



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 9

TERMINATION ETC. OF OCCUPATION CONTRACTS

CHAPTER 9

POSSESSION CLAIMS: POWERS OF COURT

(THIS CHAPTER APPLIES TO ALL OCCUPATION CONTRACTS)

204 Possession claims

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

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

- ^{F2}(i)
- (ii) section 159 (restrictions on making a possession claim following breach of contract);
- (iii) section 161 (restrictions on making a possession claim on estate management grounds);
- (iv) section 166 (restrictions on making a possession claim following contract-holder's notice: secure contracts);
- (v) section 171 (restrictions on making a possession claim following contract-holder's notice: periodic standard contracts);
- (vi) section 175 (restriction on giving landlord's notice under a periodic standard contract [F3 until after the first six months] of occupation);
- (vii) sections [F4 177, 177A] and 179 (restrictions relating to landlord's notice: periodic standard contracts);
- (viii) section 182 (restrictions on making a possession claim following serious rent arrears: periodic standard contracts);

Changes to legislation: Renting Homes (Wales) Act 2016, Section 204 is up to date with all changes known to be in force on or before 13 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

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

Textual Amendments

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

Modifications etc. (not altering text)

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

Commencement Information

- I1** S. 204 in force at 1.12.2022 by [S.I. 2022/906](#), **art. 2**

Changes to legislation:

Renting Homes (Wales) Act 2016, Section 204 is up to date with all changes known to be in force on or before 13 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. 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\(c\)](#)
- 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](#)