application to the county court on any of the following grounds.
- (2) The first ground is that the landlord has not complied with section 45(2)(a) (initial requirements of an authorised deposit scheme).

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- (3) The second ground is that the landlord has not complied with section 45(2)(b) (provision of required information).
- (4) The third ground is that the applicant—
 - (a) has been notified by the landlord that a particular authorised deposit scheme applies to the deposit, but
 - (b) has been unable to obtain confirmation from the scheme administrator that the deposit is being held in accordance with the scheme.
- (5) The county court must act as follows if—
 - (a) in the case of an application on the first or second ground, it is satisfied that the ground is made out, or
 - (b) in the case of an application on the third ground, it is not satisfied that the deposit is being held in accordance with an authorised deposit scheme.
- (6) The county court must either—
 - (a) order the person who appears to be holding the deposit to repay the deposit to the applicant before the end of the relevant period, or
 - (b) order the person who appears to be holding the deposit to pay the deposit, before the end of the relevant period, to the scheme administrator of a custodial deposit scheme (if such a scheme is in force in accordance with arrangements under paragraph 1) to be held in accordance with the scheme.
- (7) The county court must also order the landlord to pay to the applicant, before the end of the relevant period, a sum of money not less than the amount of the deposit and not more than three times the amount of the deposit.
- (8) The relevant period is the period of 14 days beginning with the date of the order.
- (9) For the purposes of this paragraph, a custodial deposit scheme is a deposit scheme (within the meaning of paragraph 1(2)) under which deposits are paid to the scheme administrator by the landlord and held by the scheme administrator until, in accordance with the scheme, they fall to be paid to the landlord or contract-holder (or any person who paid the deposit on the contract-holder's behalf).

Commencement Information

I58 Sch. 5 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

Authorised deposit schemes: proceedings where the occupation contract has ended

- 3 (1) Where a deposit has been paid in connection with an occupation contract that has ended, the person who was the contract-holder under the contract (or any person who paid the deposit on his or her behalf) may make an application to the county court on any of the following grounds.
 - (2) The first ground is that the landlord did not comply with section 45(2)(a) (initial requirements of an authorised deposit scheme).
 - (3) The second ground is that the landlord did not comply with section 45(2)(b) (provision of required information).
 - (4) The third ground is that the applicant—

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- (a) was notified by the landlord that a particular authorised deposit scheme applied to the deposit, but
 - (b) has been unable to obtain confirmation from the scheme administrator that the deposit is being held in accordance with the scheme.
- (5) If the county court—
- (a) in the case of an application on the first or second ground, is satisfied that the ground is made out, or
 - (b) in the case of an application on the third ground, is not satisfied that the deposit is being held in accordance with an authorised deposit scheme,
- it may order the person who appears to be holding the deposit to repay all or part of the deposit to the applicant before the end of the relevant period.
- (6) If sub-paragraph (5)(a) or (b) applies, the county court (whether or not it makes an order under that sub-paragraph) must order the landlord to pay to the applicant, before the end of the relevant period, a sum of money not less than the amount of the deposit and not more than three times the amount of the deposit.
- (7) The relevant period is the period of 14 days beginning with the date of the order.

Commencement Information

I59 Sch. 5 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Existing deposit used in connection with a renewed or other kind of substitute occupation contract

- 4 (1) This paragraph applies where—
- (a) a contract-holder paid a deposit in connection with an occupation contract (“the original contract”),
 - (b) the landlord, in respect of the deposit—
 - (i) dealt with it in accordance with an authorised deposit scheme,
 - (ii) complied with the initial requirements of the scheme, and
 - (iii) provided the information required by section 45(2)(b),
 - (c) the original contract is replaced with a substitute occupation contract, and
 - (d) the deposit that was paid in connection with the original contract continues to be held—
 - (i) in connection with the substitute occupation contract, and
 - (ii) in accordance with the same authorised deposit scheme as when the requirements mentioned in paragraph (b)(ii) and (iii) were last complied with in respect of it.
- (2) This paragraph also applies where—
- (a) a substitute occupation contract is replaced with a new substitute occupation contract, and
 - (b) the deposit that was paid in connection with the original contract continues to be held—
 - (i) in connection with the new substitute occupation contract, and

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- (ii) in accordance with the same authorised deposit scheme as when the requirements mentioned in sub-paragraph (1)(b)(ii) and (iii) were last complied with in respect of it.
- (3) The landlord is to be treated as having complied with the requirements in section 45 in relation to the deposit held in connection with the substitute occupation contract.
- (4) For the purposes of this paragraph, an occupation contract is replaced with a substitute occupation contract if—
- (a) the occupation date of the substitute occupation contract falls immediately after the end of the preceding occupation contract,
 - (b) the landlord and contract-holder under the substitute occupation contract are the same as under the preceding contract, and
 - (c) the substitute occupation contract relates to the same (or substantially the same) dwelling as the preceding contract.

Commencement Information

I60 Sch. 5 para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

- 5 The Welsh Ministers may by regulations amend this Schedule.

Commencement Information

I61 Sch. 5 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

SCHEDULE 6 (introduced by sections 50, 58, 115 and 119)

REASONABLENESS OF WITHHOLDING CONSENT ETC.

PART 1

INTRODUCTORY

- 1 (1) This Schedule applies for the purpose of determining whether—
- (a) it is reasonable for a landlord to refuse consent to a transaction, or
 - (b) a condition subject to which a landlord gives consent is reasonable.
- (2) Part 2 sets out circumstances which must be taken into account for that purpose, to the extent that they are relevant (and to the extent that there is no other requirement to take them into account for that purpose; for example, under the Human Rights Act 1998 (c. 42)).
- (3) Part 3 sets out circumstances (in addition to those in Part 2) which must be taken into account for that purpose in relation to specific kinds of transaction, to the extent that

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they are relevant (and to the extent that there is no other requirement to take them into account for that purpose).

- (4) Parts 2 and 3 also set out certain circumstances in which it is always reasonable for a landlord to refuse consent or impose conditions (subject to the Convention rights of the contract-holder and any other person affected by the landlord's decision).

Commencement Information

I62 Sch. 6 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 2

CIRCUMSTANCES WHICH MAY BE RELEVANT
TO REASONABLENESS GENERALLY

Status of occupation contract

- 2 Whether any party to the contract has taken steps towards ending the contract or done any act which may cause the contract to end.

Commencement Information

I63 Sch. 6 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

The dwelling

- 3 (1) The size and suitability of the dwelling affected by the transaction.
- (2) Whether, as a result of the transaction, the dwelling will—
- (a) constitute an overcrowded dwelling for the purposes of Part 10 of the Housing Act 1985 (c. 68) (see section 324 of that Act),
 - (b) provide substantially more extensive accommodation than is reasonably required by the persons who will occupy the dwelling as a home, or
 - (c) provide accommodation that is not suitable to the needs of the persons who will occupy the dwelling as a home.
- (3) Whether, if the transaction were to take place, an estate management ground would become available to the landlord (see Schedule 8).
- (4) If the landlord has established requirements as to—
- (a) the number of persons who are to occupy the dwelling affected by the transaction as a home, or
 - (b) the age or general characteristics of those persons,
- whether the persons who will occupy the dwelling as a home will meet those requirements.
- (5) But the landlord's requirements are to be taken into account under sub-paragraph (4) only to the extent that they are reasonable.

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Commencement Information

I64 Sch. 6 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances of contract-holder and other occupiers

- 4 (1) The probable effect of the transaction on—
- (a) the parties to the transaction, and
 - (b) any other person who occupies, or as a result of the transaction will occupy, the dwelling affected by the transaction as a home.
- (2) The financial interests of the contract-holder; but this sub-paragraph does not apply (subject to the contract-holder's Convention rights) if the occupation contract is a secure contract and the landlord is a community landlord.

Commencement Information

I65 Sch. 6 para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 5 (1) The conduct of the contract-holder (including, in particular, whether he or she is or has been in breach of the occupation contract).
- (2) Whether, if the landlord asked the contract-holder for information to enable the landlord to deal with the request for consent, the contract-holder provided that information.

Commencement Information

I66 Sch. 6 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 6 If the contract-holder is in breach of the occupation contract when he or she requests the landlord's consent to the transaction, it is reasonable for the landlord to impose a condition that—
- (a) the landlord's consent is to take effect only after the contract-holder ceases to be in breach, or
 - (b) despite anything in this Act or the occupation contract the person, or all the persons, who will be contract-holders after the transaction are to be liable in respect of the breach.

Commencement Information

I67 Sch. 6 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances of landlord

- 7 (1) The landlord's interests, including the landlord's financial interests.
- (2) If the landlord is a community landlord, the probable effect of the transaction on its ability to fulfil its housing functions.

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- (3) Whether (and if so, when) a person would obtain a dwelling (or a dwelling similar to the dwelling affected by the transaction) from the landlord if the transaction did not take place.
- (4) If the landlord is required to publish a summary of rules under section 106 of the Housing Act 1985 (c. 68) (allocation of housing accommodation), those rules.
- (5) If the landlord is a local housing authority, its allocation scheme (within the meaning of section 167 of the Housing Act 1996 (c. 52)) and any information available under section 167(4A) of that Act to a person applying for an allocation of housing accommodation.
- (6) If neither sub-paragraph (4) nor sub-paragraph (5) applies but the landlord has criteria for the allocation of accommodation, those criteria.

Commencement Information

I68 Sch. 6 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 8 (1) The landlord's refusal of consent to a transaction is reasonable if—
 - (a) the landlord is a local housing authority, and
 - (b) as a result of the transaction a person who is ineligible (or is to be treated as ineligible) for an allocation of housing accommodation by the landlord will become a contract-holder.
- (2) Sub-paragraph (1) does not apply to a transfer to a potential successor under section 114 or to a secure contract-holder under section 118.
- (3) Whether a person is ineligible, or is to be treated as ineligible, for an allocation of housing accommodation by the landlord is to be determined in accordance with section 160A of the Housing Act 1996 (c. 52) and regulations under that section.

Commencement Information

I69 Sch. 6 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 3

CIRCUMSTANCES WHICH MAY BE RELEVANT TO REASONABLENESS IN RELATION TO PARTICULAR TRANSACTIONS

Section 49: proposed joint contract-holder

- 9 (1) This paragraph applies where the contract-holder under the occupation contract seeks the landlord's consent to adding a joint contract-holder under section 49.
- (2) Where this paragraph applies, the following circumstances (in addition to those in Part 2) must be taken into account (to the extent that they are relevant)—
 - (a) whether the proposed joint contract-holder is a suitable contract-holder;
 - (b) whether he or she is a member of the contract-holder's family (see section 250) and, if so, the nature of the relationship;

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- (c) whether the proposed joint contract-holder is likely to become a sole contract-holder in relation to the dwelling;
 - (d) whether he or she is likely, but for being made a joint contract-holder, to succeed to the contract under section 73.
- (3) Circumstances relevant to sub-paragraph (2)(a) may include whether the proposed joint contract-holder—
- (a) is likely to comply with the contract, and
 - (b) has complied with other occupation contracts (whether as contract-holder under those contracts or otherwise).
- (4) Circumstances relevant to sub-paragraph (2)(c) may include—
- (a) whether the landlord would have been able to refuse consent if the contract-holder requested the landlord's consent to a transfer of the contract to the proposed joint contract-holder, and
 - (b) any circumstances that would be relevant if the landlord were considering whether to make a new occupation contract in relation to the dwelling with that person.
- (5) Circumstances relevant to sub-paragraph (2)(d) may include the probable effect of giving consent as regards—
- (a) the persons who may in future be qualified to succeed to the occupation contract, and
 - (b) the period for which the occupation contract is likely to continue in force if one or more of those persons do succeed to it.

Commencement Information

I70 Sch. 6 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 10 (1) This paragraph applies where the contract-holder under the occupation contract seeks the landlord's consent to adding a joint contract-holder under section 49.
- (2) If the landlord considers that the probable effect of giving consent is to substantially lengthen the period during which the occupation contract is likely to continue in force, it is reasonable for the landlord to impose the condition mentioned in sub-paragraph (3).
- (3) The condition is that the joint contract-holder is to be treated for the purposes of this Act as a priority successor or as a reserve successor in relation to the occupation contract.

Commencement Information

I71 Sch. 6 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Section 114: transfer to potential successor in relation to a secure contract

- 11 (1) This paragraph applies if a contract-holder under a secure contract seeks the landlord's consent to a transfer of the contract to a potential successor in accordance with section 114.

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- (2) Where this paragraph applies the following circumstances (in addition to those in Part 2) must be taken into account (to the extent that they are relevant)—
- (a) the probable effect of giving consent as regards the persons who may in future be qualified to succeed to the occupation contract, and
 - (b) the period for which the occupation contract is likely to continue in force if one or more of those persons do succeed to it.

Commencement Information

I72 Sch. 6 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 12 (1) This paragraph applies if a contract-holder under a secure contract seeks the landlord's consent to a transfer of the contract to a potential successor in accordance with section 114.
- (2) If the landlord considers that the probable effect of giving consent is to lengthen substantially the period during which the occupation contract is likely to continue in force, it is reasonable for the landlord to impose the condition mentioned in subparagraph (3).
- (3) The condition is that the potential successor is to be treated for the purposes of this Act as a priority successor or as a reserve successor in relation to the occupation contract.

Commencement Information

I73 Sch. 6 para. 12 in force at 1.12.2022 by S.I. 2022/906, art. 2

Section 118: transfer to secure contract-holder in relation to a secure contract with a community landlord

- 13 (1) This paragraph applies if a contract-holder under a secure contract (“the transferor”) seeks to transfer the contract in accordance with section 118 to a person (“the transferee”) who is a contract-holder under another secure contract.
- (2) Where this paragraph applies, the following circumstances (in addition to those in Part 2) must be taken into account (to the extent that they are relevant)—
- (a) whether the transfer is to be part of a series of transactions and, if it is, all the circumstances relating to the other transactions intended to be part of the series (see also paragraph 14(2)), and
 - (b) whether the transferee is a priority or reserve successor in relation to the secure contract under which he or she is a contract-holder before the transfer (see also paragraph 14(3)).

Commencement Information

I74 Sch. 6 para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 14 (1) This paragraph applies if a contract-holder under a secure contract (“the transferor”) seeks to transfer the contract in accordance with section 118 to a person (“the transferee”) who is a contract-holder under another secure contract.

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- (2) If the transfer is to be part of a series of transactions it is reasonable to impose a condition that the transfer may take place only if the other transactions take place.
- (3) If the transferee is a priority or reserve successor in relation to the secure contract under which he or she is a contract-holder before the transfer, it is reasonable to impose a condition requiring that the transferee is to be treated for the purposes of this Act as a successor of that kind in relation to the secure contract transferred to him or her by the transferor.

Commencement Information

I75 Sch. 6 para. 14 in force at 1.12.2022 by S.I. 2022/906, art. 2

SCHEDULE 7

(introduced by sections 116 and 117)

PROHIBITED CONDUCT STANDARD CONTRACTS

Procedure on application for an order under section 116

- 1 (1) The court may not hear a landlord's application for an order under section 116 unless—
 - (a) the landlord has given notice to the contract-holder of the landlord's intention to apply for such an order, or
 - (b) the court considers it reasonable to dispense with the requirement of notice.
- (2) A notice under sub-paragraph (1) must give particulars of the conduct in respect of which the order is sought and state that proceedings may not be brought—
 - (a) before the day specified in the notice, or
 - (b) after the end of the period of six months starting with the day on which the notice is given to the contract-holder.
- (3) The day specified for the purposes of sub-paragraph (2)(a) may be the day on which the notice is given to the contract-holder.
- (4) The landlord may, in the same proceedings, apply to the court for an order under section 116 and make a possession claim.

Commencement Information

I76 Sch. 7 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Terms of prohibited conduct standard contract

- 2 (1) This section applies where a periodic standard contract is created by an order under section 116.
- (2) If the landlord and the contract-holder agree the terms of the periodic standard contract, the terms of the contract are the terms agreed.

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- (3) Sub-paragraph (2) is subject to the provisions of this Act about the incorporation of fundamental and supplementary provisions.
- (4) If the landlord and the contract-holder do not agree the terms of the periodic standard contract—
 - (a) the fundamental and supplementary provisions applicable to periodic standard contracts are incorporated as terms of the contract without modification,
 - (b) any terms of the contract which are incompatible with those fundamental or supplementary provisions cease to have effect, and
 - (c) otherwise, the terms of the periodic standard contract are the same as the terms of the secure contract.
- (5) Whether or not the landlord and contract holder agree the terms of the periodic standard contract, it is a term of the contract that—
 - (a) any arrears of rent payable at the end of the secure contract become payable under the periodic standard contract, and
 - (b) any rent paid in advance or overpaid at the end of the secure contract is credited to the contract-holder's liability to pay rent under the periodic standard contract.
- (6) The requirement in section 39(1) (landlord must give contract-holder a contact address at start of contract) does not apply.
- (7) Section 151(3) (requirement to inform contract-holder of right to apply for landlord's review under section 202) provides that that section is a fundamental provision which is incorporated as a term of all prohibited conduct standard contracts.
- (8) Prohibited conduct standard contracts are within Schedule 9; accordingly section 175 (restriction on giving landlord's notice [^{F21}until after the first six months] of occupation) is not incorporated as a term of a prohibited conduct standard contract.

Textual Amendments

F21 Words in [Sch. 7 para. 2\(8\)](#) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), s. 19(3), [Sch. 6 para. 25\(2\)](#)

Commencement Information

I77 [Sch. 7 para. 2](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Probation period

- 3 (1) The probation period, in relation to an occupation contract which is a periodic standard contract because of an order under section 116, is—
 - (a) the period of 12 months starting with the occupation date of the contract (see section 116(2)(b)), or
 - (b) if there is an extension under paragraph 4, the period of 18 months starting with the occupation date of the contract.
- (2) If the landlord gives the contract-holder notice that the probation period will end before the time at which it would end under sub-paragraph (1), the period ends on the date specified in the notice.

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- (3) If under paragraph 7 the court orders that the probation period will end before the time at which it would end under sub-paragraph (1), the period ends on the date specified in the order.
- (4) If sub-paragraphs (2) and (3) both apply, the period ends on the earlier of the date specified in the notice and the date specified in the order.
- (5) Sub-paragraph (6) applies instead of sub-paragraphs (1) to (4) if, at what would be the end of probation period under those sub-paragraphs—
 - (a) a possession claim made by the landlord in respect of the dwelling has not been concluded, or
 - (b) the landlord has given the contract-holder a possession notice or a notice under section 173 (landlord's notice to end contract), and the period before the end of which the landlord may make a possession claim has not ended.
- (6) Where this sub-paragraph applies, the probation period is the period starting with the occupation date of the contract and ending—
 - (a) when a relevant event occurs, or
 - (b) if no relevant event occurs, immediately after the contract ends.
- (7) In a case within sub-paragraph (5)(a) the relevant event is the conclusion of the possession claim in favour of the contract-holder.
- (8) In a case within sub-paragraph (5)(b) each of the following is a relevant event—
 - (a) withdrawal of the notice;
 - (b) the period ending without a possession claim having been made;
 - (c) conclusion in favour of the contract-holder of a possession claim made in reliance on the notice.
- (9) If a private landlord other than a registered charity becomes the landlord under the contract before the time at which the probation period would end apart from this sub-paragraph, the probation period ends.

Commencement Information

I78 Sch. 7 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Extending probation period

- 4 (1) The landlord may extend the probation period to the period of 18 months starting with the occupation date of the contract by giving the contract-holder a notice of extension.
- (2) The notice of extension must be given to the contract-holder at least eight weeks before the date on which the probation period would end under paragraph 3(1)(a).
- (3) The notice of extension must state that the landlord has decided to extend the probation period, and set out the reasons for the landlord's decision.
- (4) The notice of extension must also inform the contract-holder that he or she has a right to request a review under paragraph 5 of the landlord's decision to extend the probation period, and of the time by which the request must be made.

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- (5) In making the decision to extend the probation period, the landlord may take into account—
- (a) the conduct of the contract-holder (or, if there are joint contract-holders, the conduct of any of them), and
 - (b) the conduct of any person who appears to the landlord to live in the dwelling.
- (6) A landlord may take into account a person's conduct under sub-paragraph (5)(b) whether or not the person lives continuously in the dwelling, and whatever the capacity in which the person lives in the dwelling.
- (7) The Welsh Ministers may by regulations amend sub-paragraph (2) for the purpose of changing when a notice of extension must be given to a contract-holder^{F22}....

Textual Amendments

F22 Words in [Sch. 7 para. 4\(7\)](#) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 25\(3\)](#)

Commencement Information

I79 [Sch. 7 para. 4](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Landlord's review of decision to extend probation period

- 5 (1) If a landlord gives a notice of extension under paragraph 4, the contract-holder may request that the landlord carries out a review of the decision to give the notice.
- (2) The request must be made to the landlord before the end of the period of 14 days (or such longer period as the landlord may allow in writing) starting with the day on which the landlord gives the contract-holder the notice of extension.
- (3) If the contract-holder requests a review in accordance with sub-paragraph (2), the landlord must carry out the review.
- (4) Following a review, the landlord may—
- (a) confirm the decision to give the notice, or
 - (b) reverse the decision.
- (5) The landlord must notify the contract-holder of the outcome of the review before the date on which the probation period would end under paragraph 3(1)(a).
- (6) If the landlord confirms the decision, the notice must—
- (a) set out the reasons for the confirmation, and
 - (b) inform the contract-holder that he or she has a right to apply for a review in the county court under paragraph 6, and of the time by which the application must be made.
- (7) The Welsh Ministers may prescribe the procedure to be followed in connection with a review under this paragraph.
- (8) Regulations under sub-paragraph (7) may, amongst other things—
- (a) require the review to be carried out by a person of appropriate seniority who has not been involved in the decision, and

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- (b) set out circumstances in which a contract-holder is entitled to an oral hearing, and whether and by whom he or she may be represented at such a hearing.

Commencement Information

- I80** Sch. 7 para. 5(1)-(6) in force at 1.12.2022 by S.I. 2022/906, art. 2
I81 Sch. 7 para. 5(7)(8) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), Sch. Pt. 1
I82 Sch. 7 para. 5(7)(8) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2

County court review of decision to extend probation period

- 6 (1) This paragraph applies if a landlord, following a request for a review made in accordance with paragraph 5(2)—
- (a) gives notice under paragraph 5(5) informing the contract-holder that the landlord has decided to confirm a decision to give a notice of extension under paragraph 4, or
- (b) fails to give a notice in accordance with paragraph 5(5).
- (2) The contract-holder may apply to the county court for a review of the decision to give the notice of extension.
- (3) The application must be made—
- (a) before the end of the period of 14 days starting with the day on which the landlord gives the contract-holder notice under paragraph 5(5), or
- (b) if no notice has been given in accordance with paragraph 5(5), before the end of the period of 14 days starting with the day after the date by which the landlord was required to give notice under that sub-paragraph.
- (4) The county court may give permission for an application to be made after the end of the period allowed by sub-paragraph (3), but only if it is satisfied—
- (a) where permission is sought before the end of that period, that there is a good reason for the contract-holder to be unable to make the application in time, or
- (b) where permission is sought after that time, that there is a good reason for the contract-holder's failure to make the application in time and for any delay in applying for permission.
- (5) The county court may confirm or quash the decision to give the notice of extension.
- (6) 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.
- (7) If the county court quashes the decision—
- (a) the notice of extension is of no effect, and
- (b) the county court may make any order the High Court could make when making a quashing order on an application for judicial review.
- (8) If the county court quashes the decision and the landlord gives the contract-holder a further notice of extension under paragraph 4 before the end of the post-review period—
- (a) the notice has effect as if given in accordance with paragraph 4(2) (other than for the purposes of paragraph 5(2)), and

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- (b) paragraph 5(5) is to be read as if it requires the landlord to notify the contract-holder of the outcome of a review under that paragraph before the end of the period of 14 days starting with the day on which the contract-holder requested the review.
- (9) The post-review period is the period of 14 days beginning with the day on which the county court quashes the decision.

Commencement Information

I83 Sch. 7 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

Application to court to end probation period

- 7 (1) The contract-holder under an occupation contract which is a periodic standard contract because of an order under section 116 may apply to the court for an order ending the probation period before the time at which it would end under paragraph 3(1).
- (2) The application may be made at any time after the end of the period of six months starting with the occupation date of the contract (see section 116(2)(b)).
- (3) The court may end the probation period only if it is satisfied that—
 - (a) it is no longer necessary for the contract-holder to occupy under a periodic standard contract, or
 - (b) the landlord has not made an appropriate programme of social support available to the contract-holder and it is unlikely that such support will be made available.

Commencement Information

I84 Sch. 7 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Terms of secure contract that was a prohibited conduct standard contract

- 8 (1) This paragraph applies where a prohibited conduct standard contract ends and is replaced with a secure contract because the probation period has ended.
- (2) If the landlord and the contract-holder have agreed what the terms of the secure contract are to be in that event, the terms of the contract are the terms agreed.
- (3) Sub-paragraph (2) is subject to the provisions of this Act as to the incorporation of fundamental and supplementary provisions.
- (4) If the landlord and the contract-holder have not agreed what the terms of the secure contract are to be in that event—
 - (a) the fundamental and supplementary provisions applicable to secure contracts made with the landlord are incorporated as terms of the contract without modification,
 - (b) any terms of the contract which are incompatible with those fundamental or supplementary provisions cease to have effect, and

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- (c) otherwise, the terms of the secure contract are the same as the terms of the prohibited conduct standard contract.
- (5) The requirement in section 39(1) (landlord must give contract-holder a contact address at start of contract) does not apply.

Commencement Information

I85 Sch. 7 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

SCHEDULE 8

(introduced by sections 160 and 162)

ESTATE MANAGEMENT GROUNDS

PART 1

THE GROUNDS

REDEVELOPMENT GROUNDS

Ground A (building works)

- 1 The landlord intends, within a reasonable time of obtaining possession of the dwelling—
- (a) to demolish or reconstruct the building or part of the building comprising the dwelling, or
 - (b) to carry out work on that building or on land treated as part of the dwelling, and cannot reasonably do so without obtaining possession of the dwelling.

Commencement Information

I86 Sch. 8 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground B (redevelopment schemes)

- 2 (1) This ground arises if the dwelling satisfies the first condition or the second condition.
- (2) The first condition is that the dwelling is in an area which is the subject of a redevelopment scheme approved in accordance with Part 2 of this Schedule, and the landlord intends within a reasonable time of obtaining possession to dispose of the dwelling in accordance with the scheme.
- (3) The second condition is that part of the dwelling is in such an area and the landlord intends within a reasonable time of obtaining possession to dispose of that part in accordance with the scheme, and for that purpose reasonably requires possession of the dwelling.

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Commencement Information

187 Sch. 8 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

SPECIAL ACCOMMODATION GROUNDS

Ground C (charities)

- 3 (1) The landlord is a charity and the contract-holder's continued occupation of the dwelling would conflict with the objects of the charity.
- (2) But this ground is not available to the landlord (“L”) unless, at the time the contract was made and at all times after that, the person in the position of landlord (whether L or another person) has been a charity.
- (3) In this paragraph “charity” has the same meaning as in the Charities Act 2011 (c. 25) (see section 1 of that Act).

Commencement Information

188 Sch. 8 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground D (dwelling suitable for disabled people)

- 4 The dwelling has features which are substantially different from those of ordinary dwellings and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling and—
- (a) there is no longer such a person living in the dwelling, and
- (b) the landlord requires the dwelling for occupation by such a person (whether alone or with members of that person's family).

Commencement Information

189 Sch. 8 para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground E (housing associations and housing trusts: people difficult to house)

- 5 (1) The landlord is a housing association or housing trust which makes dwellings available only for occupation (whether alone or with others) by people who are difficult to house, and—
- (a) either there is no longer such a person living in the dwelling or a local housing authority has offered the contract-holder a right to occupy another dwelling under a secure contract, and
- (b) the landlord requires the dwelling for occupation by such a person (whether alone or with members of that person's family).
- (2) A person is difficult to house if that person's circumstances (other than financial circumstances) make it especially difficult for him or her to satisfy his or her need for housing.

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Commencement Information

I90 Sch. 8 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground F (groups of dwellings for people with special needs)

- 6 The dwelling constitutes part of a group of dwellings which it is the practice of the landlord to make available for occupation by persons with special needs and—
- (a) a social service or special facility is provided in close proximity to the group of dwellings in order to assist persons with those special needs,
 - (b) there is no longer a person with those special needs living in the dwelling, and
 - (c) the landlord requires the dwelling for occupation by a person who has those special needs (whether alone or with members of his or her family).

Commencement Information

I91 Sch. 8 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

UNDER-OCCUPATION GROUNDS

Ground G (reserve successors)

- 7 The contract-holder succeeded to the occupation contract under section 73 as a reserve successor (see sections 76 and 77), and the accommodation comprised in the dwelling is more extensive than is reasonably required by the contract-holder.

Commencement Information

I92 Sch. 8 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Ground H (joint contract-holders)

- 8
- (1) This ground arises if the first condition and the second condition are met.
 - (2) The first condition is that a joint contract-holder's rights and obligations under the contract have been ended in accordance with—
 - (a) section 111, 130 or 138 (withdrawal), or
 - (b) section 225, 227 or 230 (exclusion).
 - (3) The second condition is that—
 - (a) the accommodation comprised in the dwelling is more extensive than is reasonably required by the remaining contract-holder (or contract-holders), or
 - (b) where the landlord is a community landlord, the remaining contract-holder does not (or the remaining contract-holders do not) meet the landlord's criteria for the allocation of housing accommodation.

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Commencement Information

I93 Sch. 8 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

OTHER ESTATE MANAGEMENT REASONS

Ground I (other estate management reasons)

- 9 (1) This ground arises where it is desirable for some other substantial estate management reason that the landlord should obtain possession of the dwelling.
- (2) An estate management reason may, in particular, relate to—
- (a) all or part of the dwelling, or
 - (b) any other premises of the landlord to which the dwelling is connected, whether by reason of proximity or the purposes for which they are used, or in any other manner.

Commencement Information

I94 Sch. 8 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

FUNDAMENTAL PROVISION

Fundamental provision applicable to all occupation contracts

- 10 This Part of this Schedule is a fundamental provision which is incorporated as a term of all occupation contracts.

Commencement Information

I95 Sch. 8 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 2

APPROVAL OF REDEVELOPMENT SCHEMES FOR PURPOSES OF GROUND B

Approval of scheme and of variation of scheme

- 11 (1) The Welsh Ministers may, on the application of a landlord, approve for the purposes of estate management Ground B a scheme for the disposal and redevelopment of an area of land consisting of or including the whole or part of a dwelling subject to an occupation contract.
- (2) For the purposes of this paragraph—
- (a) “disposal” means a disposal of any interest in the land (including the grant of an option), and
 - (b) “redevelopment” means the demolition or reconstruction of buildings or the carrying out of other works to buildings or land,
- and it is immaterial whether the disposal is to precede or follow the redevelopment.

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- (3) The Welsh Ministers may on the application of the landlord approve a variation of a scheme previously approved by them and may, amongst other things, approve a variation adding land to the area subject to the scheme.

Commencement Information

I96 Sch. 8 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

Notice to contract-holders affected

- 12 (1) If a landlord proposes to apply to the Welsh Ministers for the approval of a scheme or variation of an approved scheme, the landlord must give a notice to the contract-holder under any affected occupation contract.
- (2) An occupation contract is affected if the dwelling subject to it is affected by the proposal.
- (3) The notice must state—
- (a) the main features of the proposed scheme, or of the proposed variations of the approved scheme,
 - (b) that the landlord proposes to apply to the Welsh Ministers for approval of the scheme or variation, and
 - (c) that, because of section 160 and estate management Ground B, the effect of such approval will be to enable the landlord to make a possession claim in respect of the dwelling.
- (4) The notice must also inform the contract-holder that—
- (a) he or she may make representations to the landlord about the proposal, and
 - (b) the representations must be made before the end of the period of 28 days starting with the day on which the notice is given to him or her (or such longer period as the landlord may specify in the notice).
- (5) The landlord may not apply to the Welsh Ministers until the landlord has considered any representations made before the end of that period.
- (6) Sub-paragraph (7) applies in the case of a landlord under an occupation contract which would (but for this paragraph) be required under section 234 to consult the contract-holder as regards a redevelopment scheme (or a variation of a redevelopment scheme).
- (7) Where this sub-paragraph applies, this paragraph is to apply in relation to the landlord's consultation with the contract-holder instead of section 234.

Commencement Information

I97 Sch. 8 para. 12 in force at 1.12.2022 by S.I. 2022/906, art. 2

Decision on approval or variation

- 13 (1) In considering whether to give its approval to a scheme or variation the Welsh Ministers must, among other things, take into account—

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (a) the effect of the scheme on the extent and character of housing accommodation in the neighbourhood,
 - (b) the period of time proposed in the scheme as the period within which the proposed disposal and redevelopment will take place, and
 - (c) the extent to which the scheme includes provision for housing provided under the scheme to be sold to, or occupied under occupation contracts by, relevant persons.
- (2) “Relevant persons” means existing contract-holders under an occupation contract with the landlord and, if the landlord is a community landlord, persons nominated by the landlord.
- (3) The Welsh Ministers must also take into account—
- (a) any representations made to them, and
 - (b) so far as they are brought to the Welsh Ministers' attention, any representations made to the landlord.
- (4) The landlord must give to the Welsh Ministers such information as to the representations made to the landlord, and other relevant matters, as the Welsh Ministers may request.

Commencement Information

I98 Sch. 8 para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

Scheme affecting part of dwelling etc.

- 14 The Welsh Ministers may not approve a scheme or variation so as to include in the area subject to the scheme—
- (a) part only of any dwelling subject to an occupation contract, or
 - (b) any dwelling subject to an occupation contract that is not affected by the works involved in the redevelopment but is proposed to be disposed of along with other land which is so affected,
- unless they are satisfied that the inclusion is justified in the circumstances.

Commencement Information

I99 Sch. 8 para. 14 in force at 1.12.2022 by S.I. 2022/906, art. 2

Conditions in relation to approval

- 15 (1) The approval may be given subject to conditions and may be expressed to end after a specified period.
- (2) The Welsh Ministers, on the application of the landlord or otherwise, may vary an approval so as to—
- (a) add, remove or vary conditions to which the approval is subject, or
 - (b) extend or restrict the period after which the approval is to end.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Commencement Information

I100 Sch. 8 para. 15 in force at 1.12.2022 by S.I. 2022/906, art. 2

Special provision for community landlords

- 16 For the purposes of this Part of this Schedule a community landlord is to be treated as being a landlord in relation to a dwelling if it has an interest of any description in that dwelling.

Commencement Information

I101 Sch. 8 para. 16 in force at 1.12.2022 by S.I. 2022/906, art. 2

[^{F23}SCHEDULE 8A (introduced by sections 174, 174A, 195 and 195A)

STANDARD CONTRACTS WHICH CAN BE TERMINATED ON TWO MONTHS' NOTICE UNDER SECTION 173 OR A LANDLORD'S BREAK CLAUSE

Textual Amendments

F23 Sch. 8A inserted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 1

Prohibited conduct standard contracts

- 1 A prohibited conduct standard contract.

Commencement Information

I102 Sch. 8A para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2

- 2 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Commencement Information

I103 Sch. 8A para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

Accommodation for students in higher education

- 3 (1) A standard contract where—

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (a) the landlord is a higher education institution, and
 - (b) the right to occupy is conferred for the purpose of enabling the contract-holder to attend a course of study at that institution, or at another higher education institution (whether or not the right to occupy is also conferred for another purpose).
- (2) “Higher education institution” means an institution in the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992 (c. 13)).

Commencement Information
I104 Sch. 8A para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Supported accommodation

4 A supported standard contract.

Commencement Information
I105 Sch. 8A para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

F24 ...

Textual Amendments
F24 Sch. 8A para. 5 and cross-heading omitted (1.12.2022) by virtue of The Renting Homes (Wales) Act 2016 (Amendment) Regulations 2022 (S.I. 2022/803), regs. 1(1), 4 (as amended by S.I. 2022/906, arts. 1(2), 15)

5^{F24}

Accommodation for homeless persons

6 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Commencement Information
I106 Sch. 8A para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy

7 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Commencement Information

I107 Sch. 8A para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy: police

- 8 A standard contract where—
- (a) the contract-holder is a member of a police force, and
 - (b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c. 16) (general regulations as to government, administration and conditions of service).

Commencement Information

I108 Sch. 8A para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy: fire and rescue services

- 9 A standard contract where—
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Commencement Information

I109 Sch. 8A para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: land acquired for development

- 10 (1) A standard contract where—
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.
- (2) “Development” has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Commencement Information

I110 Sch. 8A para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: short-term arrangements

- 11 A standard contract where—

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
- (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
- (c) the lessor is not a community landlord, and
- (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Commencement Information

I111 Sch. 8A para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: accommodation during works

- 12 (1) A standard contract where—
- (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,
 - (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and
 - (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.
- (2) In this paragraph, references to the contract-holder include references to the contract-holder’s predecessor.
- (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Commencement Information

I112 Sch. 8A para. 12 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

- 13 The Welsh Ministers may by regulations amend this Schedule.]

Commencement Information

I113 Sch. 8A para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

SCHEDULE 9

(introduced by sections 175

^{F27}

... and 196)

STANDARD CONTRACTS TO WHICH LIMITS IN SECTIONS 175 ^{F25} ... AND 196 [^{F26}(WHEN LANDLORD'S NOTICE MAY BE GIVEN)] DO NOT APPLY

Textual Amendments

- F25** Word in Sch. 9 heading omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 6 para. 26\(4\)\(a\)](#)
- F26** Words in Sch. 9 heading substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 6 para. 26\(4\)\(b\)](#)
- F27** Word in Sch. 9 shoulder note omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 6 para. 26\(5\)](#)

Prohibited conduct standard contracts

- 1 A prohibited conduct standard contract.

Commencement Information

- I114** Sch. 9 para. 1 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Tenancies and licences which are occupation contracts because of notice given under Part 2 of Schedule 2

- 2 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Commencement Information

- I115** Sch. 9 para. 2 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Supported accommodation

- 3 A [^{F28}supported standard contract].

Textual Amendments

- F28** Words in Sch. 9 para. 3 substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\)](#), [Sch. 6 para. 26\(2\)](#)

Commencement Information

- I116** Sch. 9 para. 3 in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

F29
...

Textual Amendments
F29 Sch. 9 para. 4 and cross-heading omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022 \(S.I. 2022/803\)](#), regs. 1(1), 5 (as amended by S.I. 2022/906, arts. 1(2), 15)

F29 4

Accommodation for displaced persons

F30 5

Textual Amendments
F30 Sch. 9 para. 5 omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 5 para. 9\(2\)](#)

Accommodation for homeless persons

6 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Commencement Information
I117 Sch. 9 para. 6 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Service occupancy

7 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Commencement Information
I118 Sch. 9 para. 7 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Service occupancy: police

8 A standard contract where—
(a) the contract-holder is a member of a police force, and
(b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c. 16) (general regulations as to government, administration and conditions of service).

Commencement Information
I119 Sch. 9 para. 8 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Service occupancy: fire and rescue services

- 9 A standard contract where—
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Commencement Information

I120 Sch. 9 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: land acquired for development

- 10 (1) A standard contract where—
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.
- (2) “Development” has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Commencement Information

I121 Sch. 9 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: short-term arrangements

- 11 A standard contract where—
- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
 - (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
 - (c) the lessor is not a community landlord, and
 - (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Commencement Information

I122 Sch. 9 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: accommodation during works

- 12 (1) A standard contract where—

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,
 - (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and
 - (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.
- (2) In this paragraph, references to the contract-holder include references to the contract-holder’s predecessor.
- (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Commencement Information

I123 Sch. 9 para. 12 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

13 The Welsh Ministers may by regulations amend this Schedule.

Commencement Information

I124 Sch. 9 para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

[^{F31}SCHEDULE 9A (introduced by sections 176, 186A and 197)

STANDARD CONTRACTS: RESTRICTIONS ON GIVING NOTICE UNDER SECTION
 173, UNDER SECTION 186, AND UNDER A LANDLORD'S BREAK CLAUSE

Textual Amendments

F31 Sch. 9A inserted (7.6.2021) by *Renting Homes (Amendment) (Wales) Act 2021* (asc 3), s. 19(3), Sch. 2

PART 1

THE RESTRICTIONS

Failure to provide written statement

1 [This paragraph is incorporated as a term of all standard contracts which—
^{F32}(1) (a) are mentioned in paragraph 7(1), and

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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) incorporate section 31.]

[^{F33}(2) A landlord may not give notice at a time when—

- (a) the contract-holder has not been given a written statement of the contract under section 31(1) (requirement to provide written statement at the start of a contract), or
- (b) the landlord is aware that the identity of the contract-holder has changed, and the new contract-holder has not been given a written statement of the contract under section 31(2) (requirement to give written statement to a new contract-holder).]

Textual Amendments

- F32** Sch. 9A para. 1(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(2)(b)** (as amended by S.I. 2022/906, arts. 1(2), 8)
- F33** Sch. 9A para. 1(2): Sch. 9A para. 1 renumbered as Sch. 9A para. 1(2) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(2)(a)** (as amended by S.I. 2022/906, arts. 1(2), 8)

Commencement Information

- I125** Sch. 9A para. 1 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Six month restriction following failure to provide written statement within the period specified in section 31

- 2 [This paragraph is incorporated as a term of all standard contracts which—
- ^{F34}(1) (a) are mentioned in paragraph 7(1), and
- (b) incorporate section 31.]

[A landlord who has failed to comply with section 31(1) or (2) may not give notice ^{F35}(2)] during the period of six months starting with the day on which the landlord gave a written statement of the contract to the contract-holder.

Textual Amendments

- F34** Sch. 9A para. 2(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(3)(b)** (as amended by S.I. 2022/906, arts. 1(2), 8)
- F35** Sch. 9A para. 2 renumbered as Sch. 9A para. 2(2) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(3)(a)** (as amended by S.I. 2022/906, arts. 1(2), 8)

Commencement Information

- I126** Sch. 9A para. 2 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Failure to provide information

- 3 [This paragraph is incorporated as a term of all standard contracts which—
- ^{F36}(1) (a) are mentioned in paragraph 7(1), and

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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) incorporate section 39.]

[A landlord may not give notice at a time when the landlord has not provided a notice ^{F37}(2)] required under section 39 (duty to provide information).

Textual Amendments

- F36** Sch. 9A para. 3(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(4)(b)** (as amended by S.I. 2022/906, arts. 1(2), **8**)
- F37** Sch. 9A para. 3 renumbered as Sch. 9A para. 3(2) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(4)(a)** (as amended by S.I. 2022/906, arts. 1(2), **8**)

Commencement Information

- I127** Sch. 9A para. 3 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

^{F38}*Failure to provide valid energy performance certificate*

Textual Amendments

- F38** Sch. 9A para. 3A and cross-heading inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **3** (as amended by S.I. 2022/906, arts. 1(2), **8**)

- 3A. (1) This paragraph is incorporated as a term of all standard contracts which—
- (a) are mentioned in paragraph 7(1), and
 - (b) relate to a dwelling in relation to which regulation 6(5) of the EPB Regulations (requirement to give tenant a valid energy performance certificate) applies.
- (2) A landlord may not give notice at a time when the landlord has not complied with regulation 6(5) of the EPB Regulations.
- (3) For the purposes of this paragraph, it does not matter when the valid energy performance certificate was given (and nothing in this paragraph requires that a new energy performance certificate be given to a contract-holder when a certificate given to that contract-holder in compliance with that regulation ceases to be valid under the EPB Regulations).
- (4) In this paragraph—
- “the EPB Regulations” (“*y Rheoliadau PYA*”) means the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118);
- “valid energy performance certificate” (“*tystysgrif perfformiad ynni ddilys*”) is to be interpreted in accordance with the EPB Regulations.]

Commencement Information

- I128** Sch. 9A para. 3A in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Breach of security and deposit requirements

- 4 (1) A landlord may not give notice at a time when security required by the landlord in connection with the contract in a form not permitted by section 43 has not been returned to the person by whom it was given.
- (2) A landlord may not give a notice at a time when any of sub-paragraphs (3) to (5) apply unless—
- (a) a deposit paid in connection with the contract has been returned to the contract-holder (or any person who paid the deposit on the contract-holder's behalf) either in full or with such deduction as may have been agreed, or
 - (b) an application to the county court has been made under paragraph 2 of Schedule 5 and has been determined by the county court, withdrawn, or settled by agreement between the parties.
- (3) This sub-paragraph applies if a deposit has been paid in connection with the contract but the initial requirements of an authorised deposit scheme have not been complied with.
- (4) This sub-paragraph applies if a deposit has been paid in connection with the contract but the landlord has not provided the information required by section 45(2)(b).
- (5) This sub-paragraph applies if a deposit paid in connection with the contract is not being held in accordance with an authorised deposit scheme.

[Sub-paragraph (1) is only incorporated as a term of a contract mentioned in paragraph F39(6) 7(1) which incorporates section 43.]

Textual Amendments

F39 Sch. 9A para. 4(6) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(5)** (as amended by [S.I. 2022/906](#), arts. 1(2), **8**)

Modifications etc. (not altering text)

C3 Sch. 9A para. 4 modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **8** (with reg. 19)

Commencement Information

I129 Sch. 9A para. 4 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Prohibited payments and holding deposits under the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2)

- 5 (1) A landlord may not give a notice at a time when—
- (a) a prohibited payment (within the meaning of the Renting Homes (Fees etc.) (Wales) Act 2019) has been made in relation to the contract as described in section 2 or 3 of that Act, and
 - (b) that prohibited payment has not been repaid.
- (2) A landlord may not give a notice at a time when—
- (a) a holding deposit (within the meaning of the Renting Homes (Fees etc.) (Wales) Act 2019) paid in relation to the contract has not been repaid, and

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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) the failure to repay the deposit amounts to a breach of the requirements of Schedule 2 to that Act.
- (3) In determining for the purposes of this paragraph whether a prohibited payment or a holding deposit has been repaid, the payment or deposit is to be treated as having been repaid to the extent (if any) that it has been applied towards either or both of the following—
- (a) a payment of rent under the contract;
 - (b) a payment required as security in respect of the contract.

Commencement Information

I130 Sch. 9A para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

^{F40}Failure to ensure that working smoke alarms and carbon monoxide alarms are installed

Textual Amendments

F40 Sch. 9A paras. 5A-5C and cross-heading inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, 4 (as amended by S.I. 2022/906, arts. 1(2), 8)

- 5A. (1) This paragraph is incorporated as a term of all standard contracts—
- (a) which are mentioned in paragraph 7(1), and
 - (b) in relation to which regulation 5 of the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ([S.I. 2022/6 \(W. 4\)](#)) (“the Fitness for Human Habitation Regulations”) applies.
- (2) A landlord may not give notice at a time when—
- (a) the dwelling is treated as unfit for human habitation by virtue of regulation 5(3) of the Fitness for Human Habitation Regulations (failure to ensure that working smoke alarms and, in certain circumstances, carbon monoxide alarms are installed in a dwelling), and
 - (b) as a result, the landlord is required under Part 4 of this Act to take steps to stop the dwelling from being treated as unfit for human habitation by virtue of that regulation.]

Commencement Information

I131 Sch. 9A para. 5A in force at 1.12.2022 by S.I. 2022/906, art. 2

^{F40}Failure to supply electrical condition report etc.

- 5B. (1) This paragraph is incorporated as a term of all standard contracts—
- (a) which are mentioned in paragraph 7(1), and
 - (b) in relation to which regulation 6 of the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ([S.I. 2022/6 \(W. 4\)](#)) (“the Fitness for Human Habitation Regulations”) applies.
- (2) A landlord may not give notice at a time when—

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

- (a) the dwelling is treated as unfit for human habitation by virtue of regulation 6(6) of the Fitness for Human Habitation Regulations (failure to obtain an electrical condition report, or to give the contract holder such a report or written confirmation of certain other electrical work), and
- (b) as a result, the landlord is required under Part 4 of this Act to take steps to stop the dwelling from being treated as unfit for human habitation by virtue of that regulation.]

Commencement Information

I132 Sch. 9A para. 5B in force at 1.12.2022 by S.I. 2022/906, art. 2

f⁴⁰ Failure to provide gas safety report to contract-holder

- 5C. (1) This paragraph is incorporated as a term of all standard contracts—
- (a) which are mentioned in paragraph 7(1), and
 - (b) in relation to which regulation 36 of the Gas Safety Regulations applies.
- (2) A landlord may not give notice at a time when the landlord has not complied with regulation 36(6) or (as the case may be) (7) of the Gas Safety Regulations (requirement to provide or display report on safety etc. of gas installations).
- (3) For the purposes of sub-paragraph (2), a landlord who has not complied with regulation 36(6) or (7) of the Gas Safety Regulations is to be treated as in compliance with the provision in question at any time when—
- (a) the landlord has ensured that the contract-holder has been given, or (as the case may be) there is displayed in a prominent position in the dwelling, a copy of a gas safety record, and
 - (b) that record is valid.
- (4) For the purposes of sub-paragraph (3), a gas safety record is valid until the end of the period within which the appliance or flue to which the record relates is required, under the Gas Safety Regulations, to again be subjected to a check for safety.
- (5) In this paragraph—
- “check for safety” (“*gwiriad diogelwch*”) means a check for safety carried out in accordance with regulation 36(3) of the Gas Safety Regulations;
 - “gas safety record” (“*cofnod diogelwch nwy*”) means a record made pursuant to the requirements of regulation 36(3)(c) of the Gas Safety Regulations;
 - “Gas Safety Regulations” (“*Rheoliadau Diogelwch Nwy*”) means the Gas Safety (Installation and Use) Regulations 1998 (S.I. 1998/2451).]

Commencement Information

I133 Sch. 9A para. 5C in force at 1.12.2022 by S.I. 2022/906, art. 2

Meaning of “notice”

- 6 In this Schedule, “notice” means notice under—
- (a) section 173 (landlord's notice under a periodic standard contract);

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- (b) section 186 (landlord's notice in connection with end of fixed term);
- (c) a landlord's break clause in a fixed term standard contract.

Commencement Information

I134 Sch. 9A para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

PART 2

FURTHER PROVISION

Fundamental provision

- 7 (1) Part 1 of this Schedule is a fundamental provision which is [^{F41}, subject to any provision to the contrary in Part 1,] incorporated as a term of all—
- (a) periodic standard contracts which incorporate section 173 as a term of the contract,
 - (b) fixed term standard contracts which incorporate section 186 as a term of the contract, and
 - (c) fixed term standard contracts which have a landlord's break clause.
- (2) Section 20 provides that Part 1 of this Schedule—
- (a) must be incorporated, and
 - (b) must not be incorporated with modifications.

Textual Amendments

F41 Words in Sch. 9A para. 7(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 9A\) Regulations 2022 \(S.I. 2022/143\)](#), regs. 1, **5(6)** (as amended by S.I. 2022/906, arts. 1(2), **8**)

Commencement Information

I135 Sch. 9A para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

- 8 The Welsh Ministers may by regulations amend this Schedule.]

Commencement Information

I136 Sch. 9A para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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*

[^{F42}SCHEDULE 9B

(introduced by section 186)

FIXED TERM STANDARD CONTRACTS WHICH CAN BE
TERMINATED BY GIVING NOTICE UNDER SECTION 186

Textual Amendments

F42 Sch. 9B inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), s. 19(3), **Sch. 3**

*Tenancies and licences which are occupation contracts
because of notice given under Part 2 of Schedule 2*

- 1 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Commencement Information

I137 Sch. 9B para. 1 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Supported accommodation

- 2 A supported standard contract.

Commencement Information

I138 Sch. 9B para. 2 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

^{F43} ...

Textual Amendments

F43 Sch. 9B para. 3 and cross-heading omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022](#) (S.I. 2022/803), regs. 1(1), **6** (as amended by [S.I. 2022/906](#), arts. 1(2), **15**)

- ^{F43}3.

Accommodation for homeless persons

- 4 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Commencement Information

I139 Sch. 9B para. 4 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Service occupancy

- 5 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Commencement Information

I140 [Sch. 9B para. 5](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Service occupancy: police

- 6 A standard contract where—
- (a) the contract-holder is a member of a police force, and
 - (b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c. 16) (general regulations as to government, administration and conditions of service).

Commencement Information

I141 [Sch. 9B para. 6](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Service occupancy: fire and rescue services

- 7 A standard contract where—
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Commencement Information

I142 [Sch. 9B para. 7](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Temporary accommodation: land acquired for development

- 8 (1) A standard contract where—
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.
- (2) “Development” has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Commencement Information

I143 [Sch. 9B para. 8](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Temporary accommodation: short-term arrangements

- 9 A standard contract where—
- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
 - (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
 - (c) the lessor is not a community landlord, and
 - (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Commencement Information

I144 Sch. 9B para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: accommodation during works

- 10 (1) A standard contract where—
- (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,
 - (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and
 - (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.
- (2) In this paragraph, references to the contract-holder include references to the contract-holder’s predecessor.
- (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Commencement Information

I145 Sch. 9B para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

- 11 The Welsh Ministers may by regulations amend this Schedule.]

Commencement Information

I146 Sch. 9B para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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*

[^{F44}SCHEDULE 9C

(introduced by section 194)

**FIXED TERM STANDARD CONTRACTS WHICH MAY CONTAIN A LANDLORD'S
 BREAK CLAUSE EVEN IF MADE FOR A TERM OF LESS THAN TWO YEARS**

Textual Amendments

F44 Sch. 9C inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021](#) (asc 3), s. 19(3), **Sch. 4**

*Tenancies and licences which are occupation contracts
 because of notice given under Part 2 of Schedule 2*

- 1 A standard contract which would not be an occupation contract but for a notice under paragraph 3 of Schedule 2 (holiday accommodation; care institutions; temporary expedients; shared accommodation).

Commencement Information

I147 Sch. 9C para. 1 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Supported accommodation

- 2 A supported standard contract.

Commencement Information

I148 Sch. 9C para. 2 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

^{F45} ...

Textual Amendments

F45 Sch. 9C para. 3 and cross-heading omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment\) Regulations 2022](#) (S.I. 2022/803), regs. 1(1), **7** (as amended by [S.I. 2022/906](#), arts. 1(2), **15**)

- ^{F45}3.

Accommodation for homeless persons

- 4 A standard contract made as described in paragraph 11 or 12 of Schedule 2 (accommodation for homeless persons).

Commencement Information

I149 Sch. 9C para. 4 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Service occupancy

- 5 A standard contract where the contract-holder is required by his or her contract of employment to occupy the dwelling.

Commencement Information

I150 Sch. 9C para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy: police

- 6 A standard contract where—
- (a) the contract-holder is a member of a police force, and
 - (b) the dwelling is provided for the contract-holder free of rent under regulations made under section 50 of the Police Act 1996 (c. 16) (general regulations as to government, administration and conditions of service).

Commencement Information

I151 Sch. 9C para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

Service occupancy: fire and rescue services

- 7 A standard contract where—
- (a) the contract-holder is an employee of a fire and rescue authority,
 - (b) the contract-holder's contract of employment requires him or her to live in close proximity to a particular fire station, and
 - (c) the dwelling is provided to him or her by the fire and rescue authority in consequence of that requirement.

Commencement Information

I152 Sch. 9C para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: land acquired for development

- 8 (1) A standard contract where—
- (a) the land the dwelling is on (including any land occupied together with the dwelling other than agricultural land exceeding 0.809 hectares) is, or is part of, land which has been acquired for development, and
 - (b) the dwelling is used by the landlord as temporary housing accommodation pending development of the land.
- (2) “Development” has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8).

Commencement Information

I153 Sch. 9C para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Temporary accommodation: short-term arrangements

- 9 A standard contract where—
- (a) the dwelling has been let to the landlord with vacant possession for use as temporary housing accommodation,
 - (b) the terms on which it has been let include provision for the lessor to obtain vacant possession from the landlord at the end of a specified period or when required by the lessor,
 - (c) the lessor is not a community landlord, and
 - (d) the landlord has no interest in the dwelling other than under the lease in question or as mortgagor.

Commencement Information

I154 Sch. 9C para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

Temporary accommodation: accommodation during works

- 10 (1) A standard contract where—
- (a) the dwelling (the “temporary dwelling”) has been made available for occupation by the contract-holder while works are carried out on the dwelling previously occupied by the contract-holder as a home,
 - (b) the landlord of the temporary dwelling is not the same as the landlord of the dwelling previously occupied by the contract-holder (the “old dwelling”), and
 - (c) the contract-holder was not a contract-holder under a secure contract of the old dwelling at the time when the contract-holder ceased to occupy it as a home.
- (2) In this paragraph, references to the contract-holder include references to the contract-holder's predecessor.
- (3) For the purposes of sub-paragraph (2), a person is a predecessor of a contract-holder under a standard contract if that person was an earlier contract-holder under the same contract.

Commencement Information

I155 Sch. 9C para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Power to amend Schedule

- 11 The Welsh Ministers may by regulations amend this Schedule.]

Commencement Information

I156 Sch. 9C para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

SCHEDULE 10 (introduced by sections 209, 210 and 211)

ORDERS FOR POSSESSION ON DISCRETIONARY
GROUNDS ETC.: REASONABLENESS

Introductory

- 1 This Schedule applies for the purpose of determining whether it is reasonable—
- (a) to make an order for possession under section 209 (breach of contract) or 210 (estate management grounds), or
 - (b) to make a decision under section 211 to adjourn proceedings on a possession claim or postpone the giving up of possession.

Commencement Information

I157 Sch. 10 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 2 The court, in determining whether it is reasonable to make such an order or decision, or to make any other decision available to it, must (amongst other things) have regard to the circumstances set out in paragraphs 4 to 13 to the extent that the court considers them relevant (and to the extent that it is not otherwise required to have regard to those matters; for example, under the Human Rights Act 1998 (c. 42)).

Commencement Information

I158 Sch. 10 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 3 Paragraph 14 sets out a circumstance, concerning local authority assistance with homelessness, which the court should not have regard to (subject to any duty to have regard to that circumstance to which the court is subject).

Commencement Information

I159 Sch. 10 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances as regards the contract-holder

- 4 The probable effect of the order or decision on the contract-holder (and on any permitted occupiers of the dwelling).

Commencement Information

I160 Sch. 10 para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 5 If the case is one in which the court may decide to postpone the giving up of possession, the likelihood that the contract-holder will comply with any terms that may be imposed.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Commencement Information

I161 Sch. 10 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances as regards the landlord

- 6 The probable effect of not making the order, or of the decision, on the landlord's interests, including the landlord's financial interests.

Commencement Information

I162 Sch. 10 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 7 If the landlord is a community landlord, the probable effect of not making the order, or of the decision, on the landlord's ability to fulfil its housing functions, including assisting other persons in need of accommodation.

Commencement Information

I163 Sch. 10 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances as regards other persons

- 8 (1) The probable effect of the order or decision on—
- (a) contract-holders and permitted occupiers of other dwellings of the landlord,
 - (b) persons who have asked the landlord to provide them with housing accommodation, and
 - (c) persons living, visiting or otherwise engaging in a lawful activity in the locality (and persons who wish to live, visit or engage in lawful activities in the locality).
- (2) If a possession claim is made on the ground in section 157 (breach of contract), the probable effect of the circumstances set out in paragraph 10 on the persons mentioned in sub-paragraph (1).

Commencement Information

I164 Sch. 10 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

New occupation contract offered

- 9 Whether the landlord has offered or undertakes to offer a new occupation contract (whether for the same dwelling or other dwellings) to one or more of the persons occupying or living in the dwelling.

Commencement Information

I165 Sch. 10 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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*

Circumstances in relation to a possession claim on ground of breach of contract

- 10 If a possession claim is made on the ground in section 157 (breach of contract)—
- (a) the nature, frequency or duration of the breach or breaches,
 - (b) the degree to which the contract-holder (or a permitted occupier of the dwelling) is responsible for the breach,
 - (c) how likely it is that the breach will recur, and
 - (d) any action to end, or prevent a recurrence of, the breach that was taken by the landlord before making a possession claim.

Commencement Information

I166 Sch. 10 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances in relation to a possession claim concerning section 55

- 11 If the landlord makes a possession claim relying on a breach of section 55 (anti-social behaviour and other prohibited conduct), the general public interest in restraining the conduct prohibited by that section.

Commencement Information

I167 Sch. 10 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances relating to estate management Ground G

- 12 If the landlord makes a possession claim relying wholly or partly on estate management Ground G (accommodation not required by reserve successor)—
- (a) the age of the contract-holder who succeeded to the contract under section 73,
 - (b) the period during which the contract-holder has occupied the dwelling as his or her only or principal home, and
 - (c) any financial or other support given by the contract-holder to the contract-holder who died (or, if the contract-holder who died was the successor of an earlier contract-holder, to that earlier contract-holder).

Commencement Information

I168 Sch. 10 para. 12 in force at 1.12.2022 by S.I. 2022/906, art. 2

Circumstances relating to estate management Ground H

- 13 If the landlord makes a possession claim relying wholly or partly on estate management Ground H (departing joint contract-holder)—
- (a) the age of the remaining contract-holder (or each of the remaining contract-holders), and
 - (b) the period during which the remaining contract-holder (or each of the remaining contract-holders) has occupied the dwellings as his or her only or principal home.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Commencement Information

I169 Sch. 10 para. 13 in force at 1.12.2022 by S.I. 2022/906, art. 2

Assistance in relation to homelessness not relevant

- 14 The likelihood that a person will be assisted under Part 2 of the Housing (Wales) Act 2014 (anaw 7) or Part 7 of the Housing Act 1996 (c. 52) (homelessness) is not a relevant circumstance (subject to any requirement to have regard to that circumstance to which the court is subject).

Commencement Information

I170 Sch. 10 para. 14 in force at 1.12.2022 by S.I. 2022/906, art. 2

SCHEDULE 11

(introduced by sections 210 and 222)

SUITABLE ALTERNATIVE ACCOMMODATION

Introductory

- 1 (1) This Schedule applies for the purposes of—
- (a) an order for possession under section 210 (estate management grounds), or
 - (b) an order under section 222(3)(b) (appeal following possession for abandonment).
- (2) In this Schedule the dwelling previously occupied by the contract-holder or of which possession is sought is referred to as “the existing dwelling”, and the occupation contract to which that dwelling is or was subject is referred to as “the existing contract”.

Commencement Information

I171 Sch. 11 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Estate management grounds: certificate of local housing authority

- 2 (1) This paragraph applies if—
- (a) this Schedule applies because of section 210, and
 - (b) the landlord under the existing contract is not a local housing authority.
- (2) A certificate of the local housing authority for the area in which the existing dwelling is situated, certifying that the authority will provide suitable alternative accommodation for the contract-holder by a date specified in the certificate, is conclusive evidence that suitable alternative accommodation will be available for him or her by that date.

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Commencement Information

I172 Sch. 11 para. 2 in force at 1.12.2022 by S.I. 2022/906, art. 2

Suitable accommodation

- 3 (1) This paragraph applies if—
- (a) this Schedule applies because of section 210 and either—
 - (i) no certificate of the kind mentioned in paragraph 2(2) is produced to the court, or
 - (ii) the landlord in relation to the existing dwelling is a local housing authority, or
 - (b) this Schedule applies because of section 222.
- (2) Accommodation is suitable if—
- (a) it is to be occupied by the contract-holder under an occupation contract that gives him or her security of occupation reasonably equivalent to that given by the existing contract, and
 - (b) in the opinion of the court it is reasonably suitable to the needs of the contract-holder and his or her family (which must be determined in accordance with paragraph 4).
- (3) If the existing contract relates to a separate dwelling, accommodation is not suitable unless it is a separate dwelling.

Commencement Information

I173 Sch. 11 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

Needs of contract-holder and his or her family

- 4 (1) The court must determine whether accommodation is reasonably suitable in relation to the needs of the contract-holder and his or her family in accordance with this paragraph.
- (2) The court must consider (among other things)—
- (a) the needs of the contract-holder and his or her family as regards extent of accommodation,
 - (b) if the landlord is a private landlord, the needs of the contract-holder and his or her family as regards character of accommodation,
 - (c) the means of the contract-holder and his or her family,
 - (d) if the contract-holder or a member of his or her family works or is being educated, the distance of the accommodation from the place (or places) of work or education,
 - (e) if proximity to the home of any member of the contract-holder's family is essential to the well-being of the contract-holder or that member of his or her family, the proximity of the accommodation to that home,
 - (f) the terms of the existing contract and the terms of the occupation contract under which the accommodation is to be occupied, and

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- (g) if furniture was provided by the landlord under the existing contract, whether furniture is to be provided for use by the contract-holder and his or her family and, if so, the nature of that furniture.
- (3) If the landlord is a community landlord, the court must also consider the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs.
 - (4) If the landlord is a private landlord the court may consider, as an alternative to the matters in sub-paragraph (2)(a) to (c), whether the accommodation is similar as regards rent and extent to the accommodation provided in the neighbourhood by community landlords for comparable persons.
 - (5) “Comparable persons” are those whose needs, as regards extent, are in the opinion of the court similar to those of the contract-holder and the contract-holder's family.
 - (6) For the purposes of sub-paragraph (4) a certificate of a local housing authority stating—
 - (a) the extent of the accommodation provided by the authority to meet the needs of persons with families of such number as may be specified in the certificate, and
 - (b) the amount of rent charged by the authority for accommodation of that extent,
 is to be conclusive evidence of the facts so stated.
 - (7) In considering the matters in sub-paragraph (2)(f) the court may not take into account any terms of the occupation contract that relate to lodgers and sub-holders.

Commencement Information

I174 Sch. 11 para. 4 in force at 1.12.2022 by S.I. 2022/906, art. 2

Overcrowding

- 5 Accommodation is not suitable to the needs of the contract-holder and his or her family if, as a result of their occupation of the accommodation, the accommodation would constitute an overcrowded dwelling for the purposes of Part 10 of the Housing Act 1985 (c. 68) (see section 324 of that Act).

Commencement Information

I175 Sch. 11 para. 5 in force at 1.12.2022 by S.I. 2022/906, art. 2

Evidence of certificate of local housing authority

- 6 A document that purports to be a certificate of the local housing authority named in the certificate, issued for the purposes of this Schedule, and signed by the proper person on behalf of the authority—
 - (a) is to be received in evidence, and
 - (b) unless the contrary is shown, is to be treated as such a certificate without further proof.

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Commencement Information

I176 Sch. 11 para. 6 in force at 1.12.2022 by S.I. 2022/906, art. 2

SCHEDULE 12

(introduced by section 240)

CONVERSION OF TENANCIES AND LICENCES EXISTING BEFORE COMMENCEMENT OF CHAPTER 3 OF PART 10

Definitions

1 (1) In this Schedule—

[^{F46}“assured agricultural occupancy” (“*meddiannaeth amaethyddol sicr*”) has the same meaning as in Part 1 of the Housing Act 1988 (c. 50) (see section 24(1) of that Act);]

[^{F46}“assured tenancy” (“*tenantiaeth sicr*”) includes a reference to an assured agricultural occupancy which is treated as an assured tenancy under section 24(3) of the Housing Act 1988 (as well as an assured agricultural occupancy which is an assured tenancy)]

[^{F46}“converted AAO” (“*MAS wedi ei throsi*”) means a converted contract which immediately before the appointed day was an assured agricultural occupancy;]

“converted contract” (“*contract wedi ei drosi*”) means a tenancy or licence which existed immediately before the appointed day and became an occupation contract on that day;

“converted secure contract” (“*contract diogel wedi ei drosi*”) means a converted contract which became a secure contract on the appointed day;

“converted standard contract” (“*contract safonol wedi ei drosi*”) means a converted contract which became a standard contract on the appointed day;

“information provision period” (“*cyfnod darparu gwybodaeth*”) has the meaning given in paragraph 11(1);

“the initial notice period” (“*cyfnod hysbysu cychwynnol*”) is the period of two months starting with the appointed day.

[^{F47}“substitute contract” (“*contract sy’n cymryd lle contract arall*”) has the meaning given in paragraph 32.]

(2) See section 242 for definitions of other terms used in this Schedule.

Textual Amendments

F46 Words in Sch. 12 para. 1(1) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 3

F47 Words in Sch. 12 para. 1(1) inserted (1.6.2023) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2023 (S.I. 2023/556), regs. 1, 3

Commencement Information

I177 Sch. 12 para. 1 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

Determination of whether existing tenancy or licence is occupation contract

- 2 (1) Schedule 2 applies to—
- (a) a tenancy or licence which immediately before the appointed day was a secure tenancy, an assured tenancy, an introductory tenancy or a demoted tenancy, and
 - (b) a tenancy which existed immediately before the appointed day but is not within paragraph (a),
- as if paragraphs 3(2)(b) and 4 (care institutions) were omitted.
- (2) Schedule 2 applies to a tenancy which immediately before the appointed day was a secure tenancy, an assured tenancy, an introductory tenancy or a demoted tenancy as if paragraphs 3(2)(c) and 5 (temporary expedients) were omitted.
- [^{F48}(2A) Schedule 2 applies to a tenancy or licence which immediately before the appointed day was a secure tenancy or an assured tenancy as if paragraph 7(3)(k)(i) of that Schedule were omitted.]
- (3) The landlord may, in relation to a tenancy or licence which existed immediately before the appointed day, give notice under paragraph 1 or 3 of Schedule 2 at any time before the end of the initial notice period.
- (4) If the landlord does so, the tenancy or licence is to be treated as having become an occupation contract on the appointed day.
- [^{F49}(5) Part 5 of Schedule 2 (special rules applying to supported accommodation) does not apply to—
- (a) a tenancy which existed immediately before the appointed day;
 - (b) a licence which—
 - (i) immediately before the appointed day was a secure tenancy;
 - (ii) has a start date (within the meaning given in paragraph 13(5) of Schedule 2) falling more than 6 months before the appointed day.
- (6) In their application to a tenancy or licence which immediately before the appointed day was an assured agricultural occupancy—
- (a) section 7 (tenancies and licences that are occupation contracts) applies as if subsection (1)(b) (rent or other consideration must be payable) were omitted, and
 - (b) Schedule 2 applies as if paragraph 1(2) were omitted.]

Textual Amendments

F48 Sch. 12 para. 2(2A) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **4(a)**

F49 Sch. 12 para. 2(5)(6) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **4(b)**

Commencement Information

I178 Sch. 12 para. 2 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

- [^{F50}2A.(1) Section 7(6) and paragraph 7(2) of Schedule 2 do not apply to a licence where immediately before the appointed day—
- (a) the licensee was aged 16 or 17, and

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- (b) the licence was—
- (i) a secure tenancy, or
 - (ii) an assured agricultural occupancy.
- (2) Where sub-paragraph (1) applies, this Act applies to the contract-holder as if he or she were aged 18.]

Textual Amendments

F50 Sch. 12 para. 2A inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 5

Commencement Information

I179 Sch. 12 para. 2A in force at 1.12.2022 by S.I. 2022/906, art. 2

Determination of whether converted contract is secure contract or standard contract

- 3 (1) Sections 11 to 17 (community landlords and private landlords) apply to a converted contract—
- (a) under which the landlord is a private landlord, and
 - (b) which immediately before the appointed day was a secure tenancy under which the landlord was a private landlord,
- as if the landlord were a community landlord.
- (2) But in section 14 (review of notice of standard contract) subsection (1) applies as if after “section 13” there were inserted “ and the landlord's decision to give the notice is subject to judicial review ”.

Commencement Information

I180 Sch. 12 para. 3 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 4 (1) The landlord under a converted contract [^{F51}to which section 11 applies (whether or not under paragraph 3)] may give [^{F52}notice as described in] section 11(2)(b) (notice of standard contract) at any time before the end of the initial notice period.
- (2) If the landlord [^{F53}gives notice under section 13], the contract is to be treated as having become a standard contract on the appointed day.
- (3) The landlord under a converted contract may give notice under section 17(1) (notice of secure contract) at any time before the end of the initial notice period.
- (4) If the landlord does so, the contract is to be treated as having become a secure contract on the appointed day.

Textual Amendments

F51 Words in Sch. 12 para. 4(1) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 6(a)(i)

F52 Words in Sch. 12 para. 4(1) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 6(a)(ii)

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F53 Words in Sch. 12 para. 4(2) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **6(b)**

Commencement Information

I181 Sch. 12 para. 4 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

[^{F545} A converted contract which immediately before the appointed day was—

- (a) an introductory tenancy, or
- (b) an assured shorthold tenancy—
 - (i) under which the landlord was a registered social landlord or a private registered provider of social housing, but not a fully mutual housing association or a co-operative housing association, and
 - (ii) which was expressed as being, or otherwise amounted to, a starter tenancy,

has effect as an introductory standard contract (see paragraph 23).]

Textual Amendments

F54 Sch. 12 para. 5 substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), 7

Commencement Information

I182 Sch. 12 para. 5 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

6 A converted contract has effect as a prohibited conduct standard contract (see paragraph 24) if immediately before the appointed day—

- (a) section 20B of the Housing Act 1988 (c. 50) (demoted assured shorthold tenancies) applied to it, or
- (b) section 143A of the Housing Act 1996 (c. 52) (demoted tenancies) applied to it.

Commencement Information

I183 Sch. 12 para. 6 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

[^{F55}6A. A converted contract relating to supported accommodation has effect as a supported standard contract only if immediately before the appointed day the contract was—

- (a) an assured shorthold tenancy (see paragraph 24A for further provision about supported standard contracts that were assured shorthold tenancies), or
- (b) a licence, other than a licence which was a secure tenancy.]

Textual Amendments

F55 Sch. 12 para. 6A inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), 8

Commencement Information

I184 Sch. 12 para. 6A in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

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- 7
- (1) A converted contract to which sub-paragraph (2) applies is an additional exception to section 11(1) (contracts made with community landlord are secure contracts).
 - (2) This sub-paragraph applies to a converted contract which immediately before the appointed day was a tenancy or licence for a fixed term, provided that—
 - (a) a premium was paid for the contract, and
 - (b) before the end of the period of one month starting with the appointed day, the contract-holder decides that the contract should become a fixed term standard contract.
 - (3) Before the appointed day, a community landlord which is the landlord under a tenancy or licence for a fixed term, and for which a premium was paid, must—
 - (a) inform the contract-holder of his or her right under sub-paragraph (2)(b) to decide that the contract should become a fixed term standard contract, and of the time by which that decision must be made, and
 - (b) explain how section 11 will apply to the contract if the contract-holder does not make such a decision.

Commencement Information

I185 Sch. 12 para. 7 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 8
- (1) This paragraph applies where a community landlord becomes the landlord under a fixed term standard contract before the end of the period of one month starting with the appointed day.
 - (2) Section 12 (contracts adopted by community landlord) applies as if in subsection (8) (b), for “before the community landlord becomes the landlord” there were substituted “before the end of the period of one month starting with the appointed day (within the meaning of section 242) ”.
 - (3) The landlord must give the contract-holder the notice required by section 15(1) on or before the appointed day.

Commencement Information

I186 Sch. 12 para. 8 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 9
- (1) The following are additional exceptions to sections 11(1) and 12(3) (contracts made or adopted by community landlord are secure contracts).
 - (2) A converted contract which before the appointed day—
 - (a) had been a secure tenancy, but
 - (b) had ceased to be such a tenancy because of section 89, 91 or 93 of the Housing Act 1985 (c. 68) (succession, assignment and sub-letting).
 - (3) A converted contract which before the appointed day—
 - (a) had been an introductory tenancy, but
 - (b) had ceased to be such a tenancy because of section 133 of the Housing Act 1996 (c. 52) (succession).
 - (4) A converted contract which before the appointed day—
 - (a) had been a demoted tenancy, but

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- (b) had ceased to be such a tenancy because of section 143I of the Housing Act 1996 (succession).

Commencement Information

I187 Sch. 12 para. 9 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 10 A converted secure contract which immediately before the appointed day was a secure tenancy becomes a standard contract if—
- (a) the tenant died before the appointed day, and
 - (b) after that day an event occurs which, but for this Act, would under section 89 of the Housing Act 1985 (c. 68) (succession) have caused the contract to cease to be a secure tenancy.

Commencement Information

I188 Sch. 12 para. 10 in force at 1.12.2022 by S.I. 2022/906, art. 2

Written statement of converted contract and provision of information

- 11 (1) The landlord must give the contract-holder under a converted contract a written statement of the contract before the end of the period of six months starting with the appointed day (“the information provision period”).
- [^{F56}(1A) Where there has been a change in the identity of the contract-holder before 1 June 2023 (which is the first day after the end of the information provision period), section 31(2) (provision of written statement to new contract-holder) applies in relation to a converted contract as if for “the day on which the identity of the contract-holder changes” there were substituted “1 June 2023”.]
- (2) Any references in this Act to the landlord's obligation under section 31(1) are to be read, in relation to converted contracts, as references to the landlord's obligation under sub-paragraph (1).
- [^{F57}(3) This paragraph does not apply in relation to a substitute contract (and accordingly section 31 applies, as modified by paragraph 11A, in relation to such contracts).]

Textual Amendments

- F56** Sch. 12 para. 11(1A) substituted (1.6.2023) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, **4(a)**
- F57** Sch. 12 para. 11(3) inserted (1.6.2023) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, **4(b)**

Commencement Information

I189 Sch. 12 para. 11 in force at 1.12.2022 by S.I. 2022/906, art. 2

- [^{F58}11A(1) In their application to a substitute contract that has come into existence before 1 June 2023—
- (a) section 31(1) is to be read as if for “the occupation date” there were substituted “1 June 2023”;

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- (b) section 31(2) is to be read as if for “the day on which the identity of the contract-holder changes” there were substituted “1 June 2023”;
 - (c) the following provisions are to be read as if for “the occupation date” there were substituted “1 June 2023”—
 - (i) section 36(3)(a);
 - (ii) section 37(3)(a);
 - (d) section 39(1) is to be read as if for “the occupation date of the contract” there were substituted “1 June 2023”.
- (2) In their application to a substitute contract that has come into existence on or after 1 June 2023—
- (a) the following provisions are to be read as if the references to the occupation date were references to the day on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract—
 - (i) section 31(1);
 - (ii) section 36(3)(a);
 - (iii) section 37(3)(a);
 - (b) section 39(1) is to be read as if the reference to the occupation date of the contract were a reference to the date on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract.]

Textual Amendments

F58 Sch. 12 para. 11A inserted (1.6.2023) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, 5

12 Sections 36 and 37 (applications to court) apply in relation to a written statement provided because of paragraph 11(1) as if for the words in section 36(3) and 37(2) there were substituted

“If the landlord was required to provide the written statement under paragraph 11(1) of Schedule 12, the contract-holder may not apply to the court under subsection (1) before—

- (a) the end of the information provision period (within the meaning of Schedule 12), or
- (b) if earlier, the period of 14 days starting with the day on which the landlord gave the contract-holder the written statement.”

Commencement Information

I190 Sch. 12 para. 12 in force at 1.12.2022 by [S.I. 2022/906](#), art. 2

[^{F59}12A ^{F60}... Schedule 9A (restrictions on giving notice under section 173, under section 186, and under a landlord's break clause) applies in relation to a converted contract [^{F61}, other than a substitute contract,] as if—

- (a) paragraph 1 were omitted, and
- (b) for paragraph 2 there were substituted—

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“Failure to provide written statement within the specified period

2 If—

- (a) a landlord is required to provide a written statement of the contract under paragraph 11(1) of Schedule 12, or under section 31(2) ^{F62} ..., and
- (b) the landlord has failed to comply with paragraph 11(1) or section 31(2),

the landlord may not give notice before the end of the period of six months starting with the day on which the landlord gave the written statement to the contract-holder.”]

Textual Amendments

- F59** Sch. 12 para. 12A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 27\(3\)](#)
- F60** Sub-provision number "(1)" in Sch. 12 para. 12A omitted (14.7.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), [9](#)
- F61** Words in Sch. 12 para. 12A inserted (1.6.2023) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, [6\(a\)](#)
- F62** Words in Sch. 12 para. 12A(b) omitted (1.6.2023) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, [6\(b\)](#)

Commencement Information

- I191** Sch. 12 para. 12A in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

- 13 (1) Section 39(1) (information about landlord's address) applies in relation to a converted contract [^{F63}, other than a substitute contract,] as if for “the period of 14 days starting with the occupation date of the contract” there were substituted “the information provision period (within the meaning of Schedule 12)”.
- (2) Section 40(2) (compensation) applies in relation to section 39(1), as modified by subparagraph (1), as if the relevant date were the first day of the period of 14 days ending with the last day of the information provision period (and accordingly section 40 is to be read as if subsection (5) were omitted).

Textual Amendments

- F63** Words in Sch. 12 para. 13(1) inserted (1.6.2023) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, [7](#)

Commencement Information

- I192** Sch. 12 para. 13 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

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^{F64}Deposit Schemes

Textual Amendments

F64 Sch. 12 para. 13A and heading inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **10**

- 13A. (1) The provisions mentioned in sub-paragraph (2) do not apply to a converted contract unless, immediately before the appointed day, it was an assured shorthold tenancy.
- (2) The provisions (which concern a requirement to use a deposit scheme) are—
- (a) sections 45 and 46;
 - (b) Schedule 5;
 - (c) paragraphs 4(2) to (5) of Schedule 9A.]

Commencement Information

I193 Sch. 12 para. 13A in force at 1.12.2022 by S.I. 2022/906, art. 2

Variation

- ^{F65}13B. Section 123 (variation of rent) does not apply to a converted contract that is a periodic standard contract ^{F66}under which the landlord is a private landlord and] which immediately before the appointed day—
- (a) was an assured tenancy but not an assured shorthold tenancy, and
 - (b) contained a term which made provision about variation of the rent under the tenancy or licence.]

Textual Amendments

F65 Sch. 12 para. 13B inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **11**

F66 Words in Sch. 12 para. 13B inserted (30.11.2022 at 11.00 p.m.) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022 (S.I. 2022/1258), regs. 1(2), **3**

Commencement Information

I194 Sch. 12 para. 13B in force at 1.12.2022 by S.I. 2022/906, art. 2

- 14 (1) A converted contract may not be varied before the landlord has given the contract-holder a written statement of the contract.
- (2) Sub-paragraph (1) does not apply to ^{F67}—
- (a)] a variation under section 104 or 123 (variation of rent)^{F68}, or
 - (b) an increase in rent under section 93 of the Rent Act 1977 (c. 42).]

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Textual Amendments

- F67** Word in Sch. 12 para. 14(2) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(7)(a)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)
- F68** Sch. 12 para. 14(2)(b) and word inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Housing Association Tenancies: Fundamental Provisions\) Regulations 2022 \(S.I. 2022/799\)](#), regs. 1, **5(7)(b)** (as amended by [S.I. 2022/906](#), arts. 1(2), 14)

Commencement Information

- I195** Sch. 12 para. 14 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

15 (1) Sections 104 and 123 (variation of rent) apply to a converted contract [^{F69}(other than a contract mentioned in paragraph 13B)] as if any variations in the rent payable under the contract before the appointed day were variations under whichever of those sections applies.

[^{F70}(1A) Sections 104 and 123 (variation of rent) apply to a converted contract under which the landlord is a community landlord as if, for subsection (3)(a) in each of these sections, there were substituted—

“(a) the first notice given after the appointed day must specify a date which is not less than 51 weeks after the last date on which a new rent took effect, and”.]

(2) The Welsh Ministers must by regulations make provision—

- (a) enabling the contract-holder under a relevant converted contract, following receipt of a notice under section 104 or 123, to apply to a prescribed person or persons for a determination of the rent for the dwelling, and
- (b) for the rent determined by the prescribed person or persons, in accordance with such assumptions as may be prescribed, to be the rent for the dwelling under the contract (unless the landlord and contract-holder otherwise agree).

[^{F71}(3) A converted contract is a relevant converted contract if—

- (a) immediately before the appointed day it was a tenancy or licence to which section 13 of the Housing Act 1988 (c. 50) (increases of rent under assured periodic tenancies) applied,
- (b) it is a periodic standard contract which is a substitute contract ^{F72}...—
- (i) arising under section 184(2), or
- (ii) within section 184(6),

and which immediately before the appointed day was an assured tenancy, but not an assured shorthold tenancy, for a fixed term, or

- (c) it is a secure contract which immediately before the appointed day was an assured tenancy, but not an assured shorthold tenancy, for a fixed term.]

Textual Amendments

- F69** Words in Sch. 12 para. 15(1) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **12(a)**
- F70** Sch. 12 para. 15(1A) inserted (30.11.2022 at 11.00 p.m.) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2022 \(S.I. 2022/1258\)](#), regs. 1(2), **4**

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F71 Sch. 12 para. 15(3) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **12(b)**

F72 Words in Sch. 12 para. 15(3)(b) omitted (1.6.2023) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2023 \(S.I. 2023/556\)](#), regs. 1, **8**

Modifications etc. (not altering text)

C4 Sch. 12 para. 15(1), (1A) applied (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), **10(6)** (with reg. 19) (as substituted by S.I. 2022/1258, regs. 1(2), 6)

Commencement Information

I196 Sch. 12 para. 15(1)(3) in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

I197 Sch. 12 para. 15(2) in force at 5.8.2016 for specified purposes by [S.I. 2016/813](#), art. 2(a), **Sch. Pt. 1**

I198 Sch. 12 para. 15(2) in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906](#), **art. 2**

Waste and tenant-like user

- 16 Section 101 does not apply to a converted contract; accordingly—
- (a) a contract-holder under a converted contract is subject to the same liability for waste in respect of the dwelling as he or she was subject to immediately before the appointed day, and
 - (b) the rule of law under which a tenant has an implied duty to use demised premises in a tenant-like manner applies to a contract-holder under a converted contract as it applied to him or her immediately before the appointed day.

Commencement Information

I199 Sch. 12 para. 16 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Dealing

- 17 (1) This paragraph is a fundamental provision which is incorporated as a term of all converted standard contracts which immediately before the appointed day were secure tenancies.
- (2) The contract-holder may allow persons to live in the dwelling as lodgers.

Commencement Information

I200 Sch. 12 para. 17 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

- 18 (1) This paragraph applies in relation to a converted contract—
- (a) which is a secure contract or periodic standard contract, and
 - (b) under which there are joint contract-holders who were tenants in common in equity immediately before the appointed day.
- (2) The provisions of fixed term standard contracts mentioned in subsection (1) of each of sections 140, 141 and 142 (transfers) are terms of the contract, and subsections (2) and (3) of each of those sections apply accordingly.

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Commencement Information

I201 Sch. 12 para. 18 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 19 (1) This paragraph applies in relation to a converted contract which is a fixed term standard contract.
- (2) The provisions of fixed term standard contracts mentioned in subsection (1) of each of sections 139, 140, 141 and 142 (transfers) are terms of the contract, and subsections (2) and (3) of each of those sections apply accordingly.
- (3) Sub-paragraph (2) does not apply to the extent that any of those provisions is incompatible with an existing term of the contract.

Commencement Information

I202 Sch. 12 para. 19 in force at 1.12.2022 by S.I. 2022/906, art. 2

Succession

- 20 (1) The contract-holder under a converted contract is to be treated as a priority successor in relation to the contract if—
- (a) immediately before the appointed day the converted contract was of a description in column 1 of Table 6,
 - (b) before the appointed day it had vested in the contract-holder under the provision in column 2 of that Table, and
 - (c) the contract-holder qualified to succeed because of the provisions in column 3 of that Table.

TABLE 6

TYPE OF TENANCY	VESTING PROVISION	QUALIFYING PROVISIONS
Secure tenancy	Section 89 of the Housing Act 1985 (c. 68)	Sections 87 and 113(1)(a) of that Act
Introductory tenancy	Section 133 of the Housing Act 1996 (c. 52)	Sections 131 and 140(1)(a) of that Act
Demoted tenancy	Section 143H of the Housing Act 1996	Section 143P(1)(a) or (b) of that Act

- (2) The contract-holder under a converted contract is also to be treated as a priority successor in relation to the contract if—
- (a) immediately before the appointed day the contract was an assured tenancy,
 - (b) before the appointed day it had vested in the contract-holder under section 17 of the Housing Act 1988 (c. 50) (succession to assured tenancy), and
 - (c) on the appointed day the landlord under the contract was a community landlord.

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Commencement Information

I203 Sch. 12 para. 20 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 21 (1) The contract-holder under a converted contract is to be treated as a reserve successor in relation to the contract if—
- immediately before the appointed day the converted contract was of a description in column 1 of Table 7,
 - before the appointed day it had vested in the contract-holder under the provision in column 2 of that Table, and
 - the contract-holder qualified to succeed because of the provisions in column 3 of that Table.

TABLE 7

TYPE OF TENANCY	VESTING PROVISION	QUALIFYING PROVISIONS
Secure tenancy	Section 89 of the Housing Act 1985 (c. 68)	Sections 87(b) and 113(1)(b) of that Act
Introductory tenancy	Section 133 of the Housing Act 1996 (c. 52)	Sections 131(b) and 140(1)(b) of that Act
Demoted tenancy	Section 143H of the Housing Act 1996	Section 143P(1)(c) of that Act

- (2) The contract-holder under a converted contract is to be treated as a reserve successor in relation to the contract if—
- immediately before the appointed day the contract was an assured tenancy, and
 - before the appointed day the contract-holder had become entitled to the assured tenancy under paragraph 3 of Schedule 1 to the Rent Act 1977 (c. 42) (succession).
- (3) The contract-holder under a converted contract is to be treated as a reserve successor in relation to the contract if—
- immediately before the appointed day the contract was an assured tenancy,
 - before the appointed day it had vested in the contract-holder under section 17 of the Housing Act 1988 (c. 50) (succession to assured tenancy), and
 - on the appointed day the landlord under the contract was a private landlord.

Commencement Information

I204 Sch. 12 para. 21 in force at 1.12.2022 by S.I. 2022/906, art. 2

Requirement to occupy dwelling as main home under certain converted contracts

- 22 (1) Sub-paragraph (2) has effect in relation to a converted contract to which this paragraph applies as if it were a supplementary provision prescribed by the Welsh Ministers under section 23.

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- (2) The contract-holder (or if more than one, at least one of them) must occupy the dwelling subject to the contract as his or her only or principal home.
- (3) This paragraph applies to a converted contract which immediately before the appointed day was—
 - (a) a protected or statutory tenancy,
 - (b) a secure tenancy,
 - (c) an assured tenancy,
 - (d) an introductory tenancy, or
 - (e) a demoted tenancy.

Commencement Information

I205 Sch. 12 para. 22 in force at 1.12.2022 by S.I. 2022/906, art. 2

Introductory standard contracts

- 23 (1) This paragraph applies to a converted contract which has effect as an introductory standard contract because of paragraph 5.
- (2) The introductory period of the contract ends if—
 - (a) the tenant died before the appointed day, and
 - (b) after that day an event occurs which, but for this Act, would under section 133 of the Housing Act 1996 (c. 52) (succession) have caused the contract to cease to be an introductory tenancy,
 and section 16(1)(b) of this Act (conversion to secure contract) does not apply where the introductory period ends because of this sub-paragraph.
- (3) This Act applies as if ^{F73}—
 - (a) in section 174 (landlord's notice: minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,
 - (b) in section 175 (landlord's notice: notice may not be given until after first six months of occupation), the references in subsections (1) and (2) (and the heading) to “six months” were references to “four months”, and]
 - ^{F74}(c) the reference in paragraph 1(7) of Schedule 4 to the introduction date of the contract were a reference to—
 - (i) in relation to a converted contract which, immediately before the appointed day, was an introductory tenancy, to the day which was the beginning of the trial period under section 125(2)(a) or (b) of the Housing Act 1996 (c. 52);
 - (ii) in relation to a converted contract which, immediately before the appointed day, was a starter tenancy, to the introduction date of the tenancy as determined in accordance with sub-paragraph (5).]
- (4) Paragraph 2 of Schedule 4 (introductory period where there are previous contracts) applies as if references to introductory standard contracts were to—
 - (a) assured shorthold tenancies under which the landlord was a registered social landlord or a private registered provider of social housing, or
 - (b) introductory tenancies.

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- (5) For the purposes of paragraph 2 of Schedule 4 the introduction date of an assured shorthold tenancy under which the landlord was a registered social landlord or a private registered provider of social housing is—
- (a) the day on which the tenant was entitled to begin occupying the dwelling, or
 - (b) if the tenancy was not made with a registered social landlord or a private registered provider of social housing, the day a registered social landlord or a private registered provider of social housing became the landlord.
- [^{F75}(6) For the purposes of paragraph 2 of Schedule 4 the introduction date—
- (a) in relation to a converted contract which, immediately before the appointed day, was an introductory tenancy, is the day which was the beginning of the trial period under section 125(2)(a) or (b) of the Housing Act 1996;
 - (b) in relation to a converted contract which, immediately before the appointed day, was a starter tenancy, is the introduction date of the tenancy as determined in accordance with sub-paragraph (5).]

[^{F76}(7) Paragraph 2(5) and (6) of Schedule 4 does not apply, but—

 - (a) a notice of extension given, in relation to a converted contract which was an introductory tenancy, under section 125A of the Housing Act 1996, and
 - (b) a notice, given in relation to a converted contract which was a starter tenancy, extending the period at the end of which the landlord and the tenant would enter into an assured tenancy (that is not an assured shorthold tenancy),

has effect as if given under paragraph 3 of Schedule 4 (and, regardless of the length of extension under a notice as described in paragraph (b), the introductory period ends 18 months after the introduction date of the starter tenancy (as determined in accordance with sub-paragraph 5)).]

Textual Amendments

- F73** Words in Sch. 12 para. 23(3) inserted (7.6.2021) by Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s. 19(3), Sch. 6 para. 27(4)
- F74** Sch. 12 para. 23(3)(c) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 13(a)
- F75** Sch. 12 para. 23(6) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 13(b)
- F76** Sch. 12 para. 23(7) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 13(c)

Commencement Information

- I206** Sch. 12 para. 23 in force at 1.12.2022 by S.I. 2022/906, art. 2

Prohibited conduct standard contract

- 24 (1) This Act applies to a converted contract which has effect as a prohibited conduct standard contract because of paragraph 6 as if—
- (a) the demotion order were an order under section 116 (order imposing periodic standard contract),
 - (b) references to the occupation date of the contract were to the day on which the demotion order took effect, and

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- (c) paragraphs 4 to 7 of Schedule 7 (changing the probation period) were omitted.
- (2) The “demotion order” is—
- (a) the order under section 82A of the Housing Act 1985 (c. 68) or section 6A of the Housing Act 1988 (c. 50) because of which section 20B of the Housing Act 1988 applied, or
 - (b) the order under section 82A of the Housing Act 1985 because of which section 143A of the Housing Act 1996 (c. 52) applied.

Commencement Information

I207 Sch. 12 para. 24 in force at 1.12.2022 by S.I. 2022/906, art. 2

[^{F77}Supported standard contract that was an assured shorthold tenancy

Textual Amendments

F77 Sch. 12 para. 24A and heading inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), 14

- 24A. This Act applies to a converted contract which—
- (a) immediately before the appointed day was an assured shorthold tenancy, and
 - (b) took effect on conversion as a supported standard contract,
- as if sections 144 (mobility) and 145 (temporary exclusion) were omitted.]

Commencement Information

I208 Sch. 12 para. 24A in force at 1.12.2022 by S.I. 2022/906, art. 2

Termination of contract by landlord

- 25 Sections 173 to 180 (termination by landlord's notice) are not applicable to a periodic standard contract which immediately before the appointed day was an assured tenancy but not an assured shorthold tenancy.

Commencement Information

I209 Sch. 12 para. 25 in force at 1.12.2022 by S.I. 2022/906, art. 2

[^{F78}25A(1) This paragraph applies to a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy.

- (2) This Act applies as if—
- [^{F79}(a) the reference in section 174(1) (landlord's notice: minimum notice period) to “six months” were, in relation to a notice given under section 173 during the period of six months starting with the appointed day, a reference to “two months”, and]

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- (b) in section 175 (landlord's notice: notice may not be given until after first six months of occupation), [^{F80}the reference in subsection (1)] (and the heading) to “six months” [^{F81}was a reference] to “four months” [^{F82}, and
- (c) in section 175, for subsections (2) and (3) there were substituted—
- “(2) If the converted contract is a substitute tenancy or licence, the landlord may not give notice under section 173 before the end of the period of four months starting with the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.
- (3) For the purposes of subsection (2)—
- (a) a converted contract was a substitute tenancy or licence if—
- (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,
- (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
- (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
- (b) “original tenancy or licence” means—
- (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;
- (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.”]]

Textual Amendments

- F78** Sch. 12 para. 25A inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 27(5)**
- F79** Sch. 12 para. 25A(2)(a) substituted (30.11.2022 at 11.00 p.m.) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12 and Consequential Amendment\) Regulations 2022 \(S.I. 2022/1258\)](#), regs. 1(2), **5**
- F80** Words in Sch. 12 para. 25A(2)(b) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **15(a)(i)**
- F81** Words in Sch. 12 para. 25A(2)(b) substituted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **15(a)(ii)**
- F82** Sch. 12 para. 25A(2)(c) and word inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **15(b)**

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Commencement Information

I210 Sch. 12 para. 25A in force at 1.12.2022 by S.I. 2022/906, art. 2

- [^{F83}25B] (1) This paragraph applies to a fixed term standard contract which—
- (a) immediately before the appointed day was a tenancy or licence for a fixed term, and
 - (b) is not within Schedule 9B.
- [The reference to a tenancy or licence for a fixed term in sub-paragraph (1)(a) does not
- ^{F84}(1A) include a reference to an assured tenancy that was not an assured shorthold tenancy.]
- (2) The landlord 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.
 - (3) The specified date may not be less than six months after—
 - (a) the occupation date (see paragraph 31), or
 - (b) if, immediately before the appointed day, the converted contract was a substitute tenancy or licence, the day on which the contract-holder became entitled to occupy the dwelling under the original tenancy or licence.
 - (4) Subject to sub-paragraph (3), the specified date—
 - (a) may not be before the last day of the term for which the converted 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.
 - (5) For the purposes of sub-paragraph (3)—
 - (a) a converted contract was a substitute tenancy or licence if—
 - (i) the occupation date of the converted contract falls immediately after the end of a preceding tenancy or licence,
 - (ii) immediately before the occupation date of the converted contract a tenant or licensee under the contract was a tenant or licensee under the preceding tenancy or licence, and a landlord under the converted contract was a landlord under the preceding tenancy or licence, and
 - (iii) the converted contract relates to the same (or substantially the same) dwelling as the preceding tenancy or licence, and
 - (b) “original tenancy or licence” means—
 - (i) where the substitute tenancy or licence has an occupation date falling immediately after the end of a tenancy or licence which is not a substitute tenancy or licence, the tenancy or licence which preceded the substitute tenancy or licence;
 - (ii) where there have been successive substitute tenancies or licences, the tenancy or licence which preceded the first of the substitute tenancies or licences.
 - (6) If the landlord gives the contract-holder a notice under sub-paragraph (2), the landlord may on that ground make a possession claim.
 - (7) The landlord may not make a possession claim on that ground before the end of the fixed term standard contract.

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(8) Sub-paragraphs (2) to (7) are fundamental provisions which are incorporated as a term of all fixed term standard contracts to which this paragraph applies.

Textual Amendments

- F83** Sch. 12 paras. 25B, 25C inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 27(6)**
- F84** Sch. 12 para. 25B(1A) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), **16**

Modifications etc. (not altering text)

- C5** Sch. 12 para. 25B 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

- I211** Sch. 12 para. 25B in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

- 25C Where paragraph 25B applies, this Act applies as if—
- (a) references to section 186 include a reference to paragraph 25B,
 - (b) references to a notice under section 186(1) include a reference to a notice under paragraph 25B(2), and
 - (c) references to the ground in section 186(5) include a reference to the ground in paragraph 25B(6).]

Textual Amendments

- F83** Sch. 12 paras. 25B, 25C inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 27(6)**

Commencement Information

- I212** Sch. 12 para. 25C in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

[^{F85}25D(1)] This paragraph applies to a fixed term standard contract [^{F86}(other than a tenancy or licence mentioned in paragraph 26(2) or (3))] which, immediately before the appointed day, was a tenancy or licence for a fixed term containing a landlord's break clause.

- (2) This Act applies as if—
- (a) in section 194 (landlord's break clause)—
 - (i) in subsection (1), the words “which is within subsection (1A)” were omitted, and
 - (ii) subsection (1A) were omitted,
 - (b) in section 195 (minimum notice period), the reference in subsection (1) to “six months” were a reference to “two months”,
 - (c) in section 196 (landlord's notice: notice may not be given until after first 18 months of occupation), the reference in subsection (1) (and the heading) to “18 months” were a reference to “four months”, and
 - (d) Schedule 9C were omitted.]

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Textual Amendments

- F85** Sch. 12 para. 25D inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 27\(7\)](#)
- F86** Words in Sch. 12 para. 25D(1) inserted (14.7.2022) by [The Renting Homes \(Wales\) Act 2016 \(Amendment of Schedule 12\) Regulations 2022 \(S.I. 2022/795\)](#), regs. 1(2), [17](#)

Commencement Information

- I213** Sch. 12 para. 25D in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

- 26 (1) Section 194 (landlord's break clause) does not apply to the following fixed term standard contracts (and accordingly sections 195 to 201 are not incorporated as terms of such contracts).
- (2) A fixed term standard contract which immediately before the appointed day was a secure tenancy for a fixed term.
- (3) A fixed term standard contract which—
- (a) immediately before the appointed day was an assured tenancy for a fixed term, and
 - (b) is not an excluded contract.
- (4) A contract is an excluded contract if, immediately before the appointed day, the landlord could have made a claim for possession relying on Ground 3 or 4 of Schedule 2 to the Housing Act 1988 (c. 50).

Commencement Information

- I214** Sch. 12 para. 26 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

- 27 Estate management Ground C (special accommodation: charities) applies to a converted contract as if the occupation contract was made on the appointed day.

Commencement Information

- I215** Sch. 12 para. 27 in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

*Termination of contract that was assured tenancy by
 landlord: additional absolute grounds for possession*

- 28 (1) This paragraph applies in relation to a converted contract which immediately before the appointed day was an assured tenancy.
- (2) The landlord may claim possession of the dwelling subject to the contract relying on Ground 1, 2 or 5 of Schedule 2 to the Housing Act 1988 (c. 50).
- (3) But the landlord may not do so before the end of the period of two months starting with the day on which the landlord gives the contract-holder a possession notice (in accordance with section 150) specifying that Ground.
- (4) Subject to section 204 (possession claims: powers of court) (which applies as if subsection (1)(a) included a reference to sub-paragraph (3)), if the court is satisfied

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that the Ground is made out it must make an order for possession (subject to any available defence based on the contract-holder's Convention rights).

Commencement Information

I216 Sch. 12 para. 28 in force at 1.12.2022 by S.I. 2022/906, art. 2

- 29 (1) This paragraph also applies in relation to a converted contract which immediately before the appointed day was [^{F87}a periodic assured tenancy].
- (2) The landlord may claim possession of the dwelling subject to the contract relying on Ground 7 of Schedule 2 to the Housing Act 1988 (c. 50) if—
- (a) the tenant under the assured tenancy died before the appointed day, and
 - (b) before the appointed day the assured tenancy devolved, or after the appointed day the converted contract devolves, under the tenant's will or intestacy.
- (3) But the landlord may not do so before the end of the period of two months starting with the day on which the landlord gives the contract-holder a possession notice specifying that Ground.
- (4) Subject to section 204 (possession claims: powers of court) (which applies as if subsection (1)(a) included a reference to sub-paragraph (3)), if the court is satisfied that the Ground is made out it must make an order for possession (subject to any available defence based on the contract-holder's Convention rights).

Textual Amendments

F87 Words in Sch. 12 para. 29(1) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), 18

Commencement Information

I217 Sch. 12 para. 29 in force at 1.12.2022 by S.I. 2022/906, art. 2

Implied tenancies and licences

- 30 (1) This paragraph applies if, immediately before the appointed day, a dwelling is occupied as a home by a person who is a trespasser in relation to that dwelling.
- (2) Section 238 (implied tenancies and licences)—
- (a) applies to payments made by the person before the appointed day as to payments made by him or her after the appointed day, and
 - (b) applies as if the end of the relevant period were the end of the period mentioned in section 238(3) or, if later, the appointed day.

Commencement Information

I218 Sch. 12 para. 30 in force at 1.12.2022 by S.I. 2022/906, art. 2

Changes to legislation: Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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

The occupation date

- 31 The occupation date, in relation to a converted contract, is the day on which the contract-holder became entitled to occupy the dwelling under the tenancy or licence which became an occupation contract on the appointed day.

Commencement Information

I219 Sch. 12 para. 31 in force at 1.12.2022 by S.I. 2022/906, art. 2

Substitute occupation contracts

- 32 (1) If after a converted contract ends there are one or more substitute contracts, for the purposes of this Schedule (except paragraph 28 [^{F88}or where express provision is made to the contrary]), the substitute contract is (or the substitute contracts are) to be treated as if they were the same tenancy or licence as the converted contract.
- (2) The following are substitute contracts.
- (3) An occupation contract between—
- (a) a contract-holder [^{F89}who, immediately before the day on which the contract-holder became entitled to occupy the dwelling under that contract,] was a contract-holder under a converted contract or a substitute contract, and
 - (b) a landlord that immediately before that [^{F90}day] was a landlord under the converted contract or substitute contract,
- which relates to the same (or substantially the same) dwelling as the converted contract or substitute contract.
- ^{F91}(4)
- (5) If a converted contract or a substitute contract ends under section 12(3)(a) (standard contract adopted by community landlord), the occupation contract which arises under section 12(3)(b).
- (6) If a converted contract or a substitute contract is ended under section 220 (abandonment), and under section 222(3)(b) the court orders the landlord to provide suitable alternative accommodation, an occupation contract made in accordance with the order.
- (7) If under section 210 (estate management grounds) the court makes an order for possession of a dwelling subject to a converted contract or a substitute contract, an occupation contract made to provide the contract-holder with suitable alternative accommodation.
- [^{F92}(8) This Schedule applies to a substitute contract which—
- (a) arises under section 184(2) as if paragraph 25A(2)(a) were omitted;
 - (b) is within section 184(6) as if paragraphs 25A(2)(a), 25B, 25C and 25D were omitted.]

Textual Amendments

F88 Words in Sch. 12 para. 32(1) inserted (1.6.2023) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2023 (S.I. 2023/556), regs. 1, 9

Changes to legislation: *Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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*

- F89** Words in Sch. 12 para. 32(3)(a) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(a)(i)**
- F90** Word in Sch. 12 para. 32(3)(b) substituted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(a)(ii)**
- F91** Sch. 12 para. 32(4) omitted (14.7.2022) by virtue of The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(b)**
- F92** Sch. 12 para. 32(8) inserted (14.7.2022) by The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795), regs. 1(2), **19(c)**

Commencement Information

- I220** Sch. 12 para. 32 in force at 1.12.2022 by S.I. 2022/906, **art. 2**

Power to amend Schedule

33 The Welsh Ministers may by regulations amend this Schedule.

Commencement Information

- I221** Sch. 12 para. 33 in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**
- I222** Sch. 12 para. 33 in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, **art. 2**

Changes to legislation:

Renting Homes (Wales) Act 2016 is up to date with all changes known to be in force on or before 20 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.

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Changes and effects yet to be applied to :

- s. 61(5) words substituted by [2021 asc 3 Sch. 5 para. 11\(1\)](#) (Amendment to Welsh text only)
- s. 126(2) words substituted by [2019 anaw 2 Sch. 3 para. 3](#)
- s. 163(2) word substituted by [2021 asc 3 Sch. 5 para. 11\(2\)](#) (Amendment to Welsh text only)
- s. 165(3) word substituted by [2021 asc 3 Sch. 5 para. 11\(3\)](#) (Amendment to Welsh text only)
- s. 177A inserted by [2019 anaw 2 Sch. 3 para. 2](#)
- s. 183(2) substituted by [2019 anaw 2 Sch. 3 para. 4\(4\)](#)
- s. 204(1)(a)(vii) word inserted by [2019 anaw 2 Sch. 3 para. 6\(a\)](#)
- s. 204(1)(a)(ix) words substituted by [2019 anaw 2 Sch. 3 para. 6\(b\)](#)
- s. 204(1)(a)(xiii) word inserted by [2019 anaw 2 Sch. 3 para. 6\(c\)](#)
- s. 236(5) word substituted by [2021 asc 3 Sch. 5 para. 11\(4\)](#) (Amendment to Welsh text only)
- Sch. 1 Pt. 3 words inserted by [2019 anaw 2 Sch. 3 para. 7\(b\)\(i\)](#)
- Sch. 1 Pt. 3 words inserted by [2019 anaw 2 Sch. 3 para. 7\(b\)\(ii\)](#)
- Sch. 1 Pt. 2 words substituted by [2019 anaw 2 Sch. 3 para. 7\(a\)\(i\)](#)
- Sch. 1 Pt. 2 words substituted by [2019 anaw 2 Sch. 3 para. 7\(a\)\(ii\)](#)
- Sch. 1 Pt. 3 words substituted by [2019 anaw 2 Sch. 3 para. 7\(b\)\(iii\)](#)
- Sch. 2 para. 7(3)(k)(i) words omitted by [2016 c. 19 Sch. 11 para. 2\(n\)](#)
- Sch. 11 para. 3(2)(a) words substituted by [2021 asc 3 Sch. 5 para. 11\(5\)](#) (Amendment to Welsh text only)
- 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](#)