



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 2

### OCCUPATION CONTRACTS AND LANDLORDS

#### CHAPTER 3

##### FUNDAMENTAL PROVISIONS OF OCCUPATION CONTRACTS

#### **20 Incorporation and modification of fundamental provisions**

- (1) A fundamental provision is not incorporated as a term of an occupation contract if—
  - (a) the landlord and the contract-holder agree that it should not be incorporated, and
  - (b) <sup>F1</sup>... the effect of its not being incorporated is that the position of the contract-holder is improved.
- (2) A fundamental provision is incorporated as a term of an occupation contract with modifications if—
  - (a) the landlord and the contract-holder agree that it should be incorporated with those modifications, and
  - (b) <sup>F2</sup>... the effect of its being incorporated with those modifications is that the position of the contract-holder is improved.
- (3) Subsections (1) and (2) do not apply to the following fundamental provisions—
  - (a) section 45 (requirement to use deposit scheme),
  - (b) section 52 (joint contract-holder ceasing to be a party to the occupation contract),
  - (c) section 55 (anti-social behaviour and other prohibited conduct),
  - (d) sections 103(1)(b) and (2) and 108 (variation of secure contracts),
  - (e) sections 122(1)(b) and (2) and 127 (variation of periodic standard contracts),
  - (f) section 134(1)(b) and (2) and 135 (variation of fixed term standard contracts),

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**Changes to legislation:** *Renting Homes (Wales) Act 2016, Section 20 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (g) section 148 (permissible termination),
- (h) section 149 (possession claims),
- (i) section 155 (death of sole contract-holder),
- (j) section 158 (securing contract by use of false statement),
- <sup>F3</sup>(k) .....
- <sup>F3</sup>(l) .....
- <sup>F3</sup>(m) .....
- <sup>F3</sup>(n) .....
- <sup>F3</sup>(o) .....
- (p) paragraph 7 of Schedule 4 (variation of secure contract addressed in written statement of introductory standard contract)<sup>F4</sup>, and
- (q) Part 1 of Schedule 9A (restrictions on giving notice under sections 173 and 186 and under a landlord's break clause).]

(4) Subsections (1) and (2) are subject to section 34 (landlord's failure to provide written statement of contract) and section 36 (incomplete statement of contract).

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**Textual Amendments**

- F1** Words in s. 20(1)(b) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 5 para. 2(1)(a)**
  - F2** Words in s. 20(2)(b) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 5 para. 2(1)(b)**
  - F3** S. 20(3)(k)-(o) omitted (7.6.2021) by virtue of [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 2(a)**
  - F4** S. 20(3)(q) and word inserted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), **Sch. 6 para. 2(b)**
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**Commencement Information**

- I1** S. 20 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)