



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 9

TERMINATION ETC. OF OCCUPATION CONTRACTS

CHAPTER 12

POSSESSION CLAIMS: POWERS OF COURT IN RELATION TO ABSOLUTE GROUNDS

(THIS CHAPTER APPLIES ONLY TO STANDARD CONTRACTS)

Review and postponement

218 Review of claim made on absolute ground

- (1) This section applies if a landlord under a standard contract makes a possession claim in the county court on a ground in a section to which subsection (2) applies, and—
 - (a) the landlord is a community landlord, or
 - (b) the landlord's decision to make a possession claim on that ground is subject to judicial review.
- (2) This subsection applies to the following sections—
 - (a) section 170 (contract-holder's notice: periodic standard contracts),
 - (b) section 178 (landlord's notice: periodic standard contracts),
 - (c) section 181 (serious rent arrears: periodic standard contracts),
 - (d) section 186 (landlord's notice in connection with end of fixed term),
 - (e) section 187 (serious rent arrears: fixed term standard contracts),
 - (f) section 191 (contract-holder's notice: fixed term standard contracts), and
 - (g) section 199 (landlord's notice: fixed term standard contracts).

Changes to legislation: Renting Homes (Wales) Act 2016, Section 218 is up to date with all changes known to be in force on or before 12 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

- (3) The contract-holder may make an application in the possession proceedings for a review by the county court of the landlord's decision to make the claim.
- (4) The contract-holder may make an application under this section regardless of whether he or she requested a review by the landlord under section 202 (introductory standard contracts and prohibited conduct standard contracts).
- (5) The contract-holder may not make an application under this section on the ground that the possession claim was a retaliatory claim (within the meaning of section 217).
- (6) The county court may confirm or quash the decision to make the claim.
- (7) 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.
- (8) If the county court quashes the decision it may—
 - (a) set aside the possession notice or (as the case may be) the landlord's notice and dismiss the possession proceedings;
 - (b) make any order the High Court could make when making a quashing order on an application for judicial review.
- (9) The contract-holder may not make an application under subsection (3) after an order for possession has been made in respect of the dwelling.

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

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Changes and effects yet to be applied to :

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

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

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

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